

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
NOVEMBER 16, 2010

Chairman of the Board – Kenneth D. Koehler (District 2)

District 1 Yvonne M. Barnes Robert Bless Anna May Miller Marc Munaretto	District 2 J.S. "Scott" Breeden James Heisler Kenneth Koehler Lyn Orphal	District 3 Mary L Donner Ed Dvorak Kathleen Bergan Schmidt Barbara Wheeler
District 4 Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	District 5 Tina Hill James P Kennedy Virginia Peschke Paula Yensen	District 6 Randall Donley Mary T McCann Daniel P Ryan Ersel C Schuster

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, November 16, 2010.

Chairman Koehler called the meeting to order at 7:00 p.m. The Pledge of Allegiance to the Flag was led by County Clerk Katherine Schultz with Members of the Board, department heads and visitors participating. Mr. Ryan gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine Schultz. The following members responded: Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Yensen, Barnes and Koehler. Absent: Wheeler. Parliamentarian Jamie Rein was present. Chairman Koehler declared a quorum present with twenty-three (23) members responding. Ms. Wheeler arrived after the roll was called.

MINUTES

Minutes of County Board Regular Session meeting of November 4th, 2010

Mr. Heisler made a motion seconded by Ms. Donner to approve County Board minutes of November 4, 2010.

Chairman Koehler asked if there were any changes/corrections to the minutes. Ms. Schuster pointed out two typographical errors that are noted and will be corrected. Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion to approve County Board minutes of November 4, 2010 as corrected has passed.

CHAIRMAN'S REMARKS

None

SPECIAL RECOGNITION/REPORTS

Chairman Koehler asked outgoing board members, Ms. Barnes, Ms. Orphal, Mr. Kennedy, Mr. Ryan and Mr. Dvorak to come forward. Chairman Koehler read and presented a plaque to each board member in recognition of their time served on the County Board.

SPECIAL PRESENTATIONS

None

ZBA CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove a petition, there were none.

Ms. Hill made a motion seconded by Ms. Peschke to approve the following Petitions:

Chairman Koehler asked for any discussion. Noting none, he asked for a roll call vote. The following members responded aye: Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Wheeler, Yensen, Barnes and Koehler. The vote being twenty-four (24) ayes, the Chairman declared the motion to approve the ZBA Consent Agenda has passed.

PLATS
None

PUBLIC COMMENT

Chairman Koehler explained the rules of Public Comment, the following people spoke:

Emily Berendt of Bull Valley	for	Economic Interest Addendum Ordinance
Reese Sadowski of Crystal Lake	for	Funding of IL Extension (4-H)
James Reaves of Lindenhurst	for	Funding of Univ of IL Extension
Mary Moltman of Bull Valley	for	Economic Interest Addendum Ordinance
Heidi Siudak of McHenry	regarding	variances on property
Joyce Kunath of Woodstock	for	Economic Interest Addendum Ordinance
Maggie Bailey of Woodstock	for	Economic Interest Addendum Ordinance
Patricia Kennedy of Harvard	for	Economic Interest Addendum Ordinance

Noting no others wishing to speak the Chairman closed public comment.

NEW AND UNFINISHED BUSINESS

12.1 Resolution authorizing the acquisition of right-of-way for highway purposes (Johnsburg Road) pursuant to eminent domain

Ms. Miller made a motion seconded by Ms. Salgado to approve the above-named resolution.

Chairman Koehler asked for any discussion. Mr. Munaretto asked why this didn't come to the board through the Transportation Committee. Mr. Korpalski responded that this issue has been fully vetted by the Transportation Committee and it was at their direction after executive session that they bring this resolution to the full board. This was not on the agenda of the Transportation Committee as it was discussed in executive session.

Noting no other discussion, the Chairman asked for a roll call vote. The following members responded aye: Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Yensen, Barnes and Koehler. Nay: Hammerand. Absent: Wheeler. The vote being twenty-two (22) ayes and one (1) nay noting one (1) absent, Chairman Koehler declared the motion to approve 12.1 has passed.

12.2 Resolution authorizing the acquisition of right-of-way for highway purposes (Union Road Bridge) pursuant to eminent domain

Ms. Miller made a motion seconded by Ms. Salgado to approve the above-named resolution.

Chairman Koehler asked for any discussion. Noting no discussion, the Chairman asked for a roll call vote. The following members responded aye: Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Wheeler, Yensen, Barnes and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion to approve 12.2 has passed.

APPOINTMENTS

Ms. Barnes made a motion seconded by Mr. Heisler to approve the following Appointments:

13.1 McHenry County Emergency Telephone System Board

Arthur Weber	Algonquin Police Department	term to 11/30/2013
Deborah A Palmsiano	Crystal Lake Police Department	term to 11/30/2013
Richard Solarz	Marengo Police Department	term to 11/30/2013
James A Molnar	McHenry Police Department	term to 11/30/2013
Mark Kuhlman	LITH Police Department	term to 11/30/2013
Richard M Johns	Woodstock Police Department	term to 11/30/2013
Barry Valentine	Director, EMA	term to 11/30/2013
Thomas Sanders	McHenry Co Police Chiefs Assoc	term to 11/30/2013
Jim Saletta	McHenry Co Fire Chiefs Assoc	term to 11/30/2013
John Shay	Private Citizen	term to 11/30/2013
Geoffrey Cooker	Cary Police Department	term to 11/30/2013
Michael Vest	Harvard Police Department	term to 11/30/2013
Brian Knop	McHenry Co Sheriff's Department	term to 11/30/2013

Chairman Koehler asked for a roll call vote. The following members responded aye: Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Wheeler, Yensen, Barnes and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion to approve 13.1 has passed

Ms. Hill made a motion seconded by Ms. Donner to approve the following Appointments:

13.2 McHenry County Zoning Board of Appeals
Richard C Kelly Chairman term to 11/16/2012
Richard C Kelly Member term to 11/16/2015

Chairman Koehler asked for a roll call vote. The following members responded aye: Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Wheeler, Yensen, Barnes and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion to approve 13.2 has passed

Ms. Barnes made a motion seconded by Mr. Heisler to approve the following Appointments:

13.3 McHenry County Board of Health
Dean E Wolanyk Physician term to 06/30/2011
Aurel E Goglin Dentist term to 06/30/2011

Chairman Koehler asked for any discussion. Ms. Yensen asked how many people were on this board. Ms. Orphal said eight (8) that these are replacements for two people who left.

Chairman Koehler asked for a roll call vote. The following members responded aye: Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Wheeler, Yensen, Barnes and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion to approve 13.3 has passed

STANDING COMMITTEE CHAIRMAN UPDATES

None

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda, there were none.

Mr. Kennedy made a motion seconded by Ms. Orphal to approve the Routine Consent Agenda as presented.

Chairman Koehler asked for a roll call vote. The following members responded aye: Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Wheeler, Yensen, Barnes and Koehler. The vote being twenty-four (24) ayes the Chairman declared the motion to approve the Routine Consent Agenda as presented has passed.

ORDINANCES

For Action:

16.2 A Ordinance **Approving the Annual Budget and Appropriations for McHenry County IL for Fiscal Year December 1, 2010 through November 30, 2011 with a schedule of expenditures totaling \$242,507,244 and a schedule of revenues totaling \$242,507,244 which includes the following recommended amendments to the preliminary budget that was filed on October 19th, 2010.**

Mr. Munaretto made a motion seconded by Mr. Ryan to approve the above-named ordinance with the following amendments:

GENERAL FUND:

Increase Non-Departmental Capital Outlay Expenditure line item by \$19,056 and decrease the following revenue and expenditure budget line items:

Planning & Development – Fees and Charges for Services	\$ 17,400
Planning & Development – Personnel	36,456

Increase County Administration – Contractual Expenditure line item by \$42,012 and decrease the following expenditure budget line item:

Non-Departmental – Capital Outlay	\$ 42,012
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Increase the Health Department’s Public Health IDOT Grant Revenue line item by \$5,457 and increase the following expenditure budget line items:

Health – IDOT Grant – Contractual	\$ 795
Health – IDOT Grant – Commodity	4,662

Increase the Health Department’s Nursing Personnel Expenditure line item by \$17,716 and decrease the following expenditure budget line item:

Non-Departmental – Capital Outlay	\$ 17,716
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Increase the Health Department’s IBCCP Local Match Personnel Expenditure line items by \$31,162 and decrease the following expenditure budget line items:

Health Department / IBCCP Local Match – Contractual	\$ 21,258
Health Department / IBCCP Local Match – Commodities	9,904

Increase the Non-Departmental Contractual Expenditure line items by \$30,800 and decrease the following expenditure budget line item:

Non-Departmental – Capital Outlay	\$ 30,800
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(University of IL Extension Service	\$19,600)
(Soil & Water	\$11,200)

MENTAL HEALTH:

Decrease the Mental Health DCFS Initiatives State Grant Revenue by \$20,000 and decrease the following expenditure budget line items:

Mental Health DCFS Initiatives – Contractual	\$ 19,870
Mental Health DCFS Initiatives – Commodities	130

Increase the Mental Health 708 Board Utilization of Fund Balance Revenue line item by \$23,325 and increase the following expenditure budget line items:

Mental Health 708 Board – Personnel	\$ 23,325
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Increase the Mental Health DHS Community Service Block Grant Revenue – Operating Transfer In budget line item by \$1,447 and increase the following expenditure budget line item:

Mental Health – DHS CSBG – Personnel	\$ 1,447
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Increase the Mental Health DHS Child Initiative Grant Revenue – Operating Transfer In budget line item by \$7,299 and increase the following expenditure budget line item:

Mental Health DHS Child Initiative Grant - Personnel	\$ 7,299
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Increase the Mental Health DHS AmeriCorps Grant Revenue – Operating Transfer In budget line item by \$635 and increase the following expenditure budget line item:

Mental Health – DHS AmeriCorps Grant – Personnel	\$ 635
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Increase the Mental Health DCFS Family Centered Services Grant Revenue – Operating Transfer In budget line item by \$3,330 and increase the following expenditure budget line item:

Mental Health – DCFS Family Centered Services – Personnel	\$ 3,330
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Increase the Mental Health Illinois DCFS SOC Grant Revenue – Operating Transfer In budget line item by \$308 and increase the following expenditure budget line item:

Mental Health – IL DCFS SOC – Personnel	\$ 308
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Increase the Mental Health Illinois DCFS Adoption Support Grant Personnel Expenditure budget line item by \$165 and decrease the following expenditure budget line item:

Mental Health – Illinois DCFS Adoption Support – Contractual	\$ 165
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Increase the Mental Health Illinois DCFS WRAP Grant Revenue – Operating Transfer In budget line item by \$1,238 and increase the following expenditure budget line item:

Mental Health – Illinois DCFS WRAP – Personnel	\$ 1,238
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WORKFORCE NETWORK:

Increase the Workforce Network Revenue – Federal Government Grants by \$97,307 and increase the following expenditure budget line item:

Workforce Network – Contractual	\$ 97,307
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COMMUNITY DEVELOPMENT BLOCK GRANTS:

Increase CDBG Personnel expenditure budget line items by \$13,824 and decrease the following expenditure budget line item:

CDBG – Contractual	\$ 13,824
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Increase CDBG – NSP Federal Government Grants Revenue budget line item by \$1,200,536 and decrease Utilization of Fund Balance Revenue budget line item by \$227,796 and increase the following expenditure budget line items:

CDBG / NSP – Personnel	\$116,469
CDBG / NSP – Contractual	851,271
CDBG / NSP – Commodities	5,000

Chairman Koehler asked for any discussion on the motion to approve with the noted amendments. Several board members commented on and were in disagreement with the increases to personnel for Mental Health. Ms. Yensen asked if some of the money was “soft” money from the state. Mr. Sarbaugh responded that when the County Board made a decision not to approve a merit increase for its employees he was directed to pull the merit pool out of the Mental Health budget at the same time. The Mental Health Administration came back and asked that we put that money back into their budget and in the event the County Board should decide down the road to issue a merit increase to their employees, the Mental Health Board has made a commitment to follow what the County Board is currently doing in not issuing any merit increases to its staff at this time. Ms. Donner spoke as liaison to the Mental Health Board saying there was a great deal of discussion on this and it was made clear that this would be scrutinized. She deferred to Sandy Lewis for more input. Mr. Sarbaugh said typically the county does adjust the Mental Health Board’s budget throughout the year as they receive more revenue for grant dollars. He said he would have to study the 708 statutes to see if money can be added after their budget is set. Ms. Lewis of the Mental Health Board said according to the 708 statute, they have to provide a balanced budget to the county for information purposes for the county’s budget process and that is what they did. They created that budget prior to the County Board deciding not to provide a merit increase and when they develop the budget they work very closely with Mr. Sarbaugh and staff to make sure that they have anticipated any resources needed for any personnel adjustments. When the County Board

decided not to move forward with a merit increase, it was in a time cycle passed their board meeting. Ms. Lewis said at the last board meeting they did ask the county to put back the dollars that were in their original budget and there is a commitment not to give any increases until such a time that the county would act on a merit increase. If the county decides not to give a merit increase then there are some choices about where those dollars could go. Ms. Lewis added that at their last board meeting board members did not feel they had adequate time to redirect those dollars at this point. When the County Board decides to move on a merit increase they will, she assumes, take from a fund balance, and they have created a budget that wants to keep those dollars in those specialized program funds and not leave it just in fund balance. Also, in regard to state dollars being soft money, she said the dollars included in the budget relate to the current contracts that they have with the State of IL. Ms. Lewis said those dollars have to be tracked and allocated somewhere in the budget. Ms. Lewis said the Mental Health Board will continue to look at whether it makes sense to keep it in merit or move it somewhere else but they wanted to make sure the budget they handed the county in October was consistent with what the budget is right now.

Ms. Peschke confirmed that if the county does not give merit increases the Mental Health Board will not give them either. Ms. Lewis said that is correct. Ms. Salgado asked Mr. Sarbaugh if everything listed for the Mental Health Board part of the merit or is it just the \$23,325. Mr. Sarbaugh said everything below the first entry for Mental Health is for merit.

Ms. Salgado made a **motion to amend** seconded by Mr. Breeden to **remove the Mental Health 708 Board personnel line for \$23,325.**

Chairman Koehler asked for any discussion on the motion to amend. Noting no discussion, the Chairman asked for a voice vote, the nays having it, the motion to amend has failed. Ms. Hill asked for a roll call vote on this.

Chairman Koehler asked for a roll call vote on the motion to amend. The following members responded aye: Hammerand, Heisler, Kennedy, McCann, Merkel, Salgado, Schmidt, Yensen and Barnes. Nay: Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hill, Miller, Munaretto, Orphal, Peschke, Ryan, Schuster, Wheeler and Koehler. The vote being nine (9) ayes and fifteen (15) nays, the Chairman declared the **motion to amend has failed.**

Chairman Koehler asked for any further discussion on the main motion to approve 16.2 A the Annual Budget and Appropriations effective December 1, 2010 through November 30, 2011. Noting none, he asked for a roll call vote. The following members responded aye: Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Heisler, Hill, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Wheeler, Yensen and Koehler. Nay: Hammerand, Kennedy and Barnes. The vote being twenty-one (21) ayes and three (3) nays, Chairman Koehler declared the motion to approve 16.2 A the Annual Budget and Appropriations effective December 1, 2010 through November 30, 2011 has passed.

Ordinance For Action:

16.2 B *Ordinance providing for the Levy of Taxes for McHenry County for fiscal year December 1, 2010 through November 30, 2011*

Mr. Munaretto made a motion seconded by Ms. Hill to approve the above-named ordinance.

Chairman Koehler asked for any discussion. Some board members said they were against this ordinance, in a time when people are losing their homes and worrying about food on their tables, this ordinance amounts to about three million dollars of new money being removed from the public's pockets. It was felt that it should stay at the same level of tax dollars as it was.

Chairman Koehler asked for a roll call vote. The following members responded aye: Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Heisler, Hill, Merkel, Miller, Munaretto, Orphal, Peschke, Salgado, Schmidt, Schuster, Wheeler, Barnes and Koehler. Nay: Hammerand, Kennedy, McCann, Ryan and Yensen. The vote being nineteen (19) ayes and five (5) nays, Chairman Koehler declared the motion to approve 16.2 B has passed.

16.2 C *McHenry County Statement of Economic Interests Addendum Ordinance*

Ms. Schuster made a motion seconded by Mr. Kennedy to approve the above-named ordinance.

Chairman Koehler asked for any discussion. Ms. Peschke asked about #2 "immediate family"; normally children are included, she wondered why the distinction was made to say "dependent children" and questioned the sentence that followed about "constructively controlled". Ms. Schuster responded that the text used in this document comes out of the statutes and it covers these issues. She said "constructively controlled" means that you actually have control

over it. Ms. Peschke said her concern is that if one of her children and she decided they were going to buy a piece of property that she was going to have an interest in, the fact that she doesn't have a legal control of her children there is some influence over them, and it leaves something open there. Ms. Peschke also commented on where it says "your principal residence", she felt it would make more sense to say "other than principal residences, do you or any members of your immediate family own any interest" just because when you start out with "your principal residence" she takes that to mean herself.

Ms. Peschke made a **motion to amend** seconded by Mr. Kennedy to **change the language throughout that reads from "other than your principal residence" to "other than principal residences, do you or any members of your immediate family own any interest ...**

Ms. Schuster said if a change is wanted she suggested making a motion that this be sent back to committee based on the language change.

Chairman Koehler asked for any discussion on the motion to amend. Mr. Hammerand asked for counsel's opinion of what "principal residence" means. Ms. Rein responded that principal residence tends to mean where your intent is to reside. It is a broad term defined through numerous cases in IL law as giving different examples of what makes something your principal residence. So there's not a plain definition of it, it's defined through case law.

Mr. Hammerand suggested sending the intended language change to the State's Attorney's office and ask them to put in the proper wording. Ms. Rein said they spent many months getting the language the way they thought was the most appropriate and legal. She respectfully requested if there are any intended corrections, she recommended those changes go back to the State's Attorney's office for review before it would be passed because it is a significant thing that's been worked on.

Mr. Hammerand made a **motion to amend the amendment** that any changes we make, we send in concept to the State's Attorney so they can put in the proper legal language, seconded by Ms. Peschke.

Chairman Koehler said the advice of Ms. Rein is that you can make the changes that are being discussed tonight and then table this and bring it back in another month after it's been vetted through the committee.

Chairman Koehler asked for any discussion on the motion to amend the amendment. Several board members were against tabling this as it's been worked on for a very long time and they are ready to vote on it. Also of note is that the State's Attorney's office has worked on this so we've already received their opinion on language. Ms. Barnes said although this has been on review for 30 days, she is in support of this amendment out of respect, for more heads are better than one.

Chairman Koehler asked for a voice vote on the motion to amend the amendment, the nays having it, Chairman Koehler declared the **motion to amend the amendment to bring any changes back to legal counsel for clarity has failed.** Mr. Hammerand said if Ms. Peschke's motion passes, we will have a concept that should be word crafted by the State's Attorney's office and not by the County Board.

Chairman Koehler asked if there was any other discussion on Ms. Peschke's motion to amend to **change the language throughout that reads from "other than your principal residence" to "other than principal residences, do you or any members of your immediate family own any interest ... "**

Chairman Koehler asked for a voice vote on the motion to amend, too close to call, the Chairman asked for a roll call vote. The following members responded aye: Bless, Breeden, Donner, Dvorak, Hammerand, Heisler, McCann, Peschke, Salgado, Wheeler and Barnes. Nay: Donley, Draffkorn, Hill, Kennedy, Merkel, Miller, Munaretto, Orphal, Ryan, Schmidt, Schuster, Yensen and Koehler. The vote being eleven (11) ayes and thirteen (13) nays, the **motion to approve the amendment to change language regarding principal residence, Ms. Rein saying the concept is that this disclosure would reference that you would not be disclosing principal residence or that or your immediate family as any other real property has failed.**

Mr. Munaretto asked when this ordinance becomes effective as Statements of Economic Interest are required to be filed beginning of May of every year. He asked if this should be effective on a date certain, May 1, 2011. Ms. Rein said the intent is to have it correlate with that Statement of Economic Interest and this would go out at the same time. Mr. Munaretto asked if it says this somewhere in the ordinance. Ms. Rein responded that it says this goes along with the statute and wording is found in the first paragraph of Article 5. Mr. Munaretto said it was his understanding that

we were going to include appointed persons to be governed by this ordinance addendum but only to the extent that they were required to file a Statement of Economic Interest. He doesn't see it in this ordinance. Ms. Rein said again this would go back to what the statute requires. He asked for clarification if we could say, for example, in Article III, (a) and Article III, 4 (b), "all elected or appointed county public officials who are required by law to file a Statement of Economic Interest shall file with the County Clerk. Ms. Rein said that sentence could be added.

Mr. Munaretto made a **motion to amend Article III (a)** after officials, add the words "**who are required by law to file a Statement of Economic Interest**" and also again under **4 (b)** where it says all elected or appointed county public officials add "**who are required by law to file a Statement of Economic Interest with the County Clerk**" seconded by Ms. Yensen.

Chairman Koehler asked for any discussion on the motion to amend. Noting none, he asked for a voice vote, the voice being too close to call, the Chairman asked for a roll call vote. The following members responded aye: Breeden, Draffkorn, Dvorak, Hammerand, Heisler, McCann, Merkel, Munaretto, Peschke, Ryan, Salgado, Schmidt, Wheeler, Yensen and Barnes. Nay: Bless, Donley, Donner, Hill, Kennedy, Miller, Orphal, Schuster and Koehler. The vote being fifteen (15) ayes and nine (9) nays, Chairman Koehler declared the motion to amend **Article III (a)** after officials, add the words "**who are required by law to file a Statement of Economic Interest**" and also again under **4 (b)** where it says all elected or appointed county public officials add "**who are required by law to file a Statement of Economic Interest with the County Clerk has passed.**

Chairman Koehler asked for any further discussion. Mr. Munaretto asked under Article V, second paragraph, the last sentence requires disclosure of any allegations of violation be submitted to the State's Attorney for investigation, he wondered if that should be the Ethics Officer, who is a State's Attorney. We do have an Ethics Ordinance that has a due process for violations of ethical issues. Ms. Rein said we might be making a change to the Ethics Ordinance to change it to someone other than in the State's Attorney's office and also this is not going to fall under the same procedures as the Ethics Ordinance. This has different penalties that are provided for on the back page. She does not recommend making that change.

Mr. Hammerand said he hoped that we would give a definition for immediate family and also that we should have a tighter definition of principal residence as there are some people who have principal residences in a number of places. Ms. Rein said the problem is defining principal residence is very difficult, as it goes by intent and you have to look at various factors to determine whether someone has a principal residence. She said if a complaint were to come to the State's Attorney's office they would look at the factors to determine whether that is really their principal residence or not and they would make that decision. She does not think this requires a definition when really they would be assessing that if there were a complaint. Mr. Hammerand said he would hope that the addresses being used would be addresses that they voted from, he would like to see this defined this way, principal residence is their voting address.

Noting no other discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Bless, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Salgado, Schmidt, Schuster, Wheeler, Yensen, Barnes and Koehler. Nay: Breeden and Ryan. The vote being twenty-two (22) ayes and two (2) nays, Chairman Koehler declared the motion to approve 16.2 C McHenry County Statement of Economic Interests Addendum Ordinance as amended has passed.

Ms. Schuster thanked everyone involved in the process of getting this ordinance written and approved. She is very proud that this was citizen initiated and that the Management Services Committee, State's Attorney's office and staff took this very seriously.

Ms. Yensen said she made a mistake on her vote on the budget and would like to change it.

Mr. Yensen made a motion seconded by Ms. Hill to reconsider the vote on 16.2 A (Budget ordinance).

Chairman Koehler asked for a voice vote on the motion to reconsider the vote on 16.2 A, the vote being too close to call the Chairman asked for a roll call vote. The following members responded aye: Bless, Breeden, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Miller, Orphal, Salgado, Wheeler, Yensen, Barnes and Koehler. Nay: Donley, Donner, Merkel, Munaretto, Peschke, Ryan, Schmidt and Schuster. The vote being sixteen (16) ayes and eight (8) nays, Chairman Koehler declared the motion to reconsider the vote of 16.2 A has passed.

Chairman Koehler asked for a roll call re-vote on 16.2A (Budget ordinance). The following members responded aye: Bless, Breedon, Donley, Donner, Draffkorn, Dvorak, Heisler, Hill, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Wheeler and Koehler. Nay: Hammerand, Kennedy, Yensen and Barnes. The vote being twenty (20) ayes and four (4) nays, Chairman Koehler declared the motion to approve 16.2 A on a re-vote has passed.

ADMINISTRATOR'S REPORT

Mr. Austin thanked the board for the passage of the budget and staff, elected officials, department heads and Mr. Sarbaugh for their hard work on this budget. Mr. Austin said he has put in board member's mailboxes a report provided by Pam Cumpata at the MCEDC's annual meeting this morning. He encouraged members to take a look at it. He said tomorrow night MCCOG, MCEDC and a couple of other groups are doing a dinner at Bull Valley Country Club on economic development and what's going on in the state. If possible he encouraged board members to be there. Also, there is a Valley Hi Operating Board meeting tomorrow night as well. Mr. Austin said orientation for new County Board members will be on December 7th from about 9 to 12. Finally, Mr. Austin said a communication will be sent out from the Administration office to all county employees later this week giving them an invitation to attend one of six forums that will be held for county staff. They will take place between December 6th and 14th and it will provide employees with the status of finances in the county and talk about some employment issues and where we see the county going. Also, this will be an opportunity for employees to ask questions, anonymously if they like on index cards. Board members are more than welcome to attend as well.

MEMBERS' COMMENTS

Ms. Peschke apologized to Ms. Schuster and members of the Management Services Committee for bringing up something that normally she would have attended to earlier for. Not being able to drive has made her at the mercy of friends and her non-dependent children.

Mr. Hammerand said although he voted against the budget he thanked the staff that worked on it. He does believe we do good things with the county's money but he wishes we could do it cheaper. He was appreciative that the IL Extension and 4-H was able to get their funding back as the work that 4-H does with the youth is extremely important. Mr. Hammerand wished everyone a Happy Thanksgiving.

Ms. Draffkorn said in board member's mailboxes there is a flyer on the McHenry County Housing Commission. There will be a presentation on December 7th from 9 to noon and she encouraged everyone to attend. This is a huge issue in the county and it will provide much needed information for everyone.

Ms. Salgado said this Saturday she is participating in a 5k Run for a friend who was killed in action five years ago today. She encouraged everyone, if you see a Veteran thank them for their service. Also, she thanked those board members who are not returning for the work they've done on the board, and especially to our WWII Vet, Mr. Dvorak.

Mr. Kennedy said it has been a privilege and honor to serve the county the last four years. She thanked everyone, citizens, board members and staff for their support, courtesy, advice and respect. He said he is very proud of the accomplishments the board as a whole has made over the past four years which including Valley Hi Nursing Home, the Liquor Commission's involvement in an Appellate Court case on the revocation of a liquor license that was overturned in his opinion wrongly by the State Liquor Commission, and the formation of the Underage Youth Drinking Task Force just to name a few.

Mr. Merkel congratulated high school sports teams, both boys and girls sports who did so well this year.

Ms. McCann thanked the GIS staff for the exhibit they put on this afternoon. It was well presented and gave all of us an idea of the many things that they do. She also noted that our Stormwater Engineer Mark Phipps is going to be leaving at the end of the month and she thanked him for all of his dedication and work at implementing a very difficult ordinance. She also thanked those board members who will be leaving for their hard work and support it has all been appreciated.

Mr. Heisler turned to face the board and told them of something that happened to him yesterday. He wanted to thank them face to face and he said he feels very Blessed to have his health and to know everyone here and be a part of the many accomplishments that have occurred.

Mr. Ryan thanked everyone for their help and support during his time on the board.

Ms. Barnes said she is overwhelmed with gratitude to each elected official, employees and citizens as they have made her life better during her time on the board. She has learned from them and this experience has made her a better person.

Ms. Orphal also thanked everyone for their support over the last ten years. She encouraged the public to get involved and step up to help government move forward.

Ms. Peschke said she respects her colleagues who voted against the budget, but like all businesses the biggest part of a budget usually is the payroll and we do support a lot of families with that budget, so it's something to keep in mind.

Chairman Koehler thanked the retiring board members for the work they have done for the county and wished everyone a Happy Thanksgiving.

EXECUTIVE SESSION

None

ADJOURNMENT

Mr. Dvorak made a motion seconded by Ms. Orphal to adjourn at 9:14 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 21st day of December, A.D., 2010.

s/ Kenneth D Koehler
Kenneth D Koehler, Chairman
McHenry County Board

ATTEST:

s/ Katherine C Schultz
Katherine C. Schultz, County Clerk