

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
APRIL 19, 2011

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

District 1 Robert Bless Anna May Miller Marc Munaretto Robert Nowak	District 2 J.S. "Scott" Breeden James Heisler Kenneth Koehler Donna Kurtz	District 3 Mary L Donner Nick Provenzano Kathleen Bergan Schmidt Barbara Wheeler
District 4 Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	District 5 Tina Hill John P Jung Jr. Virginia Peschke Paula Yensen	District 6 Randall Donley Diane Evertsen Mary McCann Ersel C Schuster

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, April 19th, 2011.

Chairman Koehler called the meeting to order at 7:12 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. Ms. Draffkorn gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine Schultz. The following members responded: Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler and Koehler. Absent: Jung, Bless and Hill. Parliamentarian Jamie Rein was present. Chairman Koehler declared a quorum present with twenty-one members responding. Mr. Bless arrived later in the meeting.

MINUTES

Mr. Heisler made a motion seconded by Ms. Miller to approve County Board minutes from April 7th, 2011.

Chairman Koehler asked for any changes or corrections. A typo was noted on page 3 and will be corrected. Noting no other changes, the Chairman asked for a voice vote the ayes having it he declared the motion passed to approve minutes of April 7th as corrected.

CHAIRMAN'S REMARKS

Chairman Koehler thanked Mr. Breeden for chairing the last meeting while he was on vacation and Mr. Jung was recuperating. Mr. Jung is doing very well and should be here for the next meeting. Also, he asked for a moment of silence in remembrance of two County employees that have recently passed away, Cindy Fogarty of the SAO and Don Giese from DOT.

SPECIAL RECOGNITION/REPORTS

7.1 Proclamation to Recognize Mark Elmore for 18 years as Chairperson of public service with the McHenry County ZBA Board of Trustees

Mr. Heisler made a motion seconded by Ms. Wheeler to approve the above-named Proclamation.

Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion passed. Chairman Koehler asked Mr. Elmore to come forward. As well, other members of the ZBA came forward and voiced their thanks for Mr. Elmore's knowledge and service to the County. Chairman Koehler presented Mr. Elmore with a framed Proclamation and a miniature County flag thanking him for his years of service to McHenry County. Mr. Elmore thanked the Board for this recognition.

7.2 Eagle Scout Recognition

Ms. McCann made a motion seconded by Ms. Donner to approve the following Eagle Scout recognition:

Erik Joseph Bertram of Marengo Troop #163

Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion passed.

The Eagle Scout being present, the Chairman asked him to come forward and presented him with a miniature County flag noting that his Certificate was mailed out to him. Erik then told the board about the project that earned him his Eagle Scout badge.

7.3 Proclamation to Recognize May 2011 as "Look at Local History Month"

Ms. Schmidt made a motion seconded by Mr. Heisler to approve the above-named Proclamation.

Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion passed.

SPECIAL PRESENTATIONS

8.1 McHenry County Economic Development Corporation (EDC)

Chairman Koehler said this presentation was cancelled due to the length of the Agenda and will be done at the morning meeting in May.

8.2 Strategic Plan Update – Peter Austin and John Labaj

Mr. Labaj said a handout was given to board members. He asked them to look over the handout and if there are any comments or questions to please contact himself or Mr. Austin.

ZBA CONSENT AGENDA

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

Ms. Donner made a motion seconded by Mr. Heisler to approve the following Petitions:

- Exb #11-01; Coral Twp; Hilbert Trust; reclass of A1C-A1C
- Exb #11-11; Hartland Twp; VanMaren; reclass of E5V-E5V
- Exb #11-13; Algonquin Twp; Stasiak; reclass of R1-R1V
- Exb #11-15; McHenry Twp; Roesner/Cantrell; reclass of R1-R1V

Chairman Koehler asked for any discussion, noting none he asked for a roll call vote. The following members responded aye: Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler and Koehler. Absent: Jung, Bless and Hill. The vote being twenty-one (21) ayes noting three (3) absent, the Chairman declared the motion to approve has passed.

ZBA REGULAR AGENDA

Ms. Donner said in following with County Board rules, as this Petition came with a recommendation for denial, the Petition will be brought forth in the affirmative, so a yes vote will be to approve the request and a no vote will be to deny the request as recommended by the ZBA.

Ms. Donner made a motion seconded by Ms. McCann to approve the following Petition:

- Exb #10-14; Hartland Twp; Olague; reclass A1-A1C

Chairman Koehler asked for any discussion. It was noted that only a simple majority vote is needed to approve this Petition. Ms. Rein said an objection was filed by Hartland Twp but as this is a Conditional Use Permit it does not affect the vote. Ms. Peschke pointed out that zoning decisions are to be made on the land not the owners thereof and that there were excellent conditions being put on this request and she will be voting yes for this request. Some board members felt that they should be listening to the recommendations of our ZBA as there were issues with this Petition. Ms. Schuster said the neighbors are very concerned about this and they should be taken into consideration. And further, that after having read the transcript it is her opinion that the petitioner has not met standards 2,3,4,5 & 9 and that she would be voting in the negative for this petition. She suggested that some of her colleagues who have a few investors that they can work with, start talking to them and ask them to find areas in these communities where these companies are doing their business and see if they can put together some facilities or industrial parks where they can store their equipment so that they can service the communities that they are working for. Ms. McCann responded that there are general businesses going on in this area within a quarter mile on both sides.

Chairman Koehler asked for a roll call vote. The following members responded aye: McCann, Merkel, Miller, Nowak, Peschke, Provenzano, Salgado, Schmidt, Wheeler, Yensen, Breeden, Donner, Draffkorn and Koehler. Nay: Kurtz, Munaretto, Schuster, Donley, Evertsen, Hammerand and Heisler. Absent: Jung, Bless and Hill. The vote being

fourteen (14) ayes and seven (7) nays noting three (3) absent, the Chairman declared the motion to approve has passed.

PLATS

None

PUBLIC COMMENT

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

Dr. Sheila Mannix of Barrington	regarding	Integrated Justice System presentation
Cal Skinner of Crystal Lake	regarding	Reapportionment

Noting no others wishing to speak, Chairman Koehler closed public comment.

NEW AND UNFINISHED BUSINESS

None

APPOINTMENTS

Mr. Provenzano made a motion seconded by Ms. Yensen to approve the following Appointments:

Fox River Grove Fire Protection District	
William G Yocius Jr.	term to 05/2014
McHenry County Ethics Commission	
Robert W Martens	term to 02/01/2013
Lake in the Hills Sanitary District	
Shelby Key	term to 05/01/2014
Crystal Lake Rural Fire Protection District	
Greg Danielson	term to 05/2014
McHenry Township Fire Protection District	
Alan G Weaver	term to 05/2014
Robert J Meyer	term to 05/2014

Chairman Koehler asked for a roll call vote. The following members responded aye: Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler and Koehler. Absent: Jung and Hill. The vote being twenty-two (22) ayes noting two (2) absent, Chairman Koehler declared the motion to approve the above-named Appointments has passed.

STANDING COMMITTEE CHAIRMAN UPDATES

Ms. Peschke said there was a joint meeting of Public Health & Human Services Committee with the 708 Mental Health Board last night. Two presentations were given one being how Family Services are redoing their program so that they are like a one-stop shopping for people with any kind of mental health concerns. The second presentation was about Mental Health and the Drug Courts. It was very interesting and instructive. Chairman Koehler agreed that it was an excellent meeting.

Ms. McCann said tomorrow Mr. Tim Loftus will be here at the invitation of McCog to talk about water supply in the collar counties. Lunch and presentation starts at 11:30 and should be done by 1 p.m. Chairman Koehler said if any members want to attend and have lunch, let Mr. Austin know.

Mr. Hammerand said Liquor & License had their renewal meeting for all of the liquor and licenses in the County. They interviewed the people who failed the sting operation and have already paid their fees to see what steps they had taken to insure that they wouldn't sell alcohol to minors again. They all had plans and have or will again talk to their employee who sold the alcohol, if they're still with them, and review the ordinance. He felt this was very productive and hopes that they can continue this process. Chairman Koehler added that out of the group that was there, there was only one who didn't buy this new machine that you can actually stick the driver's license in and it verifies that it's a legal license. It is up to the employee to verify the picture to the license.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda. Ms. Schuster asked to remove 15.2 B2 and 15.2 B7.

Mr. Breeden made a motion seconded by Ms. Donner to approve the Routine Consent Agenda with two items removed.

Chairman Koehler asked for any discussion, noting none, he asked for a roll call vote. The following members responded aye: Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler and Koehler. Absent: Jung and Hill. The vote being twenty-two (22) ayes noting two (2) absent, Chairman Koehler declared the motion to approve the above-named Appointments has passed.

15.2 B(2) Resolution Authorizing Amendments to Resolution R-200906-10-201 as related to the HOME Investment Partnerships Program

Mr. Breeden made a motion seconded by Ms. Donner to approve the above-named Resolution.

Chairman Koehler asked for any discussion, noting none, he asked for a roll call vote. The following members responded aye: Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Wheeler, Yensen, Bless, Breeden, Donley, Donner, Draffkorn, Hammerand, Heisler and Koehler. Nay: Schuster and Evertsen. Absent: Jung and Hill. The vote being twenty (20) ayes and two (2) nays noting two (2) absent, the Chairman declared the motion to approve 15.2 B(2) has passed.

15.2 B(7) Resolution Authorizing Acceptance of a \$203,926 Grant from the IL Department of Public Health for Public Health Emergency Response Program and to make an emergency appropriation to the Health Department's FY 11 budget

Mr. Breeden made a motion seconded by Ms. Salgado to approve the above-named Resolution.

Chairman Koehler asked for any discussion, noting none, he asked for a roll call vote. The following members responded aye: Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Wheeler, Yensen, Bless, Breeden, Donley, Donner, Draffkorn, Hammerand, Heisler and Koehler. Nay: Schuster and Evertsen. Absent: Jung and Hill. The vote being twenty (20) ayes and two (2) nays noting two (2) absent, the Chairman declared the motion to approve 15.2 B(7) has passed.

ORDINANCES

None

ADMINISTRATOR'S REPORT

Mr. Austin reminded board members that one week from tomorrow at 10 a.m. there will be a ground breaking ceremony for the Rakow Road project. Congressman Manzullo will be there and he encouraged board members to attend.

At this time, Chairman Koehler asked Dr. Michael Fortner to come forward to talk to the board about the redistricting process which was the topic of discussion at the COW meeting this evening.

Dr. Fortner spoke to the board about redistricting. He provided a written overview based on the 2010 Census of what the populations are per district and how much beyond the range they are. In looking at the numbers he made an assessment about what the various minority populations were and whether or not any special handling in terms of redistricting were required based on the Federal Voting Rights Act. At this time the levels have not increased enough to need specific redistricting for minorities. Dr. Fortner talked about the criteria the board could/should consider when making their decisions for the redistricting and drawing its map. He separated the criteria between Geographic Criteria and Political Criteria. A copy of this handout is in the County Board file in the County Clerk's office. Of importance are the legal requirements, one being that districts must be contiguous meaning that all parts of a district have to connect to one another. Generally that means that they also can't just connect at one point, it's more than just single point contact. Another principal is that districts should be compact, but this is something that is ill defined. He explained that compactness in general refers to how close is a district to a circular or square shape however there are over thirty mathematical measurements of what it means to be compact. He noted that population deviations between districts will be minimized and in no case will the deviation exceed 3%. Dr. Fortner said the County Board needs to decide which criteria are most important to them.

Board members asked questions about the criteria that needed to be used and the recommendations being made. Dr. Fortner said the core questions are County Board size and composition. Once those questions are answered the criteria considerations that have been identified will be considered when drawing the map. Ms. Schmidt questioned the talk down state to consolidate districts. Dr. Fortner said there have been a number of Bills that have

been filed and are in various stages but nothing set in stone at this point. Ms. Salgado and some other board members said seeing a map helps in understanding where the lines might be depending on the scenario being discussed. Ms. Salgado said it was suggested that a good place to start would be by using the Iowa approach. Dr. Fortner said Iowa uses their Legislative Research Bureau and they have a series of statutory criteria that they are required to use. Based on those criteria that are laid out in Iowa law they then are able to draw one map; if the Legislature adopts it they're done, if not, the Legislature would send back a message saying which aspects or criteria they didn't think were taken as strongly as they would've like to have seen, and this can be done up to three times. The State of IL is silent on details of specific criteria but Iowa mapmakers know what path to follow. Ms. Salgado asked if Mr. Fortner would be able to supply the sample maps, she would be looking for a map with 12 districts with 2 members in each. She said she would be interested to know how the lines would be and if there would be ample representation for minority groups noting if it ended up there wasn't proper representation she wouldn't be interested in going this way. Dr. Fortner said this is something he can provide if there is a request for a certain number of districts and what the guiding principles are to see how that would break down. Chairman Koehler said they would like to see all requests go through the Legislative Committee so he recommended that board members attend their meeting if at all possible. Ms. Salgado said if it's not the consensus of that Committee to do a map that she is requesting where does that leave her? The Chairman said the Legislative Committee is going to come back with a Resolution and at that time she would have an opportunity to bring forth what she would like to see. Ms. Yensen asked how the board could get a cost benefit analysis if they were to go with fewer districts and or fewer members. Dr. Fortner said the County would have to look into this. He would only be looking at what the impact would be in terms of how the districts would look and where they would go following the directed principles. Mr. Hammerand said he was offended by the talk of race within the census. He said the maps should be drawn strictly on population and in his opinion they should be voters and citizens of the United States. He read from an Article in Governing of February 11th in which it says "If the census had only used citizens to calculate the reapportionment rather than all "inhabitants" as the Constitution requires, several states would have fared worse than they did, especially a hand full of large states with large Hispanic populations. Texas would have gained only two new seats rather than four, New York would have lost three seats rather than two, Florida would have gained one seat rather than two and California would have lost five seats rather than staying even, according to a Polidata estimate." Mr. Hammerand said it is his opinion we shouldn't be judging on race whether we have them in one district or another we should be looking at the boundaries. Dr. Fortner said he understands but he's speaking based on Federal law. Mr. Hammerand said he would like to keep things on the lines that have already been developed and move the lines out equally. He thanked the County Clerk for trying to keep the precincts down in number and that will help in moving districts. He asked Dr. Fortner who he answers to and how much time he has expended thus far. Dr. Fortner said he answers to Mr. Austin and in his proposal he estimated that he would work about 40 hours on this project, having expended about 4 hours thus far. Mr. Austin said there was a discussion with the County Clerk and the County Board Chairman about the benefits of using an outside resource and he was directed to work with Dr. Fortner. If consulting is going to be less than \$10,000 there are guidelines that say we can enter into those agreements. Mr. Hammerand asked to see a specific line item for this either by e-mail or a copy in his box. Mr. Austin said he will take care of this. Ms. Kurtz asked if Dr. Fortner would be in a position at some point to provide input to the County Board as to how they might conduct the district configuration. Dr. Fortner said yes but the Board must identify the controlling criteria first and what is most important in order to be efficient. Ms. Kurtz asked about the 3% deviation with her interpretation being 3% of the population of a member district not 3% of the entire population. Dr. Fortner said the law says that the range between the smallest population district and the largest population district may not exceed 10%. The County as a matter of policy can choose to use a smaller, either a maximum range measuring from the smallest to the largest or a deviation, which is to say if here's the ideal population by what percentage up or down is your maximum deviation. You can use either way to determine, by policy, what's the extent of the differences in population in the districts. Dr. Fortner went on to say as you start making the range or deviation smaller, it will in fact force going around other principals such as precinct splits. In answer to Ms. Kurtz's question, the deviation from district to district would not exceed 3% Dr. Fortner said. Mr. Hammerand asked if a district was not able to make this 10% because of geographical conditions, what would happen. Dr. Fortner responded that if challenged it would be a matter for courts to sort out. If the County had a compelling interest for why they needed a deviation in excess of 10% and the map were challenged in a court, the County would have to defend what compelling interest they had to exceed deviations that the courts have otherwise said should be the maximum deviation. Chairman Koehler said Dr. Fortner helped to put this information together based on the data that came from the census that was taken by the Federal Government. He reminded everyone that it's not the job of Dr. Fortner to tell us what criteria that McHenry County should or should not use. He suggested that board members attend the

Legislative Committee meetings as they move forward on this so that any specific questions or concerns or input can be discussed. If you can't attend, get those questions to Mr. Austin in writing and he can forward them on to Dr. Fortner for a response. Dr. Fortner reminded board members of the requirements: Districts must be contiguous and connect at more than a single point; and districts are required to be compact (whatever that means); and of nearly equal population. Chairman Koehler thanked Dr. Fortner for being here this evening. He will be available to work with the Legislative Committee.

MEMBERS' COMMENTS

Ms. Peschke asked her colleagues if they have information that has not been brought up on things that they are voting on, please speak to the issue so that the Board may better make decisions for the benefit of our constituents.

Ms. Salgado said after the recent conversation on minority and the lack of some knowledge, she thinks that the Board could benefit from the cultural competency experience going on right now in 708. Also, last Friday the Senior Services group hosted the Northeastern IL Area Agency on Aging and it was very interesting to hear what is going throughout the state. Mrs. Jones commended McHenry County on putting seniors as a priority, passing the referendum and how we use that money.

Mr. Hammerand said April 11, 2010 was IL Tax Freedom Day. This year we're 4 days farther in, it's on April 15th. The government didn't take into account the Federal deficit being considered, that would make the date May 23rd! He said these facts came from the Tax Foundation who calculated them based on data from the Bureau of Economic Analysis in the Congressional Budget Office and the Joint Committee on Taxation.

Ms. Schmidt commented that as we proclaim May 'Local History Month', the local Historical Society will be opening on May 1st for the season and there are a series of activities planned. For the next two years Harvard will be the featured community in the Arrival Series that they have been putting on. Chairman Koehler said we can put this information on the County website to get the word out as well.

Ms. Donner said McHenry County is on the cutting edge of many things particularly with the Senior Services Grant Commission. She has had the honor to work with Lake County with their seniors and disabled communities and they are amazed that we have money to give to help these communities.

Ms. Schuster said she chooses not to speak to some of the issues because she realizes it doesn't get anywhere. She feels her principles are more important than just going along with things and she will continue to pull things off of the Agenda and speak to the matter if she chooses or just make her vote.

EXECUTIVE SESSION

Chairman Koehler said there is a need to go into executive session to review previous executive session minutes and Litigation affecting the County that is filed and pending and for Litigation on behalf of the County that is probable and eminent.

Mr. Donley made a motion seconded by Ms. McCann to go into executive session.

Chairman Koehler asked for a roll call vote. The following members responded aye: Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler and Koehler. Absent: Jung and Hill. Chairman Koehler declared a quorum present with twenty-two members responding.

Ms. Peschke made a motion seconded by Ms. Miller to return to regular session.

Chairman Koehler asked for a roll call vote. The following members responded aye: Kurtz, McCann, Merkel, Miller, Munaretto, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donley, Draffkorn, Evertsen, Hammerand, Heisler and Koehler. Absent: Jung, Nowak, Donner and Hill. Chairman Koehler declared a quorum present with twenty members responding. Chairman Koehler said no action was taken in executive session.

Ms. Yensen made a motion seconded by Ms. McCann to approve release of executive session minutes as recommended by the State's Attorney's office.

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Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion passed.

ADJOURNMENT

Ms. Miller made a motion seconded by Ms. Kurtz to adjourn at 10:01 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 3rd day of May, A.D., 2011.

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

ATTEST:

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