

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
DECEMBER 6, 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, December 6, 2011.

Chairman Koehler called the meeting to order at 9:00 a.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. Schmidt gave the invocation/personal remarks.

ROLL CALL

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

MINUTES

Minutes of County Board Regular Session meeting of November 15th, 2011

Ms. Miller made a motion seconded by Mr. Heisler to approve County Board minutes of November 15, 2011.

Chairman Koehler asked if there were any changes/corrections to the minutes, there were none.

Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion to approve County Board minutes of November 15, 2011 has passed.

CHAIRMAN'S REMARKS

Chairman Koehler told board members that tomorrow is the 70th anniversary of Pearl Harbor and it's a day to reflect on the past wars as well as the current conflicts and hoped that everyone would do so. Secondly in regard to the Regional Supt of Schools he still does not have someone to bring forward because of the credentials needed. He is still having discussions with a man who fits the position but there are issues they're trying to work through. He did say we are doing well with the assistance of the Regional Supt from Lake County and are meeting the duties that have to be done.

Lastly in regard to Metro Counties, apparently they are still negotiating a contract with an individual so there is not yet an announcement to be made.

SPECIAL RECOGNITION/REPORTS

None

SPECIAL PRESENTATIONS

8.05 *McHenry County Strategic Plan – Peter Austin and John Labaj*

Mr. Austin said this morning he and Mr. Labaj will be talking about wrapping up a successful three years of using our Strategic Plan. He said our County has a tradition of using a Strategic Plan and feels we've done a good job of following the plan and improving on it in several respects. Mr. Austin said our Strategic Plan helps guide us and push us to grow as an organization and he is pleased with what has been done.

Mr. Austin said back in late 2008 early 2009 the County Board at that time made the decision to seek some outside assistance in developing the Strategic Plan. All of the County Board members were interviewed by district and the elected officials and others were interviewed as well. The outside group helped to organize the plan and update the County's mission and guiding principles and helped to identify six primary themes and strategies for the plan and for the first time helped develop real measures on the strategies. Mr. Austin said the plan was put online and a report card was created to hold the County accountable to the plan which was also available online. To monitor progress on that report card an internal task force was created that met fairly often to watch the progress on the plan and review any roadblocks that came up. Representatives from County Administration, IT, Sheriff's, Planning, Water, DOT and Workforce made up the task force.

Mr. Labaj gave board members a handout that outlined the six main themes that the board came up with that run through our entire plan. The Strategic Plan is a guide for what the desired result of the organization is and how we are going to get there. In addition, twenty strategic goals were developed in relation to these six themes and a report card shows how these goals are going.

In regard to Transportation and Infrastructure, Mr. Labaj said the Bridge Replacement Program is ongoing and we are advocating alternative modes of transportation. Two things in the update last year were to improve the community consultation process and to update and consolidate PACE programs. The DOT has worked hard and done very well on both of these.

In regard to Livability, Mr. Labaj said of great importance with this is intergovernmental collaboration and our departments have succeeded in this area.

In regard to Public Safety, Mr. Labaj said we have had on the plan for some time to have a Public Safety Building constructed. Although this is on the back burner due to the economy, we have been able to expand courtrooms as was listed in this part of the plan.

Mr. Labaj said it was stated that in 2011 we wanted to update our Fair Housing Ordinance and we are in the process of getting a consultant for this. Of great importance is the implementation of a broad based Water Management Resource Plan which was just recently approved by the County Board.

In regard to Service Delivery, Mr. Labaj said advanced e-government, Wi-Fi in conference rooms and emphasizing webcasting were some of the 2011 goals set. We are progressing on e-government filings, we do have Wi-Fi in our conference rooms and Management Services is looking very closely at the webcasting project. Mr. Labaj said the County has also established our Business Continuity Plan and are currently working on completing the Integrated Justice System.

In regard to Revenue and Demand, Mr. Labaj said the most important and only thing in this category is the annual maintenance of a 5-month cash reserve which the County has done and then some. Also of note is that the County has maintained its Aaa rating during the three year period of the Strategic Plan.

Growth and Planning, Mr. Labaj said they continue to work on strong collaboration with municipalities and between County departments. Also being worked on is the revision of County ordinances noting that the UDO is a work in progress and we should see some substantial information coming in January on that.

Economic Development, Mr. Labaj said we are exploring the data backbone with other governments and businesses which was delayed a little bit. The original concept that they had didn't work out but with the new effort with MCCOG and MCC we are back on track. Also being looked at is broadband productivity, preservation of Agriculture and expansion of education training and options for high demand occupations.

Mr. Labaj said the report card is extensive and he encouraged board members to go over it and if there are any questions to please let him or Mr. Austin know. Mr. Labaj thanked everyone for still using the Strategic Plan as a guide during these difficult economic times.

Mr. Austin thanked Mr. Labaj for his work on the plan as well. In planning for 2012 it was noted that a year from now we will have changes on our County Board. The Management Services Committee suggested that the next plan be focused on the next 12 months, keeping a sharp and concise plan looking just at 2012. Mr. Austin said we will continue to look at the same six broad thematic areas but zero on what we are doing in 2012. Mr. Austin said a worksheet was placed on board member's desks (it will be sent out electronically as well) and asked that board members look at the different areas and think of three strategies that they would like to see moved on in the next 12 months. Mr. Austin said he is hoping these can be collected by January 3rd then the core group can look at these on January 6th at their meeting and consolidate the ideas that have been suggested. A starting off point can then be created for the board's Strategic Plan meeting on January 20th. Finally, Mr. Austin said he would like to be able to show the next County Board how important strategic planning is to our organization and make it be something that they want to focus on as well.

Noting no questions, the Chairman thanked Mr. Austin and Mr. Labaj for a good update.

PLATS

None

PUBLIC COMMENT

None

NEW AND UNFINISHED BUSINESS

None

APPOINTMENTS

None

STANDING COMMITTEE CHAIRMAN UPDATES

None

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda. Ms. Miller removed 14.10 I (05) and Ms. Evertsen removed 14.10 I (10)

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

Chairman Koehler asked for a roll call vote. The following members responded aye: Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen and Koehler. Absent: Bless. The vote being twenty-three (23) ayes noting one (1) absent, the Chairman declared the Routine Consent Agenda with two items removed has passed.

14.10 I (05) *Resolution for Adoption of an Amendment to the Bylaws of the McHenry County Community Development Block Grant Commission*

Ms. Hill made a motion seconded by Ms. Yensen to approve the above-named resolution.

Chairman Koehler asked for any discussion. Ms. Miller said she had a concern with the Membership section and the maximum allowed.

Ms. Miller made a **motion** seconded by Ms. Kurtz **to amend the Membership section on Page 2 to increase the maximum members from nine (9) to ten (10).**

Ms. Miller explained her concerns reading from the bylaws the allowable at-large members. When you do the math you're choosing perhaps one board member, six from the districts, one supervisor and/or one road commissioner or a municipality. She thinks those entities represent very different issues and she feels we benefit from the input from all those different perspectives.

Ms. Hill noted that the board has received different copies and changes in these bylaws and that Ms. Miller brought these concerns to her today and she doesn't have any strong feelings on this. Ms. Hill said the reasoning behind limiting the membership was because the committee felt that it was too many people on a commission to yield a quorum and make decisions.

Ms. Schmidt noted that with a voting commission of nine, their quorum is five, and the minimum number of votes to pass something is three. If you have ten voting members, the quorum is six and you now need four votes to pass something.

Ms. Donner said she has an issue with having ten members because then the vote can be split, she thinks eleven would be better. Ms. Yensen concurred.

Ms. Miller as the motioner and Ms. Kurtz as the seconder **agreed to change the motion to amend to a maximum number of eleven (11) members instead of the ten (10) originally amended to.**

Noting no further discussion, the Chairman asked for a voice vote on the **motion to amend the Membership section to increase the maximum members from none (9) to eleven (11). The ayes having it noting one nay, he declared the motion to amend as stated here has passed.**

Chairman Koehler asked for any discussion on the main motion.

Mr. Munaretto pointed out that one of the reasons for making the changes to the Bylaws was the conflict of interest issue and the way past CDBG boards were able to behave. At a P & D meeting a suggestion was made to avoid that by barring any member of the CDBG Commission from participating in any grants or awards made by the CDBG. Mr. Munaretto said he sees now that the information was taken out of the internet version of the resolution. He asked Ms. Draffkorn if she could speak to this.

Ms. Draffkorn responded that this started last spring when they had their NSP grants and the auditor was looking at them. The Auditor checked the CDBG grants and noticed that other counties had conflict of interest issues and when conflict of interest problems were found the counties had to repay the General Fund. This was brought to the attention of the Chairman that this was something we should look at. Ms. Draffkorn said she, Ms. Hill, Ms. Rein and a couple of members of the Community Development team talked about this and how they could revise the Bylaws to deal with conflict of interest issues. It was brought back to the CDBG Commission and they thought things were fine and that members wouldn't vote if they were included in one of the sub-recipients. Ms. Draffkorn said as a committee they decided that Mr. Munaretto's suggestion was too restricting and if there was a conflict they would look for a waiver from HUD.

Ms. Hill said that on page 8, the second large paragraph, when it was discussed further the biggest stumbling block is how narrowly we would have limited participation in CDBG. In this paragraph she believes the conflict issue was addressed fairly well through a waiver and abstaining from voting and even more so with rotating the term limits. Ms. Rein, ASA, added that a request will come from Community Development to the State's Attorney's office when there is a conflict that needs to be addressed and they will determine whether there is any conflict with state law, and if there is no conflict with state law they then forward that information to HUD and they make a determination.

Ms. Evertsen asked to look at page 3, item 2 under section B. She understands that there is a history behind the last part of the paragraph in #2 that says that someone can be removed if he or she is found to undermine the purpose of the commission via a majority vote of the total commission and said termination is approved by the County Board. In her opinion this is wrong and she asked to change this.

Ms. Evertsen made a motion seconded by Ms. Salgado to **amend page 3, part B, #2 to remove the following wording " if he or she is found to undermine the purpose of the commission via a majority vote of the total commission and said termination is approved by the County Board.**

Chairman Koehler asked for any discussion on the motion to amend.

Ms. Hill said she doesn't necessarily agree or disagree but she gave a little background on this saying that there were some members, for whatever reasons, who weren't making the meetings. As far as undermining the purposes of the commission, she agrees that this is strongly worded. Mr. Sandquist added that when the Housing Commission was created that language was in their Bylaws and the goal here was to make these Bylaws as consistent with the Housing Commission's as possible. If it is decided to remove this language here, long term, the board may want to remove the same language from the Housing Commission Bylaws. Ms. Schuster asked that this language be taken out of the Housing Commission Bylaws as well.

Noting no further discussion on the motion to amend, the Chairman asked for a voice vote, the ayes having it noting a few nays the Chairman declared the motion to amend page 3, part B, #2 **to remove the following wording " if he or she is found to undermine the purpose of the commission via a majority vote of the total commission and said termination is approved by the County Board has passed.**

Chairman Koehler asked for any further discussion on the main motion.

Ms. Kurtz agreed with Mr. Munaretto in terms of identifying the conflict of interest issue and noted that there were not enough controls in place and that we need to create structures. She suggested using United Ways practices as an example. They have a very strict rule and that is if you're going to receive any funding then you can't be a member of any organization. She asked that the Board go back to the table on the conflict of interest issue and create a fair situation.

Ms. Yensen said as a paid staff person for United Way she agreed with Ms. Kurtz saying there is a strict policy that people who are on the allocation panels or board sign a conflict of interest and disclosure form indicating any relationships they may have with the agencies and programs that they fund. If in fact they are part of an organization on a board, they are not permitted to serve on an allocation panel nor can they serve on their board. The reason behind this is that people in the community need to understand that the playing field is level, it's fair and that there is a stewardship of the dollars that are being allocated. She added that they sign an ethics document along with the conflict of interest yearly to remind people of what their responsibilities are.

Ms. Hill said that in the Board's online packet the original resolution had a provision in there that would address these issues. The online version is different than the one on our desks. She suggested an amendment to approve the internet version of the resolution showing the aforementioned language on page 2 under Membership. This paragraph was taken out at committee.

Ms. Kurtz made a **motion** seconded by Mr. Provenzano **to amend the Membership section to add the following language:** ***It is known that any Commission member as outlined above may be affiliated with an entity that potentially could seek grant funding. As such, any entity for which an affiliation of said member(s) exists will be barred from competing for and/or receiving CDBG allocations. For the purposes of these bylaws, affiliation is defined as a paid and/or non-paid employee/volunteer, staff and/or board member. An affiliation may also be further defined and determined by McHenry County as applicable.***

Chairman Koehler asked for any discussion on the motion to amend. Ms. Donner said one of the reasons that there are two ex-officio members and who the ex-officio members are is that if you preclude anybody who can receive funds from being part of a discussion you lose a depth of information. It made sense to have the two ex-officio members, who are from the McHenry County Service Agencies and the McHenry County Housing Authority.

Chairman Koehler said to clarify, that if the Board is going to reinsert this paragraph as named above, we're going to need to "remove the non-voting ex-officio members shall include part". Both the motioner and seconder were in agreement with this.

Ms. Schmidt said it is her understanding that if you are affiliated with anyone that could get a grant you can't be on the Commission. The problem she sees is that some of the grants we give through CDBG go to government entities, they're not just charitable organizations i.e. the Wonder Lake sewer project or the Union water project. The CDBG is not a 501C3 organization and with this restriction we could lose good volunteers.

Mr. Provenzano said that is why this language is needed as we have organizations that are competing in a competitive grant environment for funds. They should be able to express and demonstrate the need and background for the Commission members. If they can't they probably won't win in a competitive environment. Mr. Provenzano said he doesn't think it's necessary to have members of the Commission that have knowledge of where the money is going on such a close relationship basis that they have a conflict. He is in agreement of adding this paragraph back in.

Ms. Peschke said the counter argument is that if you have someone on the Commission who is very experienced and knows what they are talking about and has a broad view of all of the issues, they would have to resign if an agency that they had any affiliation with was to receive funds and that would be a shame as some of these commissions where you do allocations are difficult to grasp for new members. She sees the point here but as long as people recognize the conflict and it's transparent that there is a conflict and the person doesn't argue or vote on the situation she doesn't see a problem. She suggested that if an individual is on the Commission and represents an agency they could just listen to the discussion and abstain from voting on all issues pertaining to that agency. She said there are ways to get around this conflict issue without losing the expertise of people who really understand the situation.

Mr. Sandquist said that if this text is reinserted he will need clarification of what it means about the membership and the ex-officio's before the meeting concludes.

Ms. Hill agreed with Ms. Peschke and said they addressed this by putting them in as ex-officious so that we would have the historical knowledge. She said we have been doing this for 17 years and there have been no known (talked about) conflicts. This precipitated when social service agencies approached her and said other social service agencies are sitting at the table and have been there for years without any intent at all they get to have input and discussion on how great their agencies are and the Commission gets to absorb that. The other social service

agencies only get that 3-5 minute presentation. Ms. Hill said that is why they made them ex-officio because this is where they saw the potential for conflict.

Ms. Schuster said she reluctantly voted to support what had been done in committee on this document but she still has reservations about the conflicts that are not only actual but perceived by the public. She doesn't believe it is in the County's best interests to be having tax dollars distributed by organizations to fellow organizations. Because of the amount of discussion on this she thinks this should go back to committee because there are several different views and proposals going on. She doesn't believe that abstaining oneself on a committee that they are sitting on eliminate the problem that we have because they are there and other members look to them for support in their deliberations be it at the committee or outside the committee. She believes people understand how important it is to be transparent in government.

Ms. Schuster made a **motion** seconded by Mr. Donley **to send this resolution back to committee with the discussion that has occurred and give the committee more direction.**

Mr. Provenzano called a Point of Order because there is already a motion and second on the floor. Ms. Rein said this motion takes precedent and can be voted on without discussion.

Chairman Koehler asked for a voice vote on the motion to return this back to committee. The nays appearing to have it, it was requested that a roll call vote be taken. The following members responded aye: Donley, Evertsen, Hammerand, Kurtz, Salgado, Schmidt, Schuster and Yensen. Nay: Breeden, Donner, Draffkorn, Heisler, Hill, Jung, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Wheeler and Koehler. Absent: Bless. The vote being eight (8) ayes and fifteen (15) nays noting one absent, the Chairman declared the **motion to return 14.10 I(05) back to committee has failed.**

Mr. Provenzano called a Point of Order to Call the Question. Ms. Rein said a vote on the amendment on the floor must be done first. Mr. Provenzano said he would like to Call the Question to close debate on the amendment.

Mr. Provenzano made a **motion to Call the Question to close debate on the amendment on the floor** seconded by Mr. Breeden.

Chairman Koehler told the board the amendment is to add the following paragraph: ***It is known that any Commission member as outlined above may be affiliated with an entity that potentially could seek grant funding. As such, any entity for which an affiliation of said member(s) exists will be barred from competing for and/or receiving CDBG allocations. For the purposes of these bylaws, affiliation is defined as a paid and/or non-paid employee/volunteer, staff and/or board member. An affiliation may also be further defined and determined by McHenry County as applicable; and being removed is the non-voting ex-officio member shall include a representative of McHenry County Service Agencies and a representative of the McHenry County Housing Authority.***

Ms. Hill called a Point of Order saying this is not what we were voting on. She believes Ms. Kurtz wanted to replace the resolution that was in the board's original packet with the one that was on their desks. Chairman Koehler said he read this several times. Ms. Hill said she believes the board is voting on the original resolution not the new resolution and adding this back in. Chairman Koehler said it was added to the amendment to remove the non-voting as part of that amendment. Ms. Hill said to make the whole document logical she thought we were replacing with the original from what was on their desks. Ms. Rein stated that is too confusing and the board has been working off of the one on board member's desks. Ms. Hill suggested that we have two resolutions (Bylaws), one with the provision of how the language should work and one without it the way it was presented on the board's desks. Ms. Rein said a decision had already been made to work off of the resolution (Bylaws) that were on member's desks. Amendments have been made to that already and discussion on that has occurred. She said if Ms. Kurtz wants to change some things on the one on the desks that is fine, but the board can't just go to the other resolution. Ms. Rein said if there are some incidental changes to be made, Ms. Hill interjected they aren't incidental changes, Ms. Rein said a decision needs to be made whether the debate is going to be closed based on Mr. Provenzano's motion, then either move back to the motion either clarifying it, withdrawing it or sending it back to committee.

Chairman Koehler said the **vote is to close the debate on Ms. Kurtz's motion to amend**. The Chairman reiterated that the change is to add language back in as follows: ***It is known that any Commission member as outlined above may be affiliated with an entity that potentially could seek grant funding. As such, any entity for which an affiliation of said member(s) exists will be barred from competing for and/or receiving CDBG allocations. For the purposes of these bylaws, affiliation is defined as a paid and/or non-paid employee/volunteer, staff and/or board member. An affiliation may also be further defined and determined by McHenry County as applicable; and being removed is the non-voting ex-officio member shall include 1) a representative of McHenry County Service Agencies and 2) a representative of the McHenry County Housing Authority.***

The Chairman asked for a voice vote, being too close to call, he asked for a roll call vote on the motion to close the debate on the motion to amend. The following members responded aye: Breeden, Donley, Donner, Draffkorn, Heisler, Hill, Jung, McCann, Nowak, Peschke, Provenzano, Salgado, Schmidt and Koehler. Nay: Evertsen, Hammerand, Kurtz, Merkel, Miller, Munaretto, Schuster, Wheeler and Yensen. Absent: Bless. The vote being fourteen (14) ayes and nine (9) nays noting one absent, the Chairman declared the vote passed. NOTE: **Vote failed due to lack of two-thirds yes vote.**

Mr. Hammerand called a Point of Order stating that he believes that a motion to Call a Question needs a two-thirds vote. The Chairman said Mr. Hammerand is correct and restated that the **roll call vote as listed above has failed and discussion can continue on the motion to amend by Ms. Kurtz.**

Ms. Kurtz said in regard to the subject matter of expertise being taken off of the board because members would be not able to participate if they had their own grant being received, she stressed that we're changing everything with the make-up of the board and it's being changed from a non-profit to a private number of entities. Ms. Kurtz said she thinks the need for a higher level of conflict of interest infrastructure is important.

Mr. Munaretto said he is in support of this as this was language that he introduced at the P & D Committee two weeks ago. After the vote is taken on this he will be adding a further amendment. By taking out the ex-officio members we have excluded two classes of membership that he believes we want to add back in.

Ms. Peschke said she sits on the advisory committee for Family Alliance and they occasionally apply for and do receive County money, she asked if she has to resign as a County Board member as she does vote on it. The Chairman said as a County Board member she would only need to abstain during that vote.

Ms. Hill said as a County Board member from a district and if that district has a project, should she be abstaining from a vote because she might have a conflict. She objects to the framing that she is not transparent and she expects her colleague's exchange of respect that she gives to them.

Mr. Provenzano said the board here is talking about a group of social service entities and other recipients of CDBG funds that are all sitting in a room for weeks at a time to determine how they're going to distribute many thousands of dollars. He can understand how the general public would question the propriety of that.

Mr. Hammerand clarified that there is no shame in a County Board member voting on a project; the shame would come in if you were making a profit on that project.

Ms. Miller said we are here looking at the Bylaws because there were some concerns. Those people that had any conflicts, it is her understanding at the Commission level, abstained from the votes or discussion on those projects.

Ms. Schuster supports this amendment. She is against making major changes on the fly, noting no disrespect to Ms. Hill, but feels the Board needs to take a bigger look at this. She said she believes that when she has made good decisions it's because she has pondered them for awhile and been able to take a look at them. As for the membership on the committees and commissions, it's important to have people who are not vested in this and feels we have not had a shortage of applicants. She believes people do realize that we are getting serious about who we are appointing to these Commissions.

Ms. Hill responded, with no disrespect to Ms. Schuster, that she argued her argument. She said this has been pondered and discussed at great length the provision to not allow anybody to serve on the Commission that would receive funds. She respectfully disagrees with Ms. Schuster's comments and asked the Board to vote for the document that was presented originally and against this amendment.

Noting no further discussion, the Chairman asked for a voice vote on the motion to amend by Ms. Kurtz and the removal of non-voting ex-officio members etc. The nays have it but there is was a request for a roll call vote. The following members responded aye: Breeden, Evertsen, Hammerand, Kurtz, Munaretto, Provenzano, Schuster, Wheeler and Yensen. Nay: Donley, Donner, Draffkorn, Heisler, Hill, Jung, McCann, Merkel, Miller, Nowak, Peschke, Salgado, Schmidt and Koehler. Absent: Bless. The vote being nine (9) ayes and fourteen (14) nays noting one absent, the Chairman declared the **motion to amend by Ms. Kurtz has failed**.

Chairman Koehler asked for any discussion on the main motion. Ms. Donner noted that there were many other changes made to this document because of the situations with HUD and things that they were doing. This particular paragraph was highlighted in yellow because it was one that was looked at most recent and has been changed.

Ms. Donner made a **motion to Call the Question** seconded by Ms. Hill.

Chairman Koehler asked for a voice vote, the ayes having it, he declared the **motion to Call the Question has passed**.

Chairman Koehler asked for a roll call vote on the main motion to approve 14.10 I (05) as amended. The following members responded aye: Donner, Draffkorn, Heisler, Hill, Jung, McCann, Merkel, Miller, Nowak, Peschke, Salgado, Schmidt, Wheeler and Koehler. Nay: Breeden, Donley, Evertsen, Hammerand, Kurtz, Munaretto, Provenzano, Schuster and Yensen. Absent: Bless. The vote being fourteen (14) ayes and nine (9) nays noting one absent, the Chairman declared the motion to approve 14.10 I (05) as amended has passed.

14.10 I (10) *Resolution to Adopt the HOME Investment Partnerships (HOME) Program Community Housing Development Organization (CHDO) reserve funding recommendation and administration allocation and amendment of the Action Plan for the 2011 program year*

Ms. Hill made a motion seconded by Ms. Donner to approve the above-named resolution.

Chairman Koehler noted that he will be abstaining from the vote because of potential future conflict of a relative of his.

The Chairman asked for any discussion. Ms. Evertsen said looking at the second to the last page under Applicants the amounts listed are not the same. She also said that it seems like \$121,000 for Habitat for Humanity is in direct opposition to all of the homeowners with existing homes that are for sale in the County. Several months ago this came up and she voiced her thoughts at that time and shortly thereafter Habitat for Humanity said publicly that they were going to build no more new properties and were going to engage only in repairs of existing property because they wanted to be good neighbors and did not want to be in conflict with what is best for our tax payers. Also she asked if the HOME Committee approved this and if so she would like a report on that.

Mr. Sandquist responded that the tables in the report show total requests from different agencies for funding and different ways that the funding could be allocated and whether it's CHDO reserve or general HOME money because they do have to put a certain amount into CHDO reserve and in the text it says what the staff's recommendations was. Out of that, the one project that came forward with a recommendation for funding at this time is the Habitat for Humanity project for \$121,900. Mr. Sandquist said in regard to the second part of the resolution for \$47,890, that is the administrative funds set aside from HOME that they are entitled to with the recommendation coming from the P & D Committee. He added that the entire HOME grant is in the order of \$480,000 so additional projects will be brought forth in the future. Ms. Hill said we are only voting on the Habitat for Humanity project today. The memo that was attached was about what was being considered at committee. Ms. Draffkorn commented that when the Executive Director for Habitat for Humanity was at the Housing Commission and P & D meetings, questions were asked about rehabbing vs. new homes. From what she recalls he didn't say that they were not going to build new homes any more but were going to look into rehabbing. Unfortunately, a lot of the homes out there are too big for the Habitat families and taxes are too high for them to afford. Currently their mission is to build affordable housing for their clients.

Noting no further discussion, the Chairman asked for a roll call vote. The following members responded aye: Donner, Draffkorn, Hill, Jung, McCann, Merkel, Miller, Munaretto, Nowak, Peschke, Provenzano, Salgado, Schmidt and Wheeler. Nay: Breeden, Donley, Evertsen, Hammerand, Heisler, Kurtz, Schuster and Yensen. Abstain: Koehler. Absent: Bless. The vote being fourteen (14) ayes and eight (8) nays noting one abstention and one absent, the Chairman declared the motion to approve 14.10 I (10) has passed.

ORDINANCES

15.10 (A) *Ordinance Amending the Building Use Ordinance*

Ms. Hill made a motion seconded by Mr. Breeden to approve the above-named Ordinance.

Noting no discussion, the Chairman asked for a voice vote, the ayes having it he declared the motion to approve the amended Building Use Ordinance has passed.

15.10 (B) *Ordinance Amending Ordinance No. O-201011-12-060 Adopting the McHenry County Statement of Economic Interests Addendum Ordinance*

Ms. Schuster made a motion seconded by Ms. Evertsen to approve the above-named Ordinance.

Chairman Koehler asked for any discussion. Ms. McCann said she received feedback from people who are on some of our committees and in reading paragraph #2 it says that the County's elected and appointed officials disclose conflict of interests. She said anyone who serves on a committee does file a conflict of interest form but she doesn't see how extending the Addendum on their real estate holding has any relevance to their serving on committees.

Ms. McCann made a motion to amend to define appointed officials as any member appointed to boards that have direct authority over spending a tax funded budget outside the oversight of the County Board and to be placed on the front page of the Ordinance, second paragraph

The Chairman asked where this is at. Ms. McCann said this is not in the Amendment that she saw but its application is defined in the Ordinance and she would have gone to Management Services Committee with this but the meeting was cancelled. Ms. Rein said this has been looked at and people that have no authority to allocate money will not be getting a Statement of Economic Interest or this Addendum. Currently, she said they erred on the side of caution and sent it to appointees that they didn't have to under the Act. Because of this Addendum they have narrowed it down as to who really needs to receive it. Ms. Rein said only if an individual is required to fill out an Economic Interest form by state law will they have to fill out this Addendum, nobody else.

Ms. McCann withdrew her motion to amend as stated above.

Noting no further discussion, the Chairman asked for a roll call vote. The following members responded aye: Breeden, Donley, Donner, Draffkorn, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Nowak, Peschke, Salgado, Schmidt, Schuster, Wheeler, Yensen and Koehler. Nay: Munaretto. Absent: Provenzano and Bless. The vote being twenty one (21) ayes and one (1) nay noting two absent, the Chairman declared the motion to approve the Ordinance Amending Ordinance No. O-201011-12-060 Adopting the McHenry County Statement of Economic Interests Addendum Ordinance has passed.

15.10 (C) *Ordinance Amending McHenry County Building, Zoning, Stormwater, Subdivision and Motel License Fee schedule*

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

Noting no discussion, the Chairman asked for a voice vote the ayes having it noting a few nays the Chairman declared the motion to approve the Ordinance Amending McHenry County Building, Zoning, Stormwater, Subdivision and Motel License Fee schedule has passed.

ADMINISTRATOR'S REPORT

Mr. Austin said on Thursday the Legislative and Intergovernmental Affairs Committee is going to consider whether to forward to the Board an Ordinance to call for a referendum on the electrical aggregation issue. He believes there will be good discussion on this and he encouraged members to attend. Tomorrow they will be interviewing five potential Aggregators and learn more about them as well as working with some of our municipalities and the Council of Governments who will be represented there as well.

Mr. Austin said the employee Christmas party will be held this Friday and encouraged board members to attend. The party is paid for by vending machine money.

Finally, a calendar was e-mailed and put into members' boxes for 2012 comments and invocation.

The Chairman asked Mr. Annarella of Valley Hi if there is a list of residents who might need gifts. He responded that the list was posted on the website some time ago and a lot has come in already. Right now he is not aware of any immediate needs. The Chairman said if gifts are needed to please let him know and he will pass it on.

MEMBERS' COMMENTS

Ms. Yensen reminded board members of the holiday party being hosted by the women of the board on December 20th. She hopes all will attend and asked that checks be made payable to Tina Hill as she is collecting the money for the party this year. Ms. Yensen said Santa Claus will be joining the party as well as entertainment by the Dickens Carolers from 5:30 to 6:00 p.m. Dinner is being catered by Lou Malnati's and Ms. Hill will talk with everyone about what to bring for refreshments.

Ms. Peschke thanked everyone for their kind expressions of sympathy on the death of her husband; it was much appreciated by her and her family.

Mr. Merkel commended the local sports teams for their accomplishments this season. Prairie Ridge won the state championship and although Richmond came up short, they did so with a record breaking performance.

Ms. McCann said she received an e-mail regarding an overview of the locks and dam in McHenry that IDNR will be doing on December 15th. If anyone from District 3 & 4 is interested in going, please let her know.

EXECUTIVE SESSION

Chairman Koehler said there was a need to go into executive session to discuss Collective Bargaining and Probable and Imminent Litigation.

Ms. Salgado made a motion seconded by Ms. Donner to go into executive session.

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

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

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

Chairman Koehler noted that no action was taken while in executive session.

Executive session ran from 11:10 a.m. to 12:55 p.m.

ADJOURNMENT

Mr. Hammerand made a motion seconded by Mr. Merkel to adjourn at 12:58 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 3rd day of January, A.D., 2012.

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

ATTEST:

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