

Proceedings of the Ogle County Board Meeting  
June 21, 2011

State of Illinois )  
County of Ogle ) ss

**Call to Order**

Chairman Barnes calls the Ogle County Board Meeting to order at 5:30 p.m.

**Roll Call**

The roll call shows members Hopkins and Messer are absent. The Invocation is given by Bowers and followed with the Pledge of Allegiance.

**Approval of Minutes**

Chairman Barnes asks for a motion to approve the May 17, 2011 County Board Meeting minutes. Janes moves to approve, Bowers seconds and the motion carries on a voice vote.

**Approval of Reports**

Chairman Barnes asks for a motion to accept the monthly report of the Ogle County Clerk & Recorder, Treasurer, and Circuit Clerk. Kenney moves to accept the reports as filed, De Arvil seconds and the motion carries on a voice vote.(Placed on file)

**Presentation – Illinois Recycling Association**

Joy Bliton and Reita Nicholson announce the Ogle County Solid Waste Department recently was awarded the Excellence in Recycling Award for Outstanding Community or Government Program. Bliton started the Christmas Tree Recycling Program when she began with the Solid Waste Department in 1998. We started with one drop-off site in Oregon and have since expanded to seven sites in Ogle County. There are four FFA organizations from Byron, Forreston, Oregon and Polo High Schools who participate in the pick-up of trees and then take them to the drop-off site. These FFA students were taught how to chip the trees to be used for mulch in nine communities for landscaping needs at no charge. The Solid Waste Department coordinates and advertises the program, provides signage for the drop-off sites and provides guidance to the FFA Advisors and students. This program is special since it is on a volunteer basis by numerous organizations – people and governmental agencies; High School FFA Organizations, City Street Departments, local businesses, private tree chippers, Park Districts, Forest Preserve District, private individuals, Villages and Ogle County. These groups have provided time and services at no cost, sites for drop-offs, use of the chippers, etc. The Solid Waste Management Department would like to thank the County Board and the Solid Waste Committee for all of their support with this program. Bliton would like to thank Solid Waste Director Steve Rypkema for his support and allowing her to create and manage this program. Bliton also thanks the following sponsors: City of Byron, Byron Forest Preserve, Byron High School FFA, Polo High School FFA, Spencer Arand Tree Service, Oregon Park District, Oregon High School FFA, Village of Forreston, Forreston High School FFA, Village of Leaf River, Flagg-Rochelle Park District, City of Rochelle, Tom Lichty's Landscaping Service, Pat Saunders with Polo-Agri Systems and the Stillman Valley Public Works Department. This is the Solid Waste Department's first award, we are very proud of winning this award and bringing State recognition to Ogle County.

**Presentation – United Way Campaign**

Mike Dale states United Way held a Thank You Event last week and the County Employees received a couple of awards. The first award was the Campaign Leader Award which means the employees of Ogle County gave between \$5,000 and \$10,000 and Ogle County Employees contributed a little over \$7,000. The second award was the Rising Star Award which means we had the highest participation increase which was 57%.

**Appointment – County Board District 2 – R-2011-0601**

Horner makes the motion to approve R-2011-0601 and appoint Greg B. Sparrow to fill the vacancy in County Board District 2. Nye seconds and a roll call vote is called:

YES: Gronewold, Horner, Kenney, Nye, Saunders, Stahl, Bauer, Colbert and Barnes  
NO: Finrock, Gouker, Heuer, Janes, Kilker, Welty, White, Williams, Boes, Bowers,  
Colson, De Arvil  
ABSENT: Hopkins and Messer

Motion is defeated on a roll call vote.(Placed on file)

**Appointment – Lost Nation/New Landing RCD - R-2011-0602**

Chairman Barnes announces the recommendation of Timothy J. Spelde to the Lost Nation/New Landing RCD for a term which ends April 30, 2016. Janes moves to approve R-2011-0602. Kilker seconds and the motion carries on a voice vote.(Placed on file)

**Appointment – Mental Health 708 Board – R-2011-0603**

Chairman Barnes announces the recommendation of Harold F. Best to the Mental Health 708 Board. Bowers moves to approve R-2011-0603 and Horner seconds. Finfrock and Welty both abstain since their applications are being considered for this board. A roll call vote is called. Bauer asks if any concerns were brought up. Bowers said there were no concerns however; they could not interview all applicants because some applicants were unavailable that night. Bowers did not want to hold a special meeting to hold interviews.

YES: Horner, Nye, Saunders and Colbert  
NO: Gouker, Gronewold, Heuer, Janes, Kenney, Kilker, Stahl, White, Williams, Bauer, Boes, Bowers, Colson, De Arvil and Barnes  
ABSENT: Hopkins and Messer  
ABSTAIN: Welty and Finfrock

The motion is defeated on a roll call vote.(Placed on file)

Colbert asks if this candidate will still be considered since there are 3 vacancies to fill. Bowers will ask for candidates to refile their applications and next time interview all applicants without conflicts.

**County Board District 2 Vacancy –**

Horner asks if we can discuss the District 2 appointment. Chairman Barnes asks if he would like to consider the other applicant. Horner states no. Chairman Barnes says we will take this issue up at the next County Board Meeting and he will make the appointment. Horner is not satisfied with the vote and would like to know why board members voted against the decision made by the remaining members of District 2.

**Appointment – Regional Planning Commission – R-2011-0604**

Chairman Barnes announces the recommendation of Cody Considine to be appointed to the Regional Planning Commission for an unexpired term which ends April 30, 2012. Bowers moves to approve R-2011-0604. De Arvil seconds and the motion carries on a voice vote.(Placed on file)

**Zoning – Variation – Kitzmiller – Ordinance 2011-0601**

Vice-Chairman Heuer presents the petition for Variation to the Flood Damage Prevention Ordinance – Petition of Leon Kitzmiller, 8248 N. Hales Corner Rd., Stillman Valley, IL for a Variance to the Ogle County, IL *Flood Damage Prevention Ordinance* that would allow a storage building to be constructed with a lowest floor elevation of 686.8' in lieu of 687.8' (0.0' above the Base Flood Elevation in lieu of 1' above the Base Flood Elevation). Heuer moves to adopt the Variation for Kitzmiller O-2011-0601. Bowers seconds and the motion carries on a voice vote.(Placed on file)

**Public Comments – none**

**Road & Bridge – Resolution of Vacation – Mt Vernon Rd – Town of Harper (R-2011-0605)**

Colson presents and makes the motion to approve R-2011-0605 regarding a Resolution of Vacation – Mt Vernon Rd – Town of Harper as presented. Bowers seconds and the motion carries on a voice vote.(Placed on file)

**Ogle County Claims – Clerk reads the claims:**

- Payments in Vacation – May 2011 - \$55,118.00
- County Board Payments - June 21, 2011- \$131,421.14
- County Highway Fund – \$290,022.23
- Utility Expenses – Transfer from Solid Waste Fund
  - Buildings & Grounds - \$10,181.61
  - Highway - \$1,201.79
  - Focus House - \$3,151.16

Finfrock moves to approve the claims as read, Heuer seconds. Saunders will be voting no since she feels the Payments in Vacation are increasing. The motion carries on a voice vote. (Placed on file)

## COMMITTEE REPORTS

The following committee minutes have been placed on exhibit: Blackhawk Hills RC&D, Buildings & Grounds and Central Purchasing, Circuit Clerk and State's Attorney, Executive, Finance and Insurance, HEW & Solid Waste, I.T./N.I.T.T./G.I.S., Juvenile & Probation and Judiciary, L.O.T.S., Long Range and Strategic Planning, Personnel & Salary and County Clerk, Reapportionment Committee, Road & Bridge, Sheriff & Coroner, Supervisor of Assessments and Planning & Zoning and Tri-County Opportunities.

The following committees had no minutes to file: 911 ETS Board, Board of Health, G.I.S. Partnership, Liquor Commission, LRP –Emergency Operations Center, Mental Health '708 Board, Planning Commission, Safety Committee and UCCI/ICRMT.

**Executive Committee** Minutes placed on exhibit

### Rules of Order R-2011-0606

Chairman Barnes presents the County Board Rules of Order which were presented at the May County Board Meeting. White moves to approve R-2011-0606 as presented and Colbert seconds. Welty asks about the placement of the Public Comments on the County Board Agenda. Welty states the Public Comment should be heard before any County Board business and would like to have it entered after approval of previous board minutes. Chairman Barnes states Public Comments is placed after Zoning because comments regarding zoning issues should not influence a vote. It has been explained to me, zoning issues are only to be decided on sworn testimony and this is why the Public comments is placed where it is, states County Clerk Huntley. Welty asks if Public Comments could be made before County business and exclude comments regarding zoning issues. Chairman Barnes asks State's Attorney Roe his opinion. State's Attorney Roe states you should not restrict the public from any comments. Welty states a few months ago we listened to Public Comments regarding the Commercial Wind Farms. Chairman Barnes states that issue was not listed as an item on the Agenda. Gouker likes where Public Comments is placed on the Agenda; we still have County business to conduct.

Welty questions Rule #23: "Purchases made by an office or department, other than those of *elected County Officials*, in excess of \$20,000 or as dictated by the Illinois Administrative Code (value of trade-ins to be included in the purchase price) shall be by sealed bids Committees of the Board responsible for such purchases or the Department Head shall advertise or solicit bids, with at least two bids on comparable items being requested. Announcement of the desire to seek bids on a purchase may be made at any public meeting of the committee. All bids shall be directed to the attention of the committee chairman and shall remain sealed until the designated time for public opening of the bids. All bids which exceed \$20,000 shall be reviewed by the Board, even if allowed in the budget." This does not address the departments run by elected officials; is there a policy regarding purchases made by elected officials, asks Welty. Vice-Chairman Heuer replies; by State Statute we can establish a budget for our elected officials and elected officials have the discretion of taking bids or not taking bids. It is up to the elected official as to how the money is spent. We do have budgetary constraints for non-elected departments but not elected departments. Discussion ensued regarding what the State Statute dictates and wording in the Ogle County Board Rules of Order.

White makes the motion to send R-2011-0606 back to the committee, Gouker seconds and the motion carries on a voice vote.

**Finance Committee** Minutes placed on exhibit

### R-2011-0607

Gouker presents R-2011-0607 regarding the Ogle County as Trustee Tax Sale for P.I.N. 22-08-204-009. Gouker makes the motion to approve R-2011-0607, Welty seconds and a roll call vote is taken:

YES: Gronewold, Heuer, Horner, Janes, Kenney, Kilker, Nye, Saunders, Stahl, Welty, White, Williams, Bauer, Boes, Bowers, Colbert, Colson, De Arvil, Finfrock, Gouker and Barnes

NO: None

ABSENT: Hopkins and Messer

The motion carries on a roll call vote.(Placed on file)

**Long Range Planning** Minutes placed on exhibit

R-2011-0608 Williams moves to approve Long Range Planning bills in the amount of \$12,839.27 for bills as listed below:

SUPPLIER NAME	DESCRIPTION	AMOUNT
Chapman and Cutler LLP	Professional Services – Redemption – General Obligation Bonds	\$ 500.00
Kronos	Timekeeper - Software, Equipment, Support & Training	\$ 8,301.07
Mechanical Inc.	Judicial Center – Air Handling Unit Repair	\$ 3,685.71
TigerDirect.com	Kronos Server - Hard Drives	\$ 152.50
Best Buy/ISPCU Credit Card	Kronos Battery Backup	\$ 199.99
	TOTAL:	\$ 12,839.27

Finfrock seconds. Saunders questions the repair bill at the Judicial Center. Williams states in light of the Sheriff’s Department’s issues, we agreed this is where the payment would come from. Saunders asks if other repairs will also be paid out of LRP. Heuer asks if this was a repair or was this a board. Williams states this is a computer board which communicates with the building automation system. The motion carries on a voice vote.(Placed on file)

**Personnel & Salary** Minutes placed on exhibit

R-2011-0609 Boes presents R-2011-0609 which will realign the Byron 1, 2, 3 and 4 Precincts. Boes makes the motion to approve R-2011-0609, Bowers seconds and the motion carries on a voice vote.(Placed on file)

**Reapportionment** Minutes placed on exhibit

R-2011-0610 Colbert moves to approve the Reapportionment Map with the reduction of board members in each district to 2 and Horner seconds.

Colbert states we can only make changes once every ten years and now is the time to do this and would like to see discussion regarding board size, term limits and salaries.

Gouker states there should have been a motion made regarding the resolution with an amendment. One of the objectives of the map was to increase the number of districts and add representation to other areas of the county who have had none. Janes states the committee’s understanding was to allow fair and equitable representation to the county. Discussion to change the size of the board never came up. Stahl is in favor of the reduction of county board members. Colbert commends Janes for the work completed by the Reapportionment Committee. Counties around us are reducing the size of their boards; Winnebago has reduced from 28 to 20 members, Carroll has reduced from 15 to 9 members and Boone has 12 board members. This should be considered, says Colbert. Welty asks if those County Boards have a different compensation schedule than Ogle County. Are the qualifications of board members in those counties different than what we have in Ogle County?

Bauer likes the map and it should be a separate issue from other items such as term limits. Coming back to the compensation portion, when this form of government was founded there was never to be any compensation. Just because you give more compensation doesn't mean you are going to get any better candidates. We have several boards we appoint to; they get no compensation what so ever and we do have good board members. Bauer talks about setting term limits for members of the county board and would like to have that idea investigated.

Gouker states at the Executive Committee it was mentioned to reduce the size of the board to allow for more efficiency. I have not seen any evidence that says a board will work more efficiently with fewer members. I feel reducing of the size of the board would constrict the pool of input. Colbert and Horner withdraw their previous motion.

Janes moves to accept R-2011-0610 as presented with eight districts and 24 County Board members and Bauer seconds.

Colbert amends the motion to adopt the reapportionment map as prepared by the committee with a total of 16 County Board members and Horner seconds.

Bauer makes a motion to divide the question and accept R-2011-0610 paragraphs 1, 2, and 3 and refer the last paragraphs to the Reapportionment Committee. Welty would like to see the whole resolution referred back to the committee. Heuer seconds.

This committee has worked on this plan for months and states this information should have been presented to the committee at that time, comments Colson.

Bauer and Heuer withdraw their previous motion.

Colbert and Horner withdraw their previous motion.

Colbert makes the motion to send R-2011-0610 back to the Reapportionment Committee and Bowers seconds. A roll call vote is taken:

YES: Kenney, Nye, Saunders, Stahl, Bauer, Colbert, De Arvil, Gronewold and Heuer

NO: Horner, Janes, Kilker, Welty, White, Williams, Boes, Bowers, Colson, Finfrock, Gouker and Barnes

ABSENT: Hopkins and Messer

The motion is defeated on a roll call vote.

Chairman Barnes states we will now vote on the original motion: "Janes moves to accept R-2011-0610 as presented with eight districts and 24 County Board members and Bauer seconds". A roll call vote is called:

YES: Horner, Janes, Kenney, Kilker, Saunders, Welty, White, Williams, Boes, Bowers, Colson, Finfrock, Gouker, Heuer and Barnes

NO: Nye, Stahl, Bauer, Colbert, De Arvil, and Gronewold

ABSENT: Hopkins and Messer

The motion carries on a roll call vote.(Placed on file)

Saunders makes the motion for the Personnel and Salary Committee to discuss term limits and the number of board members per district and bring a recommendation to the board. Saunders asks if the number can be adjusted after this evening. White doesn't believe this is the responsibility of the Personnel and Salary Committee. Bauer seconds. Vice-Chairman Heuer asks County Clerk Huntley upon passage of this

resolution; when you file this with the State of Illinois, it is done?  
County Clerk Huntley cannot comment on the term limits.

Gouker asks when was the Reapportionment Committee established and why wasn't this issue brought up during that time. Chairman Barnes states the Reapportionment Committee has been meeting since about January or February. All meetings have been posted to give people a chance to speak. The Reapportionment Committee has done an excellent job and commends County Clerk Huntley, Supervisor of Assessments Jim Harrison, GIS Mapper Kris Gilbert, Chairman of the Committee Dan Janes and the other committee members.

Chairman Barnes states some of the districts are big and doesn't think three members in a district is too many. I also don't think the reduction in board members will save the county money.

Welty states we just approved R-2011-0610 and feels this motion is inappropriate. State's Attorney Roe agrees with Welty.

Saunders and Bauer withdraw their previous motion.

Bauer would still like to talk about term limits and feels size of the County Board is fine.

Saunders had assumed the Reapportionment Committee would discuss the number of members from each district, because when we did this ten years ago we were given specific instructions. A year ago I would have voted to reduce the board to 16 members; we had an Administrator we were more focused on the assigned project. Saunders apologizes to Janes for not calling him sooner, I was to the understanding you would have been given instructions regarding the items which can only be changed every ten years.

#### **Chairman Comments**

- Stahl resigned from the Circuit Clerk & State's Attorney Committee and with the Reapportionment Committee being disbanded; I am going to appoint Welty to this vacancy. Bowers moves to approve R-2011-0611 to appoint Welty to the Circuit Clerk & State's Attorney Committee. Welty will abstain from voting. Bauer seconds and the motion carries on a voice vote.(Placed on file)
- Chairman Barnes thanks the Reapportionment Committee for all of the time they put into this project. I would like to say you did an excellent job.

#### **Vice-Chairman Comments**

- Vice-Chairman Heuer reads a prepared statement regarding the dedication of a County Board member and compensation.

#### **Unfinished Business –**

- Horner asks if Chairman Barnes or Vice-Chairman Heuer made any recommendation to other members of the board to vote against the candidate for County Board District 2. Chairman Barnes said he was contacted by several members of the board and told them he was going to vote for the candidate and to vote however they wanted.
- Saunders was disappointed to see in the Finance Committee reports; they had taken funds and redesignated them to the Circuit Clerk's budget. In the past I have had discussions with Judge Pemberton; he said employees' salaries and benefits can be taken from the dedicated funds.
- Saunders has received a copy of the Iroquois County Board Minutes and I am concerned about County Board member Welty; he was present and the minutes reflected as if he was representing Ogle County. Chairman Barnes stated Welty had informed him Iroquois County had approached him to speak as to how Ogle County came up with the decommissioning process. Chairman Barnes did suggest to Welty he is referenced as an individual and not representing the County Board. Welty states he did not appear before the Iroquois County Board. Saunders apologizes Welty appeared before the Planning and Zoning Committee of Iroquois County.

- Kenney makes final comments regarding the vote to fill the County Board District 2 and the descension on the County Board.

**New Business –**

**Communications –**

- Rep. Pritchard – Local Government Funds response
- Comcast – price changes
- Sales Tax for March 2010 was \$29,420.06 and \$57,454.37
- Sales Tax for March 2011 was \$36,952.86 and \$68,674.80

**Adjourn Meeting**

At 7:06 p.m., White moves to adjourn the Ogle County Board until Tuesday, July 19, 2011 at 5:30 p.m. to be held at the Ogle County Courthouse. Colson seconds and the motion carries on a voice vote.

Chairman James L. Barnes  
Chairman - Ogle County Board

Attest: Rebecca Huntley, Ogle County Clerk &  
Ex-officio Clerk of the Ogle County Board

Proceedings of the Ogle County Board Special Meeting  
June 29, 2011

State of Illinois )  
County of Ogle ) ss

**Call to Order**

Chairman Barnes calls the Ogle County Board Meeting to order at 5:36 p.m.

**Roll Call**

The roll call shows members Bauer, Boes, Colbert, Gronewold, Hopkins, Horner, Kenney, Messer, Nye, Saunders and Stahl are absent.

Chairman Barnes announces we do have a quorum for the meeting. Assistant State's Attorney Michael O'Brien states there is currently a vacancy on the County Board meaning the total number of board members of this moment is 23; meaning 12 board members in our opinion constitutes a quorum for the purpose of conducting a meeting. This is followed by the Pledge of Allegiance.

Chairman Barnes makes the recommendation to fill the vacancy on County Board District 2 with Ashley N. Simms. Bowers moves to approve the recommendation for Ashley N. Simms and Janes seconds. Chief Deputy Laura Cook states for the record this will be Resolution 2011-0612. A roll call vote is taken:

YES: Bowers, Colson, De Arvil, Finrock, Gouker, Heuer, Janes, Kilker, Welty, White, Williams and Barnes

NO: None

ABSENT: Bauer, Boes, Colbert, Gronewold, Hopkins, Horner, Kenney, Messer, Nye, Saunders and Stahl

The motion carries on a roll call vote.(Placed on file)

**Public Comments –**

- Vice-Chairman Heuer reminds the board members of the upcoming UCCI Conference to be held in Galena on July 25 – 26, 2011.
- Gouker comments on the sparse attendance of this meeting tonight. There are a number of board members who could not legitimately attend. I believe a large number knew and tried to deny this board a quorum to conduct business and fill this vacancy. There are no County Board District 2 members present.
- Colson has O'Brien comment on the deadline involved and the calling of this meeting.
- O'Brien explains the resignation was received; presented and accepted at the next County Board Meeting held on May 17, 2011. There was a focus on filling the vacancy and there was an expectation to have the vacancy filled within two regularly schedule board meetings. However, there is a 60 day requirement to fill this vacancy according to the Illinois State Statutes. The statute does not specifically reference the calculation on the date of the vacancy is calculated. Other statutory provisions actually indicate the resignation which was indicated as of April 30, 2011, would actually trigger the 60 days. Because there are 31 days in May; the 60<sup>th</sup> day would be today, depending if there were an exception it would be tomorrow. To be in compliance of the statute and the 60 day requirement; it did require the calling of a special meeting.
- Don Conn – comments on the attendance at this meeting and the legality of the vote tonight.

- John Coffman – in reference to Gouker’s comments – suggests you look back at the prior 2 years preceding this and his meeting attendance. He still collected his salary for his lack of many meeting missed; there may be some other reasons for as well.
- Chairman Barnes thanks everyone who did attend the meeting tonight.

**Adjourn Meeting**

At 5:46 p.m., Bowers moves to adjourn the Ogle County Board Special Meeting, De Arvil seconds and the motion carries on a voice vote.

Chairman James L. Barnes  
Chairman - Ogle County Board

Attest: Rebecca Huntley, Ogle County Clerk &  
Ex-officio Clerk of the Ogle County Board