

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
JULY 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, July 19th, 2011.

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

ROLL CALL

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

MINUTES

Chairman Koehler asked for a motion to approve County Board minutes from June 21st, 2011. Several board members said they did not have the minutes (they receive their packets electronically).

Chairman Koehler asked for a motion to postpone approval and bring them back at the August 2nd meeting.

Ms. Schuster made a motion seconded by Mr. Heisler to postpone voting on the June 21st County Board minutes until the August 2nd meeting so that everyone has a chance to see them.

Noting no discussion, the Chairman asked for a voice vote, the ayes having it he declared the motion to postpone voting on the June 21st County Board minutes until the August 2nd meeting has passed.

CHAIRMAN'S REMARKS

Chairman Koehler spoke briefly on the extreme storm that occurred on Monday July 11th and then asked Dave Christensen, EMA Director to speak on the happenings from that storm. Of note was that a Disaster Declaration for McHenry County was declared by the Chairman as it was in Lake County primarily to get mutual aid to be able to come into McHenry County and help out on a larger scale.

Mr. Christensen said indeed the storm was extreme bringing a 30 mile wide wall of 70 mph winds across the county leaving in its path a large amount of debris, downed trees and power lines. Much of the county was without power for anywhere from hours to days. ComEd worked around the clock throughout our county as well as others in the path of this storm to restore power to the hundreds of thousands who were left in the dark. Mr. Christensen commended the many departments and volunteers that came together during and after this storm to help both county facilities and citizens alike to get through quite a difficult situation. He said Valley Hi was at risk when the power went out and the backup generators did not run the chillers. The state was called but did not respond for 48 hours at which time they said there were unable to find a generator. Our own resourceful people found a generator, got it installed and cooled down Valley Hi. Animal Control was also an issue; they have a small generator to keep the meds cool but that was it. A generator was brought in from Ogle County to help with that and also a generator was brought in from Champaigne County IL for the DOT because they were only partially powered out there. A generator was also acquired and brought out to Wonder Lake for a water tower. There were many people/counties/companies involved in helping to keep the county running.

Mr. Christensen said he had long discussions with ComEd most every day for updates as people were feeling like they were not getting the service they deserved. With every part of the county being affected by this storm ComEd couldn't get to everyone first. The most affected people were those at the end of the power line with only a few customers on the line and a well. As ComEd assessed priorities, the biggest bang is the dense urban areas so they were worked on first. Mr. Christensen found out that ComEd does not have a relationship with counties, they're set up to work with municipalities so the county was not part of the link when the teleconferencing was done by ComEd each day, however that has been corrected and we are now. He has invited ComEd to a Metro-County Coordinators meeting so that they can start having dialogue and attack this problem from a bigger scale.

Mr. Christensen said on Friday he held a "hot wash" which is a discussion of what they did right and/or wrong. He asks for three negatives and three positives and focuses on those things and in doing so they found things they can do better next time. One of the things they will improve upon is communication between staff, although it's not bad, it can be improved upon. Also we are lacking a notification system for our volunteers. We have now bought into a notification system so that we can avoid this problem in the future, it is web based and he can do it from home. The annual cost is \$300. Another glitch they found and learned from is that all of the technology that operates the cooling system is computerized, so they had to get that back up.

Mr. Provenzano asked about the generator out at Valley Hi. Chairman Koehler explained that staff ordered/rented a generator for Valley Hi from Action Electric at 1:30 p.m. and it was delivered at 6:15 p.m. from Elmhurst. Fortunately, there were staff and electricians ready and waiting to hook this generator up. He extended a thank you to Action Electric for their excellent work during a difficult time. As well, he thanked departments for their team work in getting things done. Chairman Koehler said the county will be addressing the issue of having different sized portable generators for back up for just this kind of emergency in the future.

Mr. Provenzano said so many were without power would we be able to use the notification system?

Mr. Christensen responded that it can go to any device, computers, cell phones etc. and cell towers were still running for about six hours into the storm, so the initial call out would be covered. The Chairman said we all rely on our power and we had water here but there were places that did not have water. We had water here for people who needed it but had no way to get the message out. Mr. Christensen added that the Red Cross donated 100 cases of water and a retailer donated another 200 cases of water. Because of the communication issue he spread it out to the townships to disburse.

Mr. Heisler asked why there were no warning sirens activated. Mr. Christensen said that this storm did not meet the criteria to sound a weather warning siren; there was no rotation to this storm it was a wall of wind. To sound a siren the rotation must be seen and reported or the radar sees it. The problem with the radar for McHenry County is that it's above us, one is down in Marseilles and one is just west of Milwaukee, so they might not see a ground level rotation. Mr. Christensen pointed out that the county has no sirens but some municipalities do. Apparently some of those municipalities sounded all clear sirens. He has asked for and received from areas with sirens what their criteria is for sounding their sirens. He is working on a county wide Siren Policy that he would look for them to adopt so that if the siren goes off it is for the same reason everywhere. He noted that the county does not control any sirens. The county has NOAA weather radios, which he recommends, that sounded a half hour before the storm hit.

Ms. Schuster said years ago there was a grid to be able to get information out to people if there was no other means of communication, we would have key people who could get out and make sure others were watching them. She thinks it is a good idea to engage the townships in this. Mr. Christensen said he will follow through on this to see where it's at.

Mr. Merkel talked about the burn issue and was glad to see that the burning times had been extended through the 20th. He asked if that date could be extended through the end of the month because there are areas that have been overwhelmed and the extra time would be helpful, not to mention chipping and burning in this heat is difficult and hopefully some extra time will bring a little bit cooler weather. Also, if the trees have a chance to dry out, the burning will go faster and create less smoke. Chairman Koehler said yes the time can be extended.

Also, Mr. Merkel asked if the county has a list of cooling centers that have been designated by individual municipalities that we can send people to. Mr. Christensen said yes EMA does have a partial list. Through Adam they did put a link out to give names of cooling centers within the county and the State of IL just put out a webpage where you can put your zip code in and it will tell you cooling centers nearby. The EMA recommends going to libraries or any municipal building to cool off if that is the closest location for an individual. Mr. Merkel suggested at the next MCCOG meeting it could be suggested that we put all cooling centers on one list for everyone so that it is a quick reference for everyone. The Chairman said in some of the more rural townships themselves, they need to be

able to have a generator of their own to support their offices or buildings so that they can have the ability to care for some of the residents in their area.

Mr. Hammerand asked if we have a relationship with any of the radio stations so that we could get our message out that way. Mr. Christensen responded that he did not contact the radio stations, but he did receive inquiries from the newspapers. Mr. Hammerand asked about the generator that was left out at Valley Hi. The Chairman said that this is something that will need to be discussed. They're thinking they might be able to put it on a trailer so that it's available to be moved around as needed. Lastly, Mr. Hammerand also pointed out that although no rotation in the storm was reported, many cornfields were twisted and there was a Shag Bark Hickory tree in Wonder Lake that twisted up like a corkscrew before it broke. Both are indicative of circling winds.

Ms. Donner suggested that at some point we should have a link put up explaining things that happen in these kinds of storms. Such as sometimes power is turned on and then turned off to bring power to the rest of the neighborhood; reminding people that you can pull the cord on your garage door opener, you don't need electricity to get the garage door opened; when you have a gas stove some people don't know that with an electric start you can use a match. These are tips that the public could use and there are many more that we could possibly put out there.

Ms. Jensen said she works in another county and has been involved in emergency planning and it seems like it was always coordinated between municipalities and stakeholders and the county was always involved in the emergency management element. She was told that in McHenry County things are not coordinated that way and wondered if that was true. Mr. Christensen responded that different emergency managers do things in different ways. Of note was that on Friday he received three calls from communities needing help or advising him of what their status was. Because it was so quiet on Tuesday he had his staff call every community and township to see if they were alright and to see if there was anything they needed. He repeated this on Thursday. He has done two things to try and rectify this; One is to use a form of reporting that communities and townships can use to quickly update the EMA on what is going on in their area; and also in the fall he is looking to form a coordinating council where he brings together representatives from various communities from the townships to meet monthly and have a training session with each meeting where they talked about different things i.e. the sirens, how they get mutual aid etc. Where he used to work they did this and there was always a standing room only attendance. Mr. Christensen said between a formal reporting method and this coordinating council where we get used to working with one another, everyone will come together. He confirmed for Ms. Jensen that he is looking to be the convener of the different governmental entities from townships to cities to villages to talk about coordination of emergency plans and to have a protocol of best practices that are being utilized from one entity to another.

Chairman Koehler told the board that DOT was out as soon as this storm happened and they had every county road cleaned up within 24 hours and then were out helping townships and other areas that needed help. He asked if we are continuing to help those townships that can't get things cleaned up. Mr. Korpalski said they have only had three requests and we are offering aid until they don't need it any more. Ms. Schuster said there was an issue on Kishwaukee Valley Road just West of Rte.14 where a power line went down and she wasn't happy with the signage that was put up, which wasn't put up until just about the last day at which time they put up road block barricades, but even then people were driving through it. Mr. Korpalski responded that all of their signage was spoken for and they had no power so they couldn't make additional signs. Once again, Chairman Koehler thanked all of the staff for the work that was done.

SPECIAL RECOGNITION/REPORT

Mr. Bianchi came forward to introduce new staff members to the State's Attorney's Office. The new Chief of the Civil Division is Donna Kelly. Also introduced was Jessica Drahos, Assistant State's Attorney. Both were welcomed.

SPECIAL PRESENTATIONS

8.1 Recap of first year of Valley Hi Operating Board

Mr. Austin said a year ago this spring Mr. Annarella joined the county and has brought energy and enthusiasm to Valley Hi. A year ago this month the Valley Hi Operating Board was started.

Mr. Annarella said that one of the highlights is financial successes over the last year under the leadership of the Operating Board. Before the Operating Board started the operating income was in the red and over the last year Valley Hi has slowly climbed up their revenue and in May Valley Hi had an operating income of almost \$60,000 before the depreciation of the building, which continues to show improvement. When looking at fiscal year 2010 Mr. Annarella said they finished the year in the red but with the projections of the first six months there is a \$750,000 swing into the black to close what our current fiscal year is. Mr. Annarella said we got there by having reduction in

over time; when a position becomes vacant they split the position into two part-time positions for weekend coverage. They also joined a Nursing Home Purchasing Group through the county's Purchasing Department that allows us to have buying power that has access to thousands of homes across the state, so there are better vendors at a better price. He said there are some better systems in place to control purchasing and case mix. The County Board has set a blend of resident case mix of roughly 80% Medicaid and then 20% being either Medicare and/or private pay. This morning when their census was done they show having 18 Medicare residents. This is in part due to having a community marketing liaison going out and marketing our therapy services that we have been able to improve upon. Chairman Michling, Chairman of the Valley Hi Operating Board came forward. He told the board that Valley Hi is a jewel in the county, not only for its building but for the people who work there. Mr. Michling said the Operating Board has created a mission statement, developed a strategic plan and has implemented some goals and objectives. They are committed to delivering the highest quality of care and being fiscally responsible and hold Mr. Annarella and his staff accountable as the reputation of Valley Hi will not be delivered from the board but from the people that work within Valley Hi. Mr. Michling said the board feels there is a great staff on board at Valley Hi with Mr. Annarella and he sees nothing but positives for Valley Hi in the future.

Ms. Hill asked in regard to the shrinking resources from the government she wondered if in the strategic planning they have ways of addressing what kind of responsibility that the county is going to be facing with having to increase resources. Mr. Annarella said unfortunately that is a daily task but the biggest thing they can do is stay ahead of the curve with what the discussions are at Springfield and Washington and adjust their case mix of clients that they serve or the types of clients within those case mixes based upon what those funding levels are. Valley Hi does not draw on the General Fund and they intend to keep it that way.

Chairman Koehler thanked Mr. Annarella and Mr. Michling for their presentation.

ZBA CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove a petition. Ms. Evertsen removed #10-27; Ms. Kurtz removed #11-21.

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

Exb #11-10; McHenry Twp; George/Shirley Gariffa; reclass R1-R1V

Exb #11-24; McHenry Twp; Daniel/Karen Meier; reclass R1-R1V

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

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

Exb #10-27; Greenwood Twp; Miguel/Zenaida Carbajal; reclass A1-A1C

Chairman Koehler asked for any discussion. Ms. Evertsen said after reading the staff analysis she sees that the petitioner did have his equipment stored on commercial property in the past and now wishes to store his business equipment on AG zoned property that he owns but rents out. There is no unique characteristic and she believes the equipment should not be stored on AG property. Ms. McCann commented that is different because there is commercial area around the area in which his property is located, although she does have an issue with the amount of fuel that can be stored as this is only a 7 acre parcel. She said the Health Department had the Fire Marshall go out and look at this as well.

Ms. McCann made a motion seconded by Ms. Donner to **amend** the Petition to **add Condition #12 to read That the total fuel storage capacity shall be limited to 1,000 gallons and that the fuel storage facility shall meet IL EPA and State Fire Marshall's regulations for fuel storage containment.**

Chairman Koehler asked for any discussion on the motion to amend. Some board members commented that although they are in agreement with this amendment even 1,000 gallons is a lot if it were to leak into a sensitive aquifer which this property has. This is a small fix to a big problem. Ms. McCann noted that the EPA regulations say that the containment size has to be equivalent to contain the total storage tank; so the containment area has to be able to collect a thousand gallons of the gasoline should there be a spill plus a calculated amount for stormwater. Ms. Miller said the underlying zoning is A1, are farmers allowed to store fuel and this amount. Mr. Kelly of the ZBA said they are allowed by right if they meet those requirements to store fuel on their property in AG zoning if they meet the criteria for those permits. They try not to specially condition that because a lot of agricultural properties around the county have fuel storage.

Noting no further discussion on the motion to amend, Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion to amend to **add Condition #12 to read that the total fuel storage capacity shall be limited to 1,000 gallons and that the fuel storage facility shall meet IL EPA and State Fire Marshall's regulations for fuel storage containment has passed.**

Chairman Koehler asked for any discussion on the main motion.

Mr. Donley said this request does not fit with our 2030 Plan and he is against this request.

Mr. Munaretto said he has gone along with maximum use of the land uses but it seems with this request that the underlying reason for this request for a CUP on the property is that business is not good and he can't afford an industrial site. He relocated from an industrial site to 7 acres that he owns and intends to operate an industrial business on an agricultural site. He does not support this request. Other board members agreed with these comments. Ms. Peschke added that when she votes on zoning the first thing to look at is adjacent land use and around this property is a pheasant farm, grain farm, horses and one large residential area. She is particularly concerned about the environmental concerns, so she will be voting against this request.

Ms. Schuster said this request does not fit Standards 2,3,4,5 and 9 and the environmental issues are very important, she will be voting against this petition.

Noting no further discussion, Chairman Koehler asked for a roll call vote on the motion to approve Exb #10-27 as amended. The following members responded aye: none. Nay: Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breden, Donley, Donner, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto and Koehler. Absent: Draffkorn. The vote being twenty-three (23) nays noting one (1) absent, the Chairman declared the **motion to approve Exb #10-27 as amended has failed.**

Ms. Hill made a motion seconded by Ms. Yensen to approve the following Petition:
Exb #11-21; Nunda Twp; T-Mobile/Nunda Fire; reclass R1/R1C-R1V/R1CV

Chairman Koehler asked for any discussion. Ms. Kurtz said this request is offensive to the neighbors in the area and they have very limited ability to stop a tower from happening given the location of this. The tower is 54 feet higher than the average tower, so it's a variation and that is the only reason this has come before the board today. She said with the small exception of Article V of this ordinance in which it states "whether the conditions upon which the application for variations are based on unique in some respect", she is using this as an opportunity to say this is unique because we're talking about a variation that is four stories beyond the stated acceptable level of 75 feet and also a tower that is located in a neighborhood. She will be voting against this request. Mr. Kurtz noted that we need to be working through the Legislative Committee to get this cell tower law changed.

Mr. Bless said we need to look at the fact that public safety is affected by this it's not just strictly a cell tower.

Mr. Provenzano agreed with Mr. Bless but he is disturbed that the uses have been mixed for a capital enterprise for T-Mobile in addition to the Nunda Twp FPD. This private/public partnership that they talk about is concerning because they don't talk about how much additional height the FPD needed in their communications yet we know that T-Mobile wants to go as high as it can because that what generates the number of intercepted calls for their cell which generates into dollars. He is concerned that the FPD wrapped this up into public safety when it seems that there is a little bit more commercialization here at play.

Ms. Schmidt said this is in her area on Rte. 176 by the river bordering on residential but is quite commercial. She wants better reception down in the river valley so she would be for this and could understand why the FPD might want to improve on their communications.

Ms. McCann pointed out that there was a situation in Wonder Lake when a cell tower was put up there where the added pad and coverage increased the speed of the stormwater off the property which can cause greater problems in the neighborhood. She said the ZBA may have to look at stormwater as more of an issue and possibly change our ordinance to that extent.

Board members talked for and against this variance request due to additional height being requested, the potential health issues as well as the potential for better service to residents as well as the FPD.

Noting no further discussion, Chairman Koehler asked for a roll call vote on the motion to approve Exb #11-21.

The following members responded aye: Nowak, Schmidt, Bless, Breden, Donley, Donner, McCann, Merkel, Miller, Munaretto and Koehler. Nay: Peschke, Provenzano, Salgado, Schuster, Wheeler, Yensen, Evertsen, Hammerand, Heisler, Hill, Jung and Kurtz. Absent: Draffkorn. The vote being eleven (11) ayes and twelve (12) nays noting one (1) absent, the Chairman declared the **motion to approve Exb #11-21 has failed.**

ZBA REGULAR AGENDA

None

PLATS

None

PUBLIC COMMENT

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

Patty Boyd of McHenry	regarding/for	increase of employee wages
James Kennedy of LITH	regarding/for	Valley Hi Operating Board
Dawn Van Hoorn of Wonder Lake	regarding/for	increase of employee wages
Marcia Millman of Crystal Lake	regarding	cell towers
Lori McConiville of Crystal Lake	regarding	cell towers
Deb Ramirez of Woodstock	regarding/for	increase of employee wages

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

NEW AND UNFINISHED BUSINESS

None

APPOINTMENTS

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

13.1 McHenry County Tuberculosis Board	
James H. Mowery	term to 06/30/2014
13.2 McHenry County Housing Authority	
Robert P. Routzahn	term to 06/01/2016
13.3 McHenry County Housing Commission	
Jerry Monica	term to 04/30/2013
13.4 Valley Hi Cemetery Board	
Katherine C. Schultz	term to 08/01/2014
Mark L. Justen	term to 08/01/2014
Michael Murray	term to 08/01/2014

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

STANDING COMMITTEE CHAIRMAN UPDATES

Mr. Heisler said that the Legislative Committee meeting on July 28th has been cancelled.

Ms. McCann said that the Environmental Committee was postponed until July 27th at 8:30 at which time they will discuss drought and drought planning. Mr. Christensen will be sharing his expertise because we are on the verge of a drought in McHenry County and we need to look at what our options might be.

Ms. Hill said P & D has started reviewing the Unified Development Ordinance (UDO) and they had the consultants in to explain how they are going to address it and how it will be organized. They did the first half and the second half will be done this Thursday. Several board members were there and she appreciated that so that we can stay educated as the process goes along. She encouraged board members once again to attend on Thursday morning.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda. Ms. Salgado removed item #15.2 B4; Ms. Wheeler removed #15.2 B1; Ms. Evertsen removed #15.2 B3; and Mr. Merkel removed #15.2 G1.

Ms. Yensen made a motion seconded by Mr. Heisler to approve the Routine Consent Agenda with four items removed.

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

15.2 B1 Resolution authorizing a salary adjustment to Position No. 020-0024-08 (Network Engineer II) in the IT departmental roster

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

Chairman Koehler asked for any discussion. Ms. Wheeler noted that with this resolution that came through HR and Finance, we lost an employee making \$59,000 who was with the county for three years during which time he received his Masters degree and went through extensive training on his own and we lost him to a private organization where he making about \$20,000 more. We are now in a situation where we have to pay even more because we don't pay our trained help enough. The question arises in light of the ongoing wage increase discussions are we paying our employees property. She will be supporting this resolution.

Ms. Salgado said there was discussion at committee and she supports this as well. She sees this type of situation coming up again from different departments. She did ask that the salary grade be revisited and adjusted so that this makes sense and should this person leave and we replace this person we wouldn't have to go through coming back to the board. The resolution does not indicate that this was reviewed at all, she wondered if it had been. Mr. Ivetic responded that they did discuss this both at HR and Finance Committees and it was part of the recommendation to instead of just picking out one position at this time and trying to make adjustments, instead it has been five years since we had the classification study done so in the next several months we will take a look and review all positions within like this instance the IT Department to see how it can be or should be reconfigured and salaries adjusted.

Ms. Salgado asked if all positions and salaries would be reviewed. Mr. Ivetic said that would be a decision as part of the budget process to be determined as to what level and extend we would want to review the entire classification system at this time. Generally five years is the extent of looking at a salary structure before it is reviewed again. Mr. Austin commented that after discussion with both committees named there was a consensus that we need to take a look in the short term about how we are structuring IT and position ourselves there. Also, maybe look at some other departments that are most easily transferrable to the private sector. The larger question on looking at all of our grades, that would be something we would need to put into the budget process as this does take a third party to take a look at where we are in our positions.

Mr. Hammerand said some positions are unique and he suggested maybe negotiating contracts with the employee so that we actually have them for a period of time rather than having them in a wage hours setting. These people in IT are 24/7 employees all year round. Ms. McCann noted that they have the same problem with stormwater engineers.

Noting no other discussion, Chairman Koehler asked for a roll call vote on the motion to approve #15.2 B1.

The following members responded aye: Nowak, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donner, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto and Koehler. Nay: Provenzano and Donley. Absent: Peschke and Draffkorn. The vote being twenty (20) ayes and two (2) nays noting two (2) absent, the Chairman declared the **motion to approve #15.2 B1 has passed**.

15.2 B3 Resolution authorizing acceptance of an IL Department of Commerce and Economic Opportunity (DCEO) Energy Rebate and an emergency appropriation to the Facilities Management fiscal year 2010-2011 budget

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

Chairman Koehler asked for any discussion.

Ms. Evertsen made a **motion** seconded by Mr. Breeden **to amend** the resolution in **Paragraph #1 to remove the word "social"**, so that the **third line will read "to environmental and economic stewardship through green practices"**

Chairman Koehler asked for any discussion on the motion to amend. Mr. Provenzano asked why the word was there. Mr. Sarbaugh responded that he thinks Mr. Hadley was trying to show the general public that we are doing our civic duty and trying to follow our green policy.

Noting no other discussion on the motion to amend, the Chairman asked for a voice vote, the ayes having it noting a few nays, the **motion to amend removing the word social in paragraph #1 has passed**

Chairman Koehler asked for any discussion on the main motion. Noting none, the Chairman asked for a roll call vote. The following members responded aye: Nowak, Provenzano, Salgado, Schmidt, Schuster, Yensen, Bless, Breeden, Donley, Donner, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto and Koehler. Absent: Peschke, Wheeler and Draffkorn. The vote being twenty-one (21) ayes noting three (3) absent, the Chairman declared the **motion to approve #15.2 B3 as amended has passed.**

15.2 B4 *Resolution authorizing increasing the Mileage Reimbursement Rate effective July 19, 2011*
Mr. Breeden made a motion seconded by Ms. Yensen to approve the above-named resolution.

Chairman Koehler asked for any discussion. Ms. Salgado said she is against this and noted that this is not something we do not have to do by law. She asked why we are asking to change this in the middle of the budget year. Mr. Sarbaugh responded that a couple of years ago when we were going through the fuel crisis that we are now going through again, the county board changed its budget policy to put in there that when the cost of fuel was fluctuating we would bring forward if the IRS changed its rate and that we would be consistently set with the rate of the IRS. The IRS has put out this new increase through December 31st and at that time they will establish a new rate for next year. So to put this in the budget process it will be done the first month of our new fiscal year because they will be setting a new rate as of January 1st. The policy says we will bring it forth to reconsider not that we have to change it. Mr. Austin said the mileage reimbursement is for any county employee doing county business not just county board members or elected officials. It was pointed out that this is reimbursement for out of pocket expenses and nothing more.

Ms. Schmidt made a **motion** seconded by Mr. Breeden **to amend** the resolution in the **Now Therefore paragraph** to read "to assist with the expense of fuel consumption by employees who are required to travel in their own vehicles on county business" **eliminating elected officials and county board members**

Chairman Koehler asked for any discussion on the motion to amend. Ms. Hill said board members and elected officials are employees of the county and she disagrees with this amendment. Ms. Kurtz said she was surprised that she would/could receive reimbursement for her mileage and she is against this amendment. Ms. Salgado pointed out that we do limit what the reimbursement amount is on other things so this would not be the first time that we would not be reimbursing at what we could fully reimburse. The individuals can still get the money if they filed for that difference on their own doing taxes, it just wouldn't be paid at this time. Mr. Hammerand said it's not always true that you can take it off on your taxes it depends on what your status is when and how you file.

Noting no other discussion on the motion to amend, the Chairman asked for a voice vote, the nays having it, the Chairman declared the **motion to amend 15.2 B4 eliminating elected officials and county board members has failed.**

Chairman Koehler asked for any further discussion on the main motion to approve. Noting none, the Chairman asked for a roll call vote. The following members responded aye: Nowak, Schuster, Yensen, Bless, Breeden, Evertsen, Hammerand, Hill, Jung, Kurtz, McCann, Merkel, Miller and Koehler. Nay: Provenzano, Salgado, Schmidt, Wheeler, Donley, Donner, Heisler and Munaretto. Absent: Peschke, and Draffkorn. The vote being fourteen (14) ayes and eight (8) nays noting two (2) absent, the Chairman declared the **motion to approve #15.2 B4 has passed.**

15.2 G1 *Resolution setting the Holiday Schedule for 2012*
Ms. Schuster made a motion seconded by Ms. Yensen to approve the above-named resolution.

Chairman Koehler asked for any discussion. Mr. Merkel said last year there was a change because Lincoln's Birthday and President's Day is redundant. He asked if there was any discussion about reducing days off and how it affects benefits or pay. Mr. Austin responded that they didn't discuss reducing the number of holidays. With Lincoln's Birthday the state courts make this a holiday so a large number of staff must be off regardless of what the board does here. About four years ago the move was made to keep the building open and then provide a floating holiday, which has been successful. Mr. Merkel said we are on the high end of holidays off with pay. One day he looks at is Good Friday; many municipalities don't have this day off.

Mr. Merkel made a **motion** seconded by Ms. Yensen to **amend** the resolution **to remove Good Friday as a holiday.**

Chairman Koehler asked for any discussion on the motion to amend. Ms. Salgado is against taking days away. This is one way we can show appreciation to employees. Mr. Provenzano agreed. Ms. Kurtz asked if the board might consider letting other faiths opt to use the Good Friday day off as a different day off and they would work on Good Friday. Chairman Koehler said this is not speaking to the motion on the floor.

Noting no further discussion, Chairman Koehler asked for a voice vote on the motion to amend, the nays having it, the Chairman declared the **motion to amend to remove Good Friday as a holiday has failed.**

Chairman Koehler asked for any discussion on the main motion. Mr. Merkel did vote for pay increases for employees just for the record. With the timing with the union contracts because of that holiday and the diverse work group we're seeing in this country he suggested that we could make this an additional Personal Day to employees. The building would be open on Good Friday and this would give employees the option to take a day off of their choosing. He would like the HR or Management Services Committee, whichever is appropriate, to look at this because it will have an effect on the cost. He believes there is a cost savings by having this as a personal day vs. a holiday.

Mr. Merkel made a **motion** seconded by Ms. Kurtz to **amend** the resolution **to eliminate Good Friday as a holiday and add one (1) additional Personal Day.**

Chairman Koehler asked for any discussion on the motion to amend. Ms. Hill said we have no idea how many people are going to continue to take off Good Friday as their choice and we could end up not having enough staff to keep a building open. She suggested sending the calendar back and if people have concerns they should go to the committee meetings when they are being discussed. Chairman Koehler asked how this affects the courts. Mr. Austin said this is holiday set by the Supreme Court so there will not be court employees here on that day. Ms. Kurtz suggested that we consider in the future some approach where we are showing some latitude for other religions. Ms. Schmidt agreed.

Noting no further discussion, Chairman Koehler asked for a voice vote on the motion to amend, the nays having it, the Chairman declared the **motion to amend to eliminate Good Friday as a holiday and add one (1) additional Personal Day has failed.**

Chairman Koehler asked for any further discussion on the main motion. Noting none, the Chairman asked for a roll call vote on the original motion to approve. The following members responded aye: Nowak, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donley, Donner, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto and Koehler. Absent: Peschke and Draffkorn. The vote being twenty-two (22) ayes noting two (2) absent, the Chairman declared the **motion to approve #15.2 G1 has passed.**

ORDINANCES

16.2 For Action

A. Ordinance Setting the Duties and Responsibilities of the Office of County Administrator

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

Chairman Koehler asked for any discussion. Ms. Salgado said when this was put on review she asked for one of the missing parts to be put back in under A – Duties and Responsibilities. She felt it was important that everyone be aware of this change, in the past in order for the Administrator to dismiss an appointed department head it would need to be taken to a liaison committee; that has now been stricken. Ms. Miller said she has some reservations on this change, perhaps there should be some discussion if a department head is going to be dismissed.

Mr. Provenzano asked if legal counsel reviewed this change. Mr. Austin said it was their suggestion.

Mr. Provenzano asked if this is being done because of previous lessons learned. Ms. Rein said she did not write the opinion on it. Mr. Austin commented that this is largely an administrative change. Prompting this right now is the change that was made in the Personnel Manual. That says that employees can be disciplined up to and including termination by their supervisor which is inconsistent with the Ordinance for the County Administrator which says he/she must take this action to a standing committee. He thinks this goes along with other professional counties in the state. Mr. Austin said there will be a time when his position needs to be replaced and it makes recruiting for his position a little easier. This change makes clear the administrative and policy making, there is no grey area. From a practical stand point he said this is how the county has operated in the six years he has been here.

Mr. Hammerand said he always wanted the employment and selection to go through committee and he thinks we should do something with this. Who does the hiring? Mr. Austin said the HR Department helps in the recruiting and

advertising and leg work with applications. There has been quite a bit of hiring of department heads in the last few years and he thinks we have a good process in place.

Mr. Hammerand made a **motion** seconded by Ms. Miller **to amend to put the first paragraph that is lined out back in** "the County Administrator shall, with the approval of the appropriate county board committee, recommend the appointment of non-elected department heads to McHenry County Board for approval by resolution."

Mr. Austin said the reality is that when you are hiring a department head level position he doesn't believe we have done it without some kind of hiring agreement on the terms of the employment.

Chairman Koehler asked for any discussion on the motion to amend. Ms. Rein said this was reviewed and a recommendation was made to the Management Services Committee on the language to be used. She believes Christina Webb went to their meeting and explained the reasons behind the language. Ms. Miller agrees with Mr. Hammerand, and feels that things have gone well because of this paragraph being in place. Ms. Salgado doesn't agree with this amendment saying that department heads should be running their department. If the board does not like what the Administrator is doing it is up to the board to intervene. Ms. Schuster said she would prefer that this went back to committee because there seem to be issues.

Chairman Koehler asked Mr. Hammerand and Ms. Miller if they wanted to remove their motion to amend and allow this to go back to committee. Both said yes.

Mr. Hammerand made a **motion** seconded by Ms. Evertsen **to return this Ordinance back to committee for further discussion.**

Chairman Koehler asked for any discussion on the motion to return this back to committee. Board members felt that this has been discussed at length and has had review by legal counsel and should be voted on this evening.

Noting no further discussion, Chairman Koehler asked for a voice vote, the nays having he, the Chairman declared the **motion to return this Ordinance back to committee for further discussion has failed.**

Chairman Koehler asked for any further discussion.

Mr. Hammerand made a **motion** seconded by Ms. Miller **to amend to put the first paragraph that is lined out back in** "the County Administrator shall, with the approval of the appropriate county board committee, recommend the appointment of non-elected department heads to McHenry County Board for approval by resolution."

Chairman Koehler asked for any discussion on the motion to amend. Ms. Miller said she disagreed with this at committee and she is comfortable with moving this forward and voting tonight.

Noting no further discussion, the Chairman asked for a voice vote on the motion to amend, the nays having it, the Chairman declared the motion **to amend to put the first paragraph that is lined out back in** "the County Administrator shall, with the approval of the appropriate county board committee, recommend the appointment of non-elected department heads to McHenry County Board for approval by resolution **has failed.**

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

Ms. McCann commented that we are employees of the county and it is her understanding that department heads are employees and she doesn't think that comes through in this amendment. Mr. Munaretto reminded the board that when we adopted the County Administrator form of government we relinquished the control of the day to day business of the county in an effort to have a professional manager assume those tasks, duties and responsibilities. These are not our employees, we do not direct them; we have nothing to do with them. The board sets policy and this policy is executed by department heads and staff through the County Administrator. Mr. Hammerand said he thinks we should review the minutes of the meeting when this document was put together and this paragraph was put in and you will see why it was done.

Noting no further discussion, Chairman Koehler asked for a voice vote, being too close to call, the Chairman asked for a roll call vote on the motion to approve #16.2 A. The following members responded aye: Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donner, Evertsen, Heisler, Hill, Jung, Kurtz, Merkel and Koehler. Nay: Nowak, Donley, Hammerand, McCann, Miller and Munaretto. Absent: Peschke and Draffkorn. The vote being sixteen (16) ayes and six (6) nays noting two (2) absent, the Chairman declared the **motion to approve the Ordinance setting the Duties and Responsibilities of the County Administrator has passed.**

ADMINISTRATOR'S REPORT

Mr. Austin said Mr. Hadley sent him an e-mail saying that the Northwest Herald quick cast has a story on our green building and the work we've done, so look for that tomorrow. Next Tuesday the Valley Hi Operating Board will meet with new members. At the August 2nd board meeting there will be a presentation on Assessments from Mr. Ross. Lastly, he passed out a copy of the contract between McHenry County and the McHenry County EDC. This is a good time to review what is and is not in this contract.

MEMBERS' COMMENTS

Ms. Yensen said she attended the McHenry County 22nd Judicial Circuit Court Mental Health Court Program for the graduation ceremony. She said it was a great experience listening to the graduates tell their stories and what this program has meant to them. Ms. Yensen said we approved the Personnel Policy and it's come to her attention there is a section in it that stated that employees are not permitted to provide legal advice. She thought that the Public Defender was an employee of the county, so are they prohibited in providing legal advice to their clients. Mr. Austin said they are a hybrid type of employment and they are the exception to the rule. Mr. Austin asked Ms. Yensen to have the employee give him a call. Chairman Koehler asked Ms. Yensen to talk to Mr. Austin in private because of the nature of this.

Ms. Miller thanked the DOT for the job they did on our roadways after the storm last week. Also, she received a couple of call regarding Walkup Road. There are some areas where the grass had gotten real high, she called the DOT and they got out there and got the weeds cut down.

Mr. Merkel congratulated the Woman's World Cup Soccer team on their successes. One of the players is a graduate from Prairie Ridge.

Ms. Schuster asked about Walkup Road at the intersection of Hill and Walkup heading north, the sidewalk is not straight and she wondered why. Mr. Korpalski said this was required by the ADA.

Mr. Hammerand thanked everyone involved in getting the county up and running again after the storm. He saw many people helping one another, running extension cords etc. which is inconsistent with normal life, and it was very nice to see.

EXECUTIVE SESSION

Chairman Koehler said there was a need to go into executive session to discuss Personnel and Employment and Collective Bargaining.

Mr. Bless made a motion seconded by Ms. Wheeler to go into executive session.

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

Ms. Miller made a motion seconded by Ms. Hill to return to open session.

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

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Chairman Koehler told the board that we will need to be talking about County Board salaries as we go into the next year. Something to keep in mind.

ADJOURNMENT

Mr. Provenzano made a motion seconded by Mr. Breeden to adjourn at 12:15 a.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 16th day of August, A.D., 2011.

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

ATTEST:

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