

## **Minutes of the Executive Committee Meeting**

The Executive Committee of the McLean County Board met on Tuesday, September 9, 2014 at 4:30 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Sorensen; Members McIntyre, Segobiano, Gordon, Owens, Soeldner, Caisley and Erickson

Members Absent: Member O'Connor

Other Board Members Present: Member Metsker

Staff Present: Mr. Bill Wasson, County Administrator; Ms. Hannah Eisner, Assistant County Administrator; Ms. Jude LaCasse, Assistant to the County Administrator; Mr. Don Knapp, First Civil Assistant State's Attorney

Department Heads/  
Elected Officials Present: None

Others Present: None

Chairman Sorensen called the meeting to order at 4:30 p.m.

Chairman Sorensen presented the minutes from the August 12, 2014 and July 15, 2014 Stand-up Executive Committee meetings for approval.

Motion by Caisley/Segobiano to approve the Minutes of the August 12, 2014 and July 15, 2014 Stand-up Executive Committee Meetings.  
Motion carried.

Chairman Sorensen presented the reappointments, appointments and resignations. He advised that an amended agenda was distributed that shows the addition of Ms. Mary Caisley to the 377 Board as an appointee.

Mr. Owens pointed out that this completes the appointment of three new independent members to the 377 Board. Those members are: Ms. Mary Caisley, Mr. Ronn Morehead and Ms. Diane Crutcher.

Motion by Segobiano/McIntyre to Recommend Approval of the Reappointments, Appointments and Resignations as Recommended by the Chairman.  
Motion carried with Member Caisley abstaining.

Chairman Sorensen presented a request for approval of Critical Personnel Hiring Requests – County Administrator’s Office.

Ms. Eisner reviewed the Critical Personnel Hiring Requests, as follows:

**JUSTICE COMMITTEE**

Sheriff

- 1) Request to fill 1.0 FTE Deputy Patrol Officer

The Sheriff’s has one vacant Deputy Patrol Officer Positions. The vacancy is the result of a resignation. The Sheriff cannot meet minimum staffing for all shifts with the current number of deputies and must require deputies to work overtime to fill any gaps. The Sheriff must have all positions filled to meet minimum staffing for all shifts. This position must be filled to insure public safety.

- 2) Request to fill 1.0 FTE Correctional Officer Position

The Sheriff has one vacant Correctional Officer position due to a resignation. The Sheriff’s budget includes funds for 48 FTE correctional officers. There were 47 correctional officers on staff prior to this vacancy and this opening reduces the staffing to 46. The jail must have 48 correctional officers to maintain minimum staffing for all shifts. This position must be filled to maintain jail security.

Public Defender’s Office

- 1) Request to fill 1.0 FTE Legal Assistant I

The recent termination of a Legal Assistant I staff member has left a vacated 1.0 FTE in the Public Defender’s Office. The vacated position primarily assists two attorneys in the Felony Division.

Current personnel cannot redistribute or assume these duties due to current caseloads. Past reductions of two 1.0 FTE Legal Assistant I and one 0.43 FTE Clerical Assistant remain vacant. This most recent vacated position has taken on a portion of the redistributed workload of these FTE reductions/vacancies.

Circuit Court

- 1) Request to fill 1.0 FTE Judicial Secretary

The McLean County Circuit Court has a vacant Circuit Court Secretary position. The Circuit Court currently has 10.0 FTE judicial secretaries who serve the 13 judges and one part-time hearing officer. The Circuit Court Secretary position is responsible for data entry in the case management system, coordinating scheduling for the

judge, preparing orders and other legal memoranda, coordinating jury calendars with the other justice system offices, and providing information to the public and attorneys via phone, email and in person. Circuit Court secretaries are also tasked with assisting with the oversight of the judicial libraries, department budget, marriages and other administrative tasks. Current personnel cannot redistribute or assume these duties due to current staffing and caseloads of the Court.

## **FINANCE COMMITTEE**

### Health Department

#### 1) Request to fill 1.0 FTE Animal Control Manager

There is a vacant Animal Control Manager position in the Health Department. There are currently 1.08 FTE Animal Control Manager positions authorized for the office. The vacant position is 1 FTE. The remaining .08 FTE is an individual who comes in on the weekends to check on and feed the animals. The manager operates under general supervision of the Animal Control Director and acts on the Director's behalf when she is absent. More specifically, the manager is primarily responsible for maintaining the animal control facility which includes cleaning, equipment maintenance and stocking supplies, managing the rabies prevention services, and conducting bite investigation. The manager also performs warden services as needed and responds to freedom of information requests. The duties of this position cannot be redistributed to other staff members and it must be filled to maintain the level of service necessary to operate an animal control program that meets the health and safety needs of the County. There is an additional reason to maintain this position. The hours, which are currently, Monday through Friday, 8:30 to 4:30 can be adjusted to allow for either weekend or evening hours at the shelter. This would allow the Animal Control Program to respond to the request for extended hours.

### Nursing Home

- 1) The following positions were vacated and refilled pursuant to the patient care exemption: 2 FTE Certified Nursing Assistants, 1 FTE Building Maintenance Worker and 2 FTE Food Services Assistants.

Mr. Segobiano stated that he asked the Chairman of the Finance Committee for clarification of Animal Control coming to the Administrator's Office. He noted that he was informed that Animal Control will come to the Administrator's Office with the adoption of the new budget. Ms. Eisner advised that Mr. Howe has no objections to hiring this position and instituting the flex hours now.

Motion by Owens/Soeldner to Recommend Approval of Critical Personnel Hiring Requests – County Administrator's Office.

Motion carried.

Mr. Ben Owens, Chairman, Finance Committee, presented a request for approval of an Ordinance of the McLean County Board Amending the 2014 Combined Appropriation and Budget Ordinance for Fund 0112 (Community Outreach Program) – Health Department.

Motion by Owens/Segobiano to Recommend Approval of an Ordinance of the McLean County Board Amending the 2014 Combined Appropriation and Budget Ordinance for Fund 0112 (Community Outreach Program) – Health Department.

Motion carried.

Ms. Eisner advised that the request for approval of a Resolution Amending the Funded Full-Time Position Resolution for 2014, Tort Judgment Fund 0135, Department 0077, Program 0073 was taken off the agenda at the September 3<sup>rd</sup> Finance Committee meeting.

Chairman Sorensen asked if there were any questions or comments. Hearing none, he thanked Mr. Owens.

Mr. George Gordon, Chairman, Land Use and Development Committee, presented a request for approval of a “Proclamation of October as Community Planning month in McLean County Illinois” in conjunction with the celebration of National Community Planning Month.

Motion by Gordon/Caisley to Recommend Approval of a “Proclamation of October as Community Planning Month in McLean County Illinois” in conjunction with the celebration of National Community Planning Month.

Motion carried.

Chairman Sorensen asked if there were any questions or comments. Hearing none, he thanked Mr. Erickson.

Mr. Jim Soeldner, Chairman, Transportation Committee advised that the Transportation Committee brings no items for action to the Executive Committee.

Chairman Sorensen asked if there were any questions or comments. Hearing none, he thanked Mr. Soeldner.

Mr. Paul Segobiano, Chairman, Property Committee, advised that the Property Committee brings no items for action to the Executive Committee.

Chairman Sorensen asked if there were any questions or comments. Hearing none, he thanked Mr. Segobiano.

Mr. Bill Caisley, Chairman, Justice Committee, presented a request for approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2014 Combined Annual Appropriation and Budget Ordinance (McLean County Funeral Directors Association Grant) – Coroner's Office.

Motion by Caisley/Soeldner to Recommend Approval of for approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2014 Combined Annual Appropriation and Budget Ordinance (McLean County Funeral Directors Association Grant) – Coroner's Office.

Motion carried.

Mr. Caisley presented a request for approval of an Interlocal Agreement between the City of Bloomington, Town of Normal and the County of McLean for the 2014 Byrne Justice Assistance Grant (JAG) Program Award – Sheriff's Department.

Motion by Caisley/McIntyre to Recommend Approval of an Interlocal Agreement between the City of Bloomington, town of Normal and County of McLean for the 2013 Byrne Justice Assistance Grant (JAG) Program Award – Sheriff's Department.

Motion carried.

Mr. Caisley presented a request for approval of a Special Services Agreement between McLean County Sheriff's Department and Illinois State University for extra patrols at ISU during ISU football games – Sheriff's Department.

Motion by Caisley/Segobiano to Recommend Approval for a Special Services Agreement between McLean County Sheriff's Department and Illinois State University for extra Patrols at ISU during ISU football games – Sheriff's Department.

Motion carried.

Mr. Caisley presented a request for approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2014 Combined Annual Appropriation and Budget Ordinance, Fund 0001 General Fund, Court Services Department 0022-0093 (SAMHSA Funding) – Court Services.

Motion by Caisley/Gordon to Recommend Approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2014 Combined Annual Appropriation and Budget Ordinance, Fund 0001 General Fund, Court Services Department 0022-0093 (SAMHSA Funding) – Court Services.  
Motion carried.

Chairman Sorensen advised that the County was notified that the State Supreme Court found some extra dollars in their FY'2012-2013 budget for Probation Officers and they identified additional dollars in FY'2013-2014 for Probation Officers. He asked Mr. Wasson what those figures are. Mr. Wasson replied that several hundred thousand dollars, or approximately 80% of what is due, will be received.

Chairman Sorensen indicated that Metro Counties, an organization of which McLean County is a member, has been actively working on this issue for five to seven years and has had some success over the last couple of years in getting the State Supreme Court and the Legislature to maintain funding at its current level, and this year the state added significantly more money. He gave credit to Metro Counties for their efforts.

Mr. Caisley pointed out that the state should be doing so, because every time someone is sent to the penitentiary it costs the state a minimum of \$25,000 per year to house them in the Department of Corrections. The state gets a tremendous boost every time a judge sentences someone to probation.

Mr. Gordon asked how the state discovered money from several years ago. Mr. Wasson replied that the Administrative Office of the Illinois Courts made a determination, with the support of the Chief Justice, that they were strongly in support of more adequately funding Probation Services, which is why they have allocated a substantial increase of their overall budget for these purposes. Chairman Sorensen noted that two years ago the Legislature gave the Administrative Office of the Illinois Courts an increase in money with the intention that that money would go to Probation, but it did not. He indicated that they are now channeling that money back.

Chairman Sorensen asked if there were any additional questions or comments. Hearing none, he thanked Mr. Caisley.

Mr. Segobiano noted that Judge Robb recently announced her retirement at the end of the year and he recommended that appropriate acknowledgement be made to her for her service to McLean County.

Chairman Sorensen advised that we are coming into the budget cycle. He noted that next month the Executive Committee will review the budgets that are under the oversight of the Executive Committee, which he believes can be done in one

meeting. Chairman Sorensen stated that the November cycle will also be a little longer as that is when the Committee Chairs will report their oversight budgets.

Chairman Sorensen indicated that, as allowed under the County Board Rules, a number of requests have been received to address the full County Board regarding a zoning case for a medical marijuana growing facility that just passed the ZBA. He advised that our rules specify that the Chairman may act to avoid redundancy and to maintain decorum. The rules also say it may be appropriate for the Board Chairman to deny requests to speak if a public hearing has been conducted in accordance with the law in regards to a case. Chairman Sorensen stated that the ZBA had a public hearing on this matter and the Board members are admonished to make their decision based upon two things:

1. The testimony presented at a public hearing on both sides, and;
2. The seven Special Use Permit criteria standards.

Chairman Sorensen indicated that it is his inclination to deny the requests to address the Board directly. He asked the Committee members for their opinions.

Mr. Owens stated that he supports the Chairman's decision to follow the rules.

Mr. Segobiano indicated that he read an Illinois Municipal Review pamphlet on the topic which he copied for any members who wished a copy. He stated that he would hate to shut off debate regarding this issue when it would only take about ten minutes of public input.

Chairman Sorensen advised that he believes in fair process, but he is concerned about allowing direct testimony to be presented to the County Board without procedural safeguards of a public hearing. He stated that this is what the ZBA is for. Mr. Segobiano indicated that it is incumbent upon the ZBA to instruct and inform the people involved in this issue that this is "their day in court" and the rules of the County Board do not allow them to be redundant. Mr. Don Knapp, First Assistant State's Attorney, Civil Division, informed the Committee that there were six hours of comment and testimony over two nights. He further indicated that the community members were informed by Ms. Sally Rudolph that they would not be allowed to address the County Board because the application had already been the subject of a public hearing. Mr. Segobiano asked if this statement is part of the minutes. Mr. Knapp replied that it is.

Mr. Owens asked if the people requesting to speak also attended those hearings. Mr. Knapp replied that at least four individuals requesting to speak had an opportunity to speak at the public hearing. He noted that one of the people requesting to speak is the son of a man who spent the most time providing testimony at the hearing. Mr. Knapp added that he believes there may be seven individuals who have requested to speak.

Mr. McIntyre pointed out that Board members are admonished to base their decisions and recommendations on the Zoning Board criteria.

Mr. Segobiano asked what the rules are for someone who did not attend the Zoning Board hearings and asked if they have a right to appear before the Board. Chairman Sorensen replied that our rules are specific that if a public hearing was held on the topic that was appropriately communicated and publicized, that that was their "bite at the apple."

Mr. Caisley stated that he believes they should address their comments why they believe that the Zoning Board of Appeals made a mistake of law or that the decision of the Zoning Board of Appeals is contrary to the manifest weight of the evidence presented to the Zoning Board of Appeals. He recommended that the seven individuals be directed to organize themselves into three groups and to name a spokesman for each group.

Mr. Knapp questioned that if three groups of objectors come in and used up the 15 minute time frame and the Board ends up denying this permit, whether that would afford due process for the applicant. He stated that the applicant was allowed to cross examine the objectors and they were allowed to cross examine him at the hearing. He asked if the Board will give equal time to proponents as opponents, noting the ZBA rules allow for that process. Mr. Knapp cautioned the Committee about being placed in a situation where they are making a decision based on something outside of the record. In this case, practically, that determination will never be appealed or overturned because the applicant's chance to acquire his state license will be gone. Mr. Knapp reiterated that the Board risks whatever action they take being declared invalid if they allow additional comment on matters that have been fully vetted by the Zoning Board of Appeals.

Mr. Segobiano stated that the Zoning Board of Appeals is an appointed body by the County Board, and they had their public hearing. He asked when those objectors or proponents have the right to speak to their elected officials who are supposed to represent them, and when do they have a right to make an appeal to their elected officials. Mr. Knapp replied that that is a problem inherent in this type of organization. There is case law that specifically states that anybody can talk to their representative at any point about anything. Mr. Knapp indicated that there is nothing to prohibit them from going to their County Board member and asking them not to vote for this. However, that also subjects the Board to challenges of whatever their action is that was based on pre-determination or based on evidence outside of the record.

Ms. Eisner advised that the ZBA allows the time it takes to let people speak on both sides of the issue. This cannot be condensed into a 15 minute time frame.



Mr. Gordon asked if direct commentary to the Board is, by definition, ex parte communication. Chairman Sorensen replied that it is not ex parte if it is in a public meeting. Mr. Knapp indicated that ex parte means outside the presence of another party.

Chairman Sorensen stated that these kinds of issues are some of the most difficult ones we deal with because, the fact is, there are seven standards to follow to be eligible for a Special Use Permit whether the application is for growing wine grapes or medical marijuana.

Chairman Sorensen indicated that he appreciates the input, but he has not changed his perspective that, as a Board, we need to stay on the high ground of this and not allow additional testimony on the floor of the Board.

Chairman Sorensen presented the August 31, 2014 bills and transfers as recommended and transmitted by the County Auditor for payment. The Fund Total is \$371,835.59 and the Prepaid Total is the same.

Motion by Owens/Segobiano to recommend approval of the Executive Committee bills and transfers for August 31, 2014 as presented to the Committee by the County Auditor.  
Motion carried.

There being no further business to come before the Committee, Chairman Sorensen adjourned the meeting at 5:08 p.m.

Respectfully Submitted,

Judith A. LaCasse  
Recording Secretary