

SHELBY COUNTY BOARD MEETING
November 9, 2023 – 7:00 P.M.

Video archive of entire meeting can be found at shelbycounty-il.gov under You Tube

The Shelby County Board met on Thursday, November 9, 2023, at 7:00 P.M. in Courtroom A of the Shelby County Courthouse in Shelbyville, Illinois.

Chairman Robert Orman called the meeting to order. Board member Carol Cole gave the prayer, and all present recited the Pledge of Allegiance.

County Clerk Jessica Fox called the roll. Davis and Wallace were absent. Ross was tardy (7:43 PM).

Minutes for the October 12, 2023, Board meeting were presented for approval. Firnhaber made motion to approve the minutes. Nelson seconded said motion, which passed by voice vote (18 yes, 0 no).

Economic Development Director Brenda Elder addressed the board to discuss the serious lack of childcare available in Shelby County which poses a challenge to many county residents. The 2021 census showed a population of 21,160, of which 5.5% are children under 5. The percentage equates to 1,163 children and there are only 280 publicly funded spots for preschool age children and only 24 slots for infants and toddlers. Elder is working with several organizations in Shelby County many of which are local businesses who are also impacted by the lack of childcare challenges. Elder would like to have a board member attend the EDC of Shelby County meeting, which are held the 4th Monday of the month at noon, in the basement of Monicals and generally last an hour. This board member would then be able to report back to the board about the progress of this issue. Elder stated she would appreciate support from the board in the future with funding through grant writing cooperation, and the possible contribution of ARPA funds, should any be available. This group has recently applied for a grant from Birth to Five for the initial planning stages, if the group receives this grant, they can move onto the second grant which would help them with other things. Elder stated the plan is to build a building and find someone to turn the “program” over to manage. They have hired a consultant who is familiar with the area and formerly operated 3 daycare facilities in the Decatur area. Elder stated she realized there are still a lot of unanswered questions but did want to provide the board with this information as this group works to address this issue.

Elder answered questions from board members about the scope of the project and was thanked for the information provided.

Chris Smith, CIC, CRM Area Senior VP from Gallagher Insurance, which helps facilitate the county’s insurance through the Counties of Illinois Risk Management Agency or CIRMA. Smith informed the board about CIRMA, which is made up of 27 counties. Shelby County is a member/owner, as part of this group, which allows the group to go together to buy insurance as part of a much larger organization. Gallagher helps facilitate this. The contribution Shelby County makes goes into a fund, which is managed by a 3rd party administrator and is audited every year. Smith also referred to the documents forwarded to the board, which detailed cost from last year to this year. Costs are up since values, operating expenditures, and payroll costs have all increased. Smith reviewed historical losses and costs since Shelby County joined CIRMA in 2018. Smith stated Shelby County has had a rough few years due to some high claims. Firnhaber attends the quarterly CIRMA meetings on Shelby County’s behalf and informed the board that CIRMA is particular about what counties/municipalities they accept into the plan, and CIRMA can also ask a county to leave the program after a 3-year period. Firnhaber stated a county recently left CIRMA and their liability costs more than doubled. Smith also briefly touched on Cyber insurance. Smith reported that Gallagher helps facilitate the purchase of Cyber coverage, but it is not really part of the CIRMA program. Cyber insurance costs have continued to rise dramatically, and the underwriting challenges are exceedingly harder than it was 3 years ago. Cowbell is the counties Cyber insurance coverage and Smith reported they have more robust coverage, but it is going to require more security on the counties part, and Gallagher can work with the county on that moving forward. Smith also informed the board members about other services CIRMA provides that the county is paying for, but not currently using, such as a risk control firm for safety meetings, online trainings, a cyber portal for IT, an HR consultant, and this year CIRMA contracted with a company called CBIZ, which is going to appraise the counties structures at no cost to the county.

Smith answered questions from the board members about the various trainings CIRMA offers and touched on the Cyber coverage plan. Smith was thanked for his time and information related to the CIRMA program.

Ross entered the meeting at 7:43 PM.

Probation officer Ryann Ambrose requested the board proclaim December 2023 as Drunk and Drugged Driving (3D) Prevention Month. The Memorial Tree will be placed in the Courthouse throughout the month of December. Ambrose thanked the Board for their support. (Proclamation attached to these minutes).

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Williams made motion to approve the Proclamation declaring December 2023 to be Drunk and Drugged Driving (3D) Prevention Month. Nelson seconded said motion, which passed by voice vote (19 yes, 0 no).

Next, Probation CMO Heather Wade addressed the board to inform them she didn't need board action at this time for authorization for Probation officers to carry firearms. The board passed a resolution in December of 2022 pursuant to 720 ILCS 5/24-2(12.5) and Administrative Order 2022-18 signed by Fourth Judicial Circuit Chief Judge Douglas Jarman, which allows this as soon as the policy for this is approved. Wade's policy was just approved, and she will be the first to attend a 40-hour class so she can carry a firearm as part of her job duties for Shelby County Probation. Once she has completed her course, she will request the board chair sign off on that, as well as the Chief Judge. Wade also reported she recently received her performance letter from the AOIC (Administrative Office of Illinois Courts) and the board should also be receiving a copy of the report.

Chairman Orman called for the Highway Engineer's Report.

Highway Engineer Michael Tappendorf updated the board that the Moweaqua bridge project had been completed, a pre-construction meeting had been held for the bridge in Prairie Township and construction is expected to start on this bridge in May. Tappendorf stated he has several items he is looking at for next year, which include work on the Findlay Road and County Highway 5. A technician has been hired and the employees are very happy. Employee John Agney was present to discuss the positive changes happening at the Highway department.

Tappendorf presented the 2024 MFT resolution for maintenance of county roads in the amount of \$800,000. Brown made motion to approve this annual resolution. McCormick seconded said motion, which passed by roll call vote (19 yes, 0 no). Ayes: Amling, Bennett, Boehm, Brands, Brown, Cole, Edwards, Firnhaber, Hardy, Martin, Mayhall, McCormick, Morse, Nelson, Orman, Ross, Shuff, Tate, and Williams. Nay: none.

Tappendorf presented a resolution to use \$90,000 in ARPA funds to purchase an excavator for the department. Discussion was held. The current excavator has 12,000 hours on it and is at the end of its life. This would be equivalent to a car with 600,000 miles. The excavator John Agney went and looked at only has 3-4 thousand hours on it and will quickly pay for itself. The money has been budgeted to purchase equipment, and it is not necessary to deem the old excavator as surplus, Tappendorf stated there is also statutes that allow this equipment to be traded in. Tappendorf has contacted CAT and they are willing to give the County a trade-in value of \$20,000 for the old excavator. Tappendorf stated if he is going from used to used, statute governing the highway department allows him to trade in if he so chooses, as this is within legal limits.

Brown made motion to approve the resolution. Williams seconded said motion, further discussion continued.

Mayhall questioned if Tappendorf valued his employees input regarding this piece of equipment, since Tappendorf took Agney to view and run the excavator, and Agney would have valuable input into this equipment since he would be running it. Tappendorf stated he did value his employee's input.

Motion by Brown, second by Williams passed by roll call vote (19 yes, 0 no). Ayes: Amling, Bennett, Boehm, Brands, Brown, Cole, Edwards, Firnhaber, Hardy, Martin, Mayhall, McCormick, Morse, Nelson, Orman, Ross, Shuff, Tate, and Williams. Nay: none.

Next Tappendorf asked for approval for a resolution for \$20,000 in LATCF funding to purchase and upgrade computer equipment and make other necessary equipment upgrades. Tappendorf stated this would allow the department to operate more efficiently. This expenditure has not been budgeted and would have to wait until the new fiscal year. The LATCF funds are restricted funds in the general fund, which are tracked in a spreadsheet in the Treasurer's office. It was asked if the restricted funds in the general fund such as MAR, LATCF, Opioid and Cannabis, could also be reported to the board members with the monthly reports.

A 50/50 petition from the Shelbyville Township Road Commissioner to replace a box culvert 800 feet south of the 1000N/2300E intersection was presented for approval. Estimated costs are \$15,174 to be shared equally between Shelbyville Township and the County.

Williams made motion to approve the 50/50 petition. Hardy seconded said motion, which passed by roll call vote (19 yes, 0 no). Ayes: Amling, Bennett, Boehm, Brands, Brown, Cole, Edwards, Firnhaber, Hardy, Martin, Mayhall, McCormick, Morse, Nelson, Orman, Ross, Shuff, Tate, and Williams. Nay: none.

The final resolution presented was to use Motor Fuel Tax funds to pay for ½ of the County Engineers salary and expenses. Firnhaber made motion to approve the resolution. Brown seconded said motion, which passed by voice vote (19 yes, 0 no).

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The next items to be discussed were liability, cyber and health insurance pricing for the upcoming fiscal and calendar year, which was included in the board packets and is also attached to these minutes.

Firnhaber made motion to approve the CIRMA Insurance pricing for the December 1, 2023 – November 30, 2024, fiscal year. Bennett seconded said motion, which passed by voice vote (19 yes, 0 no).

Mayhall made motion to approve the Cyber liability insurance pricing with Cowbell for \$8,396 for 12/1/23 – 11/30/24. Firnhaber seconded said motion, which passed by voice vote (19 yes, 0 no).

The final insurance item to be presented was the Pareto Health Insurance pricing for the 2024 calendar year. The health insurance pricing went down by \$3,000 this year, employees participated in wellness checks and claims were reduced which helped reduce the overall costs of the health insurance for the County employees.

Firnhaber made motion to approve the health insurance pricing for 2024. Mayhall seconded said motion, which passed by voice vote (19 yes, 0 no).

The next item to be presented was the annual resolution to participate in the State's Attorney Appellate Prosecutor program for \$8,000. Williams made motion to approve the resolution. Bennett seconded said motion, which passed by roll call vote (19 yes, 0 no). Ayes: Amling, Bennett, Boehm, Brands, Brown, Cole, Edwards, Firnhaber, Hardy, Martin, Mayhall, McCormick, Morse, Nelson, Orman, Ross, Shuff, Tate, and Williams. Nay: none.

Upon recommendation of the Legislative committee, Williams made motion to approve an audit be conducted on the State's Attorneys office pursuant to 5 ILCS 5/6-31005 and have Benford and Brown (the county's current auditor) conduct this special audit on the county's behalf.

Williams made motion to approve the audit. McCormick seconded said motion. Discussion was held. The statute states these audits should be completed within 180 days after an elected official leaves office. Although 180 days have passed since the former State's Attorney left the office, the committee still feels it important that office be audited as required by statute. The cost of these special audits will be what they will be according to committee chair Williams. A voice vote for the audit of the State's Attorney's office passed by voice vote (19 yes, 0 no).

Williams made motion to ask the State's Attorney review and advise the board concerning the forensic audit of the Sheriff's office payroll for a period of 2015-2020. McCormick seconded said motion. Discussion was held. The forensic audit revealed extension errors resulting in overpayments, underpayments, as well as inaccurate reporting to IMRF and Social Security which could also impact the county. It is hoped this will help generate movement into a resolution of the many issues found during the forensic audit conducted by Vander Burgh Forensic accounting. William's motion, seconded by McCormick passed by voice vote (19 yes, 0 no).

Williams made motion to approve a forensic audit be conducted on the Dive Team and request Benford and Brown to conduct this audit, in part pursuant to 55 ILCS 5/6-31005. Edwards seconded said motion. Discussion was held.

Chairman Orman stated he had been given a letter signed by former County Clerk Kathy Lantz on August 13, 2010, stating Lantz acknowledged that the Rescue Squad Dive Team was a part Shelby County government at the request of Michelle Campbell, a member of the Shelby County Rescue Squad Dive Team. There was much discussion, once again, on the establishment of the county dive team, insurance coverage, lack of proper organization of the dive team in 2010 by the county, and whether the dive team at the time, could be considered part of Shelby County. The dive team was properly established in July 2023 by resolution after which all member of the team resigned. Williams stated after discussion with legal counsel the presumption was this was a "defacto" department of the county with a "defacto" department head. Mayhall asked if Wiliams could provide him with documentation regarding statues that apply to "defacto" departments. Cody Brands handed out documentation from Beck and Chapman for a Federal lawsuit involving dive team equipment that was not correct. The dive team acted as part of Shelby County for that lawsuit. (Documents attached to these minutes)

Since an allegation of theft have been made, this forensic audit will also deal with entry into the building since the resignation of the former team.

William's motion for a forensic audit of the dive team, with Edwards second, passed by voice vote (14 yes, 5 no – Boehm, Cole, Hardy, Mayhall and Morse).

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Brands recommended the board approve the Shelby County Dive team volunteer application. Nelson seconded said motion, which passed by voice vote (15 yes, 4 no – Boehm, Cole, Mayhall and Morse).

Upon recommendation of the PSC, the 2004 F150 (VIN 1FTPW14514KB56941) previously used by the Dive Team and the 2012 Chevy pickup (VIN 1GNCKNKP06CZ225377) were declared surplus on a motion by Brands, seconded by Firnhaber. Discussion was held.

It was asked if anyone had asked the Animal Control Warden if he would like to keep the current vehicle, he is driving instead of what is being proposed? It was stated this is a county vehicle. Hudson had been asked to attend the Public Safety Committee meeting, but he was on vacation. Hudson had been asking for a new truck for 2 years, and the board has to act in an administrative fashion and do what is recommended by the committee. It was asked if any member of the PSC had ridden along with animal control to see what was needed by the Animal Control Warden to see what type of vehicle was needed for him to perform the job.

Motion to approve vehicles as surplus passed by voice vote (15 yes, 4 no – Boehm, Cole, Mayhall, and Morse).

On recommendation of the PSC, a state bid from Morrow Brothers for a 2023 F150 4X2 regular cab pickup as Animal Control replacement with a bid of \$38,125.00. Brands made motion to approve the purchase of this vehicle. Bennett seconded said motion.

In addition to prior discussion held, Mayhall asked for specs between the vehicle presented here and the specs for the vehicle advertised for in March of 2021. It was stated by members of the PSC that the proper bid process had not been handled correctly, as no bids had been received, just a quote or an estimate from a local dealership. Mayhall stated the local dealership was still willing to honor the price for a 4X4 crew cab truck for \$39,300. The current value of this truck is \$55,230. The former Animal Control committee had not handled this process properly. The PSC has had numerous discussions with Hudson as they try to work on issues related to the Animal Control Department. There was much discussion held about the type of vehicle Hudson wants, the Warden roll versus the administrative roll of the Animal Control office as referenced in statute, the differing level of respect given to various department heads, and why ARPA funds couldn't be used to purchase the vehicle and a new topper for Animal Control since the current topper leaks and doesn't have lights on it for safety purposes.

Mayhall made motion to table this issue, seconded by Boehm, which failed by roll call vote (8 ayes, 11 nays). Ayes: Boehm, Cole, Hardy, Mayhall, McCormick, Morse, Shuff and Tate. Nays: Amling, Bennet, Brands, Brown, Edwards, Firnhaber, Martin, Nelson, Orman, Ross, and Williams.

Discussion continued with a statement being made that Hudson probably would benefit from a crew cab and the current topper has been on 3 trucks and leaks. The vote was called for.

Vote to accept the state bid from Marrow Brothers passed by roll call vote. (11 ayes, 8 nays). Ayes: Amling, Bennett, Brands, Brown, Edwards, Firnhaber, Martin, Nelson, Orman, Ross, and Williams. Nays: Boehm, Cole, Hardy, Mayhall, McCormick, Morse, Shuff, and Tate.

Upon recommendation of the PSC, Brands made motion to replace the dive team F150 with the 2012 Chevy Animal Control pickup. Ross seconded said motion. The PSC committee discussed what funds were used to purchase the animal control vehicle, but it was felt since it was remaining in the county no transfer of funds would need to happen. If the vehicle was purchased with Animal Control funds, the statute states if the vehicle is sold, those funds are to be returned to the Animal Control fee fund. Mayhall suggested the committee get a legal opinion regarding this issue. The vote was called for, which passed by voice vote (10 yes, 9 no – Amling, Boehm, Cole, Hardy, Martin, Mayhall, McCormick, Morse, and Tate).

Upon recommendation of the PSC, Brands made motion to rescind Ordinance 2014-01-“O”. Edwards seconds said motion. Nelson explained that the 2014 Ordinance did not have a repealer Ordinance, which does not line up with state statutes. The board is also acting under Ordinance 84-1, which needs some clean-up language, but is more in line with state statute.

Motion to rescind Ordinance 2014-01-“O” passed by voice vote (19 yes, 0 no).

Upon recommendation by McCormick, seconded by Nelson to strike specific wording from Section Two and Three in Ordinance 84-1. Animal Control fees updated by the board in February 2023 by Resolution 2023-06 will stand. (Updated Ordinance 84-1 attached to these minutes and the board packet).

McCormick's motion, second by Nelson passed by voice vote (19 yes, 0 no).

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Upon recommendation by the PSC, the Animal Control Administrator – Non-Vet job description was presented for approval. \$13,000 was budgeted under office holder in the Animal Control general fund budget for FY 2024-line item 001-012-50000. Non-vet job description attached to these minutes and the board packet. Motion by McCormick, seconded by Nelson, passed by voice vote (19 yes, 0 no).

Nelson made motion to approve the hiring of an Animal Control Administrator at \$25.00 per hour, up to 10 hours per week, as the 2024 budget allows. Edwards seconded said motion, which passed by voice vote (18 yes, 0 no, 1 abstain – Boehm). Ayes: Amling, Bennett, Brands, Brown, Cole, Edwards, Firnhaber, Hardy, Martin, Mayhall, McCormick, Morse, Nelson, Orman, Ross, Shuff, Tate, and Williams. Nay: none. Abstain: Boehm.

Discussion next turned to the County Farm and approval for custom farming for 2024, seeking bids for custom farming if approved, and approving soil testing. Cole made motion to approve custom farming for 2024. Boehm seconded said motion. Discussion was held, which detailed the lack of tax exemption from the IL DOR, so there is no defined public purpose. Bennett asked why this agenda item did not come from the Farm committee? Bennett asked why we have committees when the committee did not ask this to be put on the agenda, but Cole did as an individual. A lot of issues have been brought forward about custom farming the county farm, as this does not meet the public purpose according to the Constitution. This property does not qualify for an exemption, the proposed idea is a business, the board has customized farmed in the past. Bennett stated the former State's Attorney did not tell the truth about custom farming being legal, but the prior boards pushed it through. A lot of ideas have been brought forward for ways to qualify this ground to be used for a public purpose, such as ideas brought up for a community food garden to fill a need, a site for a childcare building, a proposed park district or serve a school district as Okaw Valley U302 does. Mayhall stated he was open to pursuing a public purpose use for this ground. Chairman Orman stated he was working on some ideas for this ground. The board was encouraged to at least put a cover crop on the ground to build the ground up. Hardy stated since the county owns this ground, we should not just allow it so to grow up in weeds. It was suggested this item go back to the committee and research hiring someone to plant a cover crop.

Coles motion to custom farm for the 2024 fiscal year with Boehms second, failed by voice vote (8 yes, 11 no – Amling, Bennett, Brands, Firnhaber, McCormick, Nelson, Orman, Ross, Shuff, Tate and Williams). The request for bids and soil testing were not brought for a vote.

Chairman Orman called for committee reports.

Brands stated that various county vehicles were titled to various departments and not in one central location. Brands was going to recommend a title policy to they will be titled a certain way and held in a central location.

Brown stated Cameron Spesard had been hired as an engineering tech. Brown stated at the May meeting the environment a very hostile meeting. The R/B committee started meeting with the department employees and on November 3 the R/B committee held a cookout at the Highway Department to show their appreciation to the employees and staff of the Highway Department.

Health Board member Edwards stated the remodel project at the Health Department had started.

Orman at this time, made a motion to place the 2024 fiscal year budget on public viewing as required by statute for 15 days as recommended by the Budget committee. Williams seconded said motion. Mayhall asked what took so long to get the budget here, as the board will have to have a special meeting to pass the budget, which gets very expensive. It was stated the earlier numbers from departments are received a lot of times those numbers change so if the budget is presented too early, there will be constant changes prior to the deadline. It was stated this budget is also balanced.

Brands amended the motion to reduce the Capital outlay line item 003-044-54600 under the Animal Control fee fund from \$78,000 to \$55,000. Williams seconded the amended motion, which passed by voice vote (19 yes, 0 no).

Orman's motion to approve the budget, as amended, seconded by Williams was approved for public viewing by voice vote (19 yes, 0 no).

Under Chairman Updates, Orman stated he attended a recent meeting at the Lake Shelbyville Visitor's Center sponsored by the EDC of Shelby County on Emergency Planning.

Orman requested the following appointments.

Ramiro Estrada to the ETSB 9-1-1 board as a public safety member for a 1-year term. Bennett made motion to approve the appointment, seconded by Ross. Appointment passed by voice vote (19 yes, 0 no).

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Brian McReynolds to the ETSB 9-1-1 board as a public sector member for a 1-year term. Williams made motion to approve the appointment, seconded by Hardy. Appointment passed by voice vote (19 yes, 0 no).

Sandra Earp to the Zoning Board of Appeals. Motion by Brown, seconded by Nelson. Appointment passed by voice vote (19 yes, 0 no).

Chairman Orman notified the board he had made the following committee changes, Martin will be placed on Public Safety, and Nelson and Firnhaber will be placed on the Budget Committee.

Under old business, Clay Hardy stated he felt the equipment of the former dive team should either be rented to them or sign an agreement with the City of Shelbyville to allow their new dive team to use the equipment. Hardy said the red tape wasn't helping anybody and this equipment is useless unless in the hands of capable qualified people.

Tate made motion to approve the payment of claims as reviewed by the respective committees. Firnhaber seconded said motion, which passed by roll call vote (18 yes, 0 no, McCormick unavailable). Ayes: Amling, Bennett, Boehm, Brands, Brown, Cole, Edwards, Firnhaber, Hardy, Martin, Morse, Nelson, Orman, Ross, Shuff, Tate, and Williams. Nay: none. Absent: McCormick

Chairman Orman called for Public Body Comment. A summary of public body comment/opinion is listed as follows:

Members of the public spoke in favor of continuing to farm the county farm, spoke in support of the former Shelby County Dive Team members, questioned the purchase of an animal control truck from an out of county dealership, voiced concerns about the argumentative nature of some members of the board and their treatment of members of the community, and were reminded elections were coming in 2024.

Tad Mayhall reminded those in attendance of Veteran's Day on November 10th and thanked Veteran's for their service and encouraged members of the public to do the same. Mayhall expressed his appreciation to the Shelbyville school district, as they always have a nice Veteran's Day program to honor local Veterans.

Nelson made motion to adjourn the meeting of the Shelby County Board. Brands seconded said motion, which passed by voice vote (18 yes, 0 no) and the meeting was adjourned at 10:40 P. M.

Jessica Fox
Shelby County Clerk and Recorder