SHELBY COUNTY BOARD MEETING
CLOSED SESSION

July 18, 2023

The Shelby County Board met in Closed Session following a motion and roll call vote, for the statutory citation 5 ILCS 120/2 (C-11) Pending Litigation. State's Attorney Robert Hanlon was also present during the Closed Session.

State's Attorney Hanlon reported that is was necessary to state what the possible litigation might be. Hanlon reported that he had personally received a statement by Dive Team Commander Austin Pritchard that many of the things Pritchard had raised during public body comment was lacking legal authority and should be decided by the courts. Hanlon took this to mean that Pritchard might pursue possible litigation. Hanlon wanted to explain Ross's authority to issue the order for the Dive Team to stand down. Hanlon referenced Dillon's Rule which allowed Ross to order the Dive Team to stand down to protect the Health and Safety of the community. Once Ross found out the Dive Team had an insurance issue, he gave the order to stand down to protect not only the County from liability, but also the dive team members themselves. Hanlon stated legal counsel for the counties Insurance company gave an opinion that the Dive Team was not part of the government because there was no formal structure in place, which could pose the County to significant risk. Hanlon referenced the Illinois Tort Immunity Act. Volunteers are not part of the government and don't have coverage by tort immunity.

Sonny Ross spoke to those present and stated the originating document of the Dive Team has not been able to be located. The Dive Team produced SOP's approved by 2 former State's Attorneys, which included a clause that allowed the Dive Team to charge for services if they did not have a Mutual Aid Agreement. Ross stated it is illegal to charge for services and the requestor of those services was the Illinois State Police. It was questioned why the Dive Team did not have a Mutual Aid Agreement with the ISP? Ross stated many things had been misrepresented on social media and private phone calls had been made public.

How county vehicles were titled was also questioned. Hanlon had the SOS run the plates to see how those vehicles were titled. Hanlon stated these vehicles should be titled to Shelby County. Hanlon stated he understood that Decatur philanthropist Howard Buffet had donated a vehicle to the Dive Team, and other entities had made donation of vehicles to the Dive Team. Hanon stated the team had never been set up as a charitable organization and has not been associated with the Illinois Charitable Trust act administered by the Illinois Attorney General. However, the donations were funded, the donations being separate from the county are not in compliance by recognized laws by receipt of donations by members of the public.

The Legislative Committee held at meeting this evening at 5:30 to propose a resolution to establish the dive team in Shelby County. The Dive Team would be an extension of the County Board, and this allows the resolution allows the dive team to get back in function if the board adopts the resolution. It was suggested to get the dive team back in working order, an amendment to the resolution be presented stated the current command structure and the current SOP/SOG will continue for 60 days, excluding the ability to charge a fee for service. This would allow the Public Safety Committee and Dive Team to work together to get updated policies in place moving forward. It was stated Pritchard was agreeable to working with the Public Safety Committee.

There was no further business for the Closed Session.

There was no action taken in the Closed Session.

Jessica Fox
County Clerk and Recorder