

**LIVINGSTON COUNTY BOARD**  
**MINUTES OF June 14, 2012 MEETING OF THE COUNTY BOARD**

**OPENING**

Chairman Fairfield called the meeting to order at 6:00p.m., in the Jury Commission Room at the Law and Justice Center, 110 N. Main, Pontiac, Illinois.

Eldon Ruff led the Pledge of Allegiance.

The clerk called roll with the following **present:** John “Jack” Vietti, Stanley Weber, Mike Ingles, William Flott, Bruce Koerner, Joe Steichen, Carl Borngasser, John McGlasson, Daryl Holt, Ronald Deany, Kathy Arbogast, Judy Campbell, Tim Shafer, Eldon Ruff, David Heath, Marty Fannin, Bob Young, Vicki Allen, William Fairfield, Delores “Dee” Woodburn and Mark Runyon     **Absent:** Robert Weller (arrived at 6:05 pm), John Yoder and John Franey

**Also Present:** County Clerk Kristy Masching, Alina Hartley-Administrative Resource Specialist, John Eallonardo (FQC), David Winters-County Highway Engineer, Treasurer Barb Sear and Attorney Tom Blakeman

**AGENDA**

Chair Fairfield called for the deletion of item VII. : Executive Session, from the agenda. *Motion by Young, second by Woodburn to approve the agenda as revised.*     **MOTION CARRIED WITH ALL AYES ON VOICE VOTE.**

**APPROVAL OF MINUTES**

Chair Fairfield called for approval of the minutes from the May 17, 2012 meeting. *Motion by Holt, second by Runyon to approve the May 17, 2012 meeting minutes as presented.*     **MOTION CARRIED ON VOICE VOTE.**

**PRESENTATION**

None

**APPEARANCES**

None

**CONSENT AGENDA**

**A. Approval of Bills**

**B. Appointments**

- **Tom Doran** – Trustee of Odell Fire Protection District, three-year term commencing May 2012 through first Monday in May, 2015. (filling vacancy – Gilbert Bellot resignation)
- **Joe Stock** – E-911/ETS Board, three-year term commencing May 1, 2012.
- **Chief Tim Henson** – E-911/ETS Board, three-year term commencing May 1, 2012. (replaces Al Metzke)

**C. Staff Replacements**

- **FT Deputy** – Circuit Clerk

**D. Classification Change**

- Additional Sergeant Position - Corrections

*Motion to approve all items on the consent agenda by Shafer, second by Steichen.*     **MOTION CARRIED ON ROLL CALL VOTE. Ayes:** Vietti, Weber, Ingles, Flott, Koerner, Steichen, Borngasser, McGlasson, Holt, Deany, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Fairfield and Woodburn     **Nays:** Runyon     **Absent:** Weller, Yoder and Franey

**LAW & JUSTICE CENTER COMMITTEE**

Chair Flott announced that there would be a special meeting at 10:00a.m.on Wednesday, June 20<sup>th</sup> at the Law & Justice Center's Jury Assembly Room, to review the status and implications of each item in the ADA response. The intention was to get the information out and set up a meeting as soon as possible with this being the only time next week that representatives from PSA-Dewberry and FQC were available. Comments were made as to choosing a more convenient time, to allow for a larger number of board members to attend.

**Resolution (#2012-06-19) Authorizing Crowther Roofing Change Order:** PSA Dewberry has recommended that cement pavers be added to the roof under the cooling towers in an effort to eliminate the noise issue. This project will be paid for out of the building's contingency fund, with PSA Dewberry and FQC having volunteered to pay for the difference in cost, since it will be more expensive to complete this work now as opposed to during the construction period. Discussion notes follow. The cement buffer was removed from original design between 75% and completion, due to value engineering across the board. The difference in cost is estimated at \$4,400.00. An acoustical engineer hired by PSA Dewberry has recommended a three step process for proposed solutions: 1) have cement pavers installed under the cooling towers; 2) eliminate 18" gap between cooling tower enclosures and the top of the roof; and 3) add doors to the open areas of the chiller tower enclosures. Another implemented proposal was done due to a programming discrepancy between the manufacturer's specifications for operation and the designer's intent, causing an overload on the second cooling tower. This was addressed by changing the water temperature set point to cool the building without utilizing the second cooling tower. At the time the Law and Justice Center was designed, the historic Courthouse cooling system wasn't finalized. It was noted that every particular design decision wasn't ratified by the committee as the designer may change items based upon their experience, resulting in unintended consequences. Concerns were raised about: the resurfacing of noise issues when the historic courthouse comes on line; qualifications of the acoustical engineer regarding HVAC issues; who made the decision to remove the cement buffer from the designs; who is responsible for the financial obligation for implementation of proposed solutions; and the fact that harmonics is not an exact science. *Motion by Flott, second by Weber to approve the resolution accepting the bid proposal from Crowther Roofing and Sheet Metal, to perform the work recommended by PSA and approved by FQC in the amount of \$33,400.00, with the County Board to pay no more than \$29,000.00.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Weller, Weber, Ingles, Flott, Holt, Deany, Shafer, Ruff, Heath, Young, Allen, Fairfield, Woodburn and Runyon **Nays:** Steichen, Borngasser, McGlasson, Arbogast, Campbell, Fannin **Abstain:** Koerner **Absent:** Yoder, Franey

**Law & Justice Center Issue Update** – John Eallonardo (FQC) reported that on-site inspections of the grounding system have verified that the system is working properly, even though the grounding system is still measuring voltage. The voltage is a cause of the electrolysis causing copper to leach from the piping into the water. As of last week, tests have revealed that the water fountains are at an acceptable level with some sinks still at unacceptable levels. FQC is looking to engage an independent engineer to review their results and for help in resolving the issue. Concern was voiced over the expected life span of the water system due to the electrolysis issue.

John also explained that the white coating on the second level of the building is attributed to efflorescence, which is salt and water seeping from the bricks. The mason will come back and re-wash the building prior to finalizing their contract.

**Report: Attorney General Response to ADA Violations:** John Eallonardo (FQC) reported that the violations have been categorized by type, status and action to be taken, with a number of them falling into a gray area. He explained that each of the ninety-nine issues will be reviewed at next week's meeting, which is open for anyone to come and listen to. Discussion followed. John (FQC) stated that work done on contractor related items that don't meet construction tolerances for correct installation will be repaired at no cost to county. Some comments of Board members were: precedence we could be setting by making voluntary cost saving changes earlier in the project to save money, with the contractors paying for the difference of cost to implement changes after the fact; the Board members were told on numerous occasions that an ADA compliant building would be delivered and as such we shouldn't be responsible for changes to become compliant; legal liability to public; using the State's Attorney's office versus hiring an attorney specializing in ADA issues; and many issues are due to the

applicability of code(s) with the building being designed when the 1991 ADA code was in effect, versus the 2010 code now in effect. The issue of the special meeting to address the ADA violations was brought up for discussion. Alina commented that they were trying to find a time as soon as possible when both PSA and FQC representatives could be present as well as when the Jury Assembly Room was available. This would allow for a tour to view the listed violations. Consensus was to reschedule a night meeting as soon as possible.

### AG & ZONING

No Report

### HIGHWAY COMMITTEE

Chair Deany introduced David Winters-County Highway Engineer, who reviewed items to be approved on the **Highway Consent Agenda** as follows:

- I. **Letting Results:**
  - Letting Results: June 5, 2012
- II. **Quarterly Report:** 2nd Quarter FY12

*Motion by Deany, second by Steichen to approve the Highway Consent agenda as presented. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* Vietti, Weller, Weber, Ingles, Flott, Koerner, Steichen, Borngasser, McGlasson, Holt, Deany, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Fairfield, Woodburn and Runyon **Nays:** None **Abstain:** None **Absent:** Yoder, Franey

David Winters commented on the following: the Fairbury bridge project letting is June 15 in Springfield, and will take approximately two months, will be closed for harvest and completed by winter. He elaborated on the salt purchase/storage predicament, due to the light winter. He reported that the high speed rural rolling closure work from Dwight south to Pontiac will be on-going for the next two months. This section will be the area where the 110 mile per hour limit will be tested on.

### FINANCE

**Resolution (#2012-06-20): Working Cash Fund transfer to IMRF and Social Security-** Treasurer Sear reported that this resolution would authorize the transfer of \$90,000.00 from the Working Cash Fund, with \$60,000.00 going to the IMRF Fund and \$30,000.00 going to the Social Security Fund to meet obligations incurred during June and July. This money will be repaid when distributions are made. *Motion by Borngasser, second by Steichen to approve the resolution authorizing the transfer of \$60,000.00 from Working Cash Fund to the IMRF Fund and \$30,000.00 from the Working Cash Fund to the Social Security Fund to pay for June and July 2012 payments. MOTION CARRIED ON ROLL CALL VOTE. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* Vietti, Weller, Weber, Ingles, Flott, Koerner, Steichen, Borngasser, McGlasson, Holt, Deany, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Fairfield, Woodburn and Runyon **Nays:** None **Abstain:** None **Absent:** Yoder, Franey

**Ordinance (#2012-06-21): Mandated Death Certificate Fee-** County Clerk Masching explained that the state has mandated that an additional \$2.00 be charged for each copy of a certified copy of a death certificate. This additional fee will be collected on behalf of the Illinois Department of Financial and Professional Regulation for deposit into the Cemetery Oversight Licensing and Disciplinary Fund. *Motion by Borngasser, second by Arbogast to approve the resolution authorizing the additional \$2.00 fee for each certified death certificate copy issued by the County Clerk's Office. MOTION CARRIED ON ROLL CALL VOTE. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* Vietti, Weller, Weber, Ingles, Flott, Koerner, Steichen, Borngasser, McGlasson, Holt, Deany, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Fairfield, Woodburn and Runyon **Nays:** None **Abstain:** None **Absent:** Yoder, Franey

**Ordinance (#2012-06-22): Prevailing Wage -** Chairman Borngasser reported that this is done annually. *Motion by Borngasser, second by Ingles to adopt the Prevailing Wage Ordinance. MOTION CARRIED ON ROLL CALL VOTE. MOTION CARRIED ON ROLL CALL VOTE. Ayes:* Vietti, Weller, Weber, Ingles, Flott,

Koerner, Steichen, Borngasser, McGlasson, Holt, Deany, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Fairfield and Woodburn      **Nays:** Runyon      **Abstain:** None      **Absent:** Yoder, Franey

#### ADMINISTRATIVE

**Resolution: Suspending Pro-Active Intergovernmental Agreement** – Chairman Fairfield stated that this resolution would suspend the agreement as the Mayors of Dwight, Fairbury and Pontiac have notified the county that they are pulling out of the program. The municipalities stated that this action was being requested in order to relieve them of any liability or lawsuits. *Motion by Ruff, second by Heath to approve the resolution authorizing the suspension of the Intergovernmental Agreement between the County Board of Livingston County, Illinois, the City of Pontiac, The City of Fairbury and the Village of Dwight for an Intergovernmental Law Enforcement Task Force.* Discussion followed. It was felt that the municipalities, Chairman Fairfield and Sheriff Meredith need to meet to discuss and resolve the problems, as this unit is instrumental in the rise of drug arrests. Concerns were voiced as to whether or not they could pull out now according to criteria spelled out in the three year agreement. Comments were made that the intent of the resolution was to stop the quarterly payments to the three municipalities for as long as they weren't participating in the program, not eliminate the program. Some members feel that the agreement should state that the program would continue to function under the direction of the Sheriff if the municipalities decide to permanently end their participation. Attorney Blakeman commented that the resolution suspends the operation of the Pro-Active Intergovernmental Agreement, and abates the payments. The Sheriff can delegate as many of his officers to fill pro-active vacancies within the constraints of his budget and as long as he's not operating outside his jurisdiction. He also stated that there was nothing that would prohibit the board from discussing activities carried on by the pro-active unit and deciding to allocate more funds to those types of activities. Tom explained that this proposed resolution suspends all payments under the agreement to the municipalities, including the payment to the county. It was noted that at this time the actual expenses for the county's participation are allocated in the Sheriff's budget. If the county would need to transfer additional funds, action would need to take place at a later date. The consensus was that more time was needed to further review the situation before taking action. No action was taken as Ruff and Heath withdrew their motion.

**Resolution (#2012-06-23: Creation of Recreation Committee** – Chair Fairfield announced that he had selected a sub-committee to pursue recreational options within the county. *Motion by Young, second by Fannin to approve the members of the Recreation sub-committee.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Weller, Weber, Ingles, Flott, Koerner, Steichen, Borngasser, McGlasson, Holt, Deany, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Fairfield, Woodburn and Runyon      **Nays:** None      **Abstain:** None      **Absent:** Yoder, Franey

#### ELECTION, RULES & LEGISLATION

**Resolution (#2012-06-24): Relocation of Polling Site (Pontiac #8)** – Chair Weber stated that the resolution would change the polling site from the Pontiac Hi-Rise Apartments to the First Baptist Church. *Motion by Weber, second by Runyon to approve the relocation of Pontiac Precinct #8 to the First Baptist Church.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Weller, Weber, Ingles, Flott, Koerner, Steichen, Borngasser, McGlasson, Holt, Deany, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Fairfield, Woodburn and Runyon      **Nays:** None      **Abstain:** None      **Absent:** Yoder, Franey

**Resolution (#2012-06-25): Precinct Boundary Change (Reading Township)** – Chair Weber stated that the resolution would reduce the number of precincts in Reading Township from four to two. Reading One would be comprised of Precincts #1 & #4, with Reading Two comprised of Precincts #2 & #3. *Motion by Weber, second by Weller to approve the precinct boundary changes for Reading Township.* **MOTION CARRIED ON ROLL CALL VOTE.** **Ayes:** Vietti, Weller, Weber, Ingles, Flott, Koerner, Steichen, Borngasser, McGlasson, Holt, Deany, Arbogast, Campbell, Shafer, Ruff, Heath, Fannin, Young, Allen, Fairfield, Woodburn and Runyon      **Nays:** None      **Abstain:** None      **Absent:** Yoder, Franey

Weber and Young commented that they will start the review process in July of the Standing Rules of the County Board and would like any input or comments regarding changes to be considered.

**SHERIFF, JAIL & LICENSE**

Chair Vietti reported that the daily average jail population had been 68 with 12 days being the average length of stay. Jail Superintendent Cox reported that the initial scouting report for the federal prison program went well, and was not an official inspection.

**PUBLIC PROPERTY**

No report

**NURSING HOME**

No report

**PERSONNEL**

No report

**INSURANCE**

No report

**INFORMATION & TECHNOLOGY**

Chair Holt reported the following IT department activities: working on a video arraignment connection to Tamms Correctional Center for pre-trial work; ordered a new control board as a result of the planned power shut down; and reviewed the list of proposed FY2013, IT department capital budget items.

**VETERANS**

Chairman Koerner stated that they had more trips with more people utilizing their services this past month.

**PUBLIC HEALTH**

Judy Campbell reported the following: **Public Health**- There were 71 un-duplicated county residents utilizing the Community Healthcare program last year. With the implementation of Medicaid Reform SB2840, eligibility requirements will be reduced, optional services will be limited/eliminated, utilization controls will be implemented, will require enrollee cost sharing, target rate adjustments, move towards managed care and give an across the Board rate reduction of 2.7%. Potential impacts are: less Medicaid reimbursement due to ineligibility, more people needing low cost/sliding fee scale services and lower reimbursement. **Mental Health** – No report

**PUBLIC COMMENT**

Comments were heard on the following items: cooperation between all entities to keep Pro-Active Unit operational; doesn't agree that the county should spend county money to fix the L&J Center problem, shouldn't be our responsibility; reason as to why the municipalities withdrew from the Pro-Active Unit; whether an e-mail waiver for ADA compliance was sent by Mr. Flott; an inquiry was made regarding the make-up and purpose of the recreation committee; and a group has formed in Pontiac to rally for an outdoor pool/water park.

**EXECUTIVE SESSION**

Removed from agenda

**ACTION RESULTING FROM EXECUTIVE SESSION**

None

**COMMUNICATIONS/ANNOUNCEMENTS**

None

**ADJOURNMENT**

*The meeting adjourned at 7:55 p.m. on motion by Steichen, second by Weber. MOTION CARRIED WITH ALL AYES ON VOICE VOTE.*

The next meeting is scheduled for Thursday, July19, 2012 at 6:00 p.m., at the Jury Commission Room at the Law and Justice Center.

**William Fairfield, CHAIRMAN**

Attest:

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County Clerk

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Approved

Minutes Bd 06-14-12