

LIVINGSTON COUNTY BOARD
MINUTES OF August 30, 2012 Special Meeting OF THE COUNTY BOARD

OPENING

Chairman Fairfield called the meeting to order at 6:00p.m., in the Public Safety Complex basement at 844 W. Lincoln St., Pontiac, Illinois.

Kathy Arbogast led the Pledge of Allegiance.

The clerk called roll with the following **present:** John “Jack” Vietti, Robert Weller, Stanley Weber, Mike Ingles, William Flott, John Yoder, 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:** John Franey

Also Present: County Clerk Kristy Masching, Alina Hartley-Administrative Resource Specialist, Jack Hayes (FQC), Randy Yedinak-Assistant State’s Attorney and Daryl Flagg- HVAC Coordinator

AGENDA

Chair Fairfield called for approval of the agenda. Carl Borngasser suggested that items A. Abolishment of Law and Justice Center Committee and B. Discussion on the Issues with the Law & Justice Center Committee be reversed so that the discussion would take place first. *Motion by Borngasser, second by Woodburn to approve the agenda as revised.* **MOTION CARRIED WITH ALL AYES ON VOICE VOTE.**

BUSINESS TO COME BEFORE THE BOARD

Discussion on the Issues with the Law & Justice Committee – The Board met in a special session to discuss and debate issues that have surfaced recently with regards to the Law and Justice Center. Chairman Fairfield opened the meeting by asking the members to work together to identify and solve the problems, and then decide who should bear the financial responsibility for the remedies.

An immediate concern raised, regarded issues with the Courtrooms such as the need for additional soundproofing in the jury deliberation rooms; the lack of privacy which could jeopardize juvenile anonymity; the courtroom noise level from the cooling towers; and the possibility that if the situations are not remedied soon, the Supreme Court could overturn all trials at an estimated cost of \$4,000. per trial. Fairfield stated that items to remedy some of the issues had been ordered and would be in place prior to the September trial calendar. Some concerns were raised that even though the pavers had been installed, it was still hard to hear in the courtrooms. A meeting has been scheduled for 12:00p.m. on Thursday, September 6th with the Judges, the Trial Court Administrator, FQC and PSA-Dewberry, to address the problems.

Discussion highlights follow: Objections were heard from some board members over the proposed meeting, because they felt the whole committee should be included, rather than trying to avoid having a quorum. Some felt that if the whole committee had been involved from the start in the construction meetings, and more information, including e-mails had been shared, many Law & Justice Center issues, including ADA, could have been avoided. Committee members responded that all information had been presented and reviewed at the committee meetings, which any member could have attended and was open to the public. The committee relied on the Judiciary’s advice for the removal of the ADA courtroom ramps, and the proposed reasonable accommodations. The County relied on PSA-Dewberry’s expertise to build an ADA compliant building. The State’s Attorney’s Office reviewed the responses to the AG’s office and approved the form from a legal not architectural standpoint. Some felt an ADA attorney should have been procured from the onset, but the request was denied by the State’s Attorney’s Office. It was suggested that a list of on-going expenditures for any additional changes at the L&J Center be presented to the board members each month.

After a lengthy debate, members strongly urged the Board to move forward, get the building in compliance and talk about solutions. It was suggested that a list of the issues be drawn up, priorities set; schedule a meeting with all parties involved, find interim and final solutions that are legal and compliant and fix the problems. Chair Fairfield responded that work can and has begun on some items, but others have to wait until we hear back from the Attorney General's Office.

Jack Hayes (FQC) responded with regards to the tolerance issue and sub-contractors. They went to bat on behalf of the local trade contractors; as the ramp slope was a fraction of an inch off over an eight foot area, which is an acceptable construction tolerance based on their experience. Their intention was to support the local tradesman, but the AG didn't accept their response. Thus they have to make sure the local contractors meet the contract documents, which were clear and they didn't follow, so as our agent they have to correct unacceptable conditions.

Daryl Bragg clarified that the L&J Center temperature is set at 72 degrees, with the temperature varying either way 1/2 to 3/4 of a degree either direction.

Discussion took place on the course of action to take. Consensus of Board is to prioritize the issues, set them in motion, complete the work in a timely manner and then determine where the fiscal responsibility lies. It was expressed that the decisions that were made, even if they were wrong, were done in good faith. It is essential that all parties involved be present and that each issue is addressed and in a public venue. Bill Flott addressed the misinformation included in recent Pantagraph articles regarding the L&J Center. Randy Yedinak-Asst. State's Attorney questioned why some members felt that an attorney experienced in ADA issues was needed. He stated that Mr. Brown was confident in the abilities of his staff and felt they could handle the preliminary matters without spending taxpayer dollars on an outside source.

Abolishment of Law & Justice Center Committee – Discussion was held on the following items: whether the Board has the power to abolish the Law and Justice Center Committee under the current Standing Rules of the Board; and some thought that instead of having L&J committee meetings, all information should be brought before the full Board. No action was taken at this time.

Motion to adjourn by Weller, second by Weber. MOTION CARRIED ON VOICE VOTE. Chairman Fairfield stated that a motion to adjourn took precedence over any item in meeting. *Motion was withdrawn by Weller and Weber, in order to allow time for public comment.*

PUBLIC COMMENT

Comments were heard on the following items: a better solution for privacy of juveniles; keep in mind best interest of taxpayers and not own agendas; hold architects liable for ADA non-compliance issues; public perception is that some members seem indifferent to ADA issues; upset with ADA issues and feels that Judges and State's Attorney's office deserves more respect than shown tonight; didn't need special meeting at taxpayer's expense, could have been handled at regular meeting; a plan will be implemented for each item, once response is heard back from AG's office; with regard to ADA law, there is no leeway when pertaining to veterans, disabled and special needs citizens; concern voiced as to who would be responsible for remedies; and that blueprints have to be reviewed and approved by the City Inspector prior to bid lettings and work commencement.

ADJOURNMENT

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

William Fairfield, CHAIRMAN

Attest:

Kristy A. Masching
County Clerk

October 12, 2012
Approved

Minutes Bd 08-31-12.A