

Proceedings of the Ogle County Board Meeting
April 21, 2009

State of Illinois)
County of Ogle) ss
City of Oregon)

Call to Order

Chairman Rice calls the Ogle County Board Meeting to order at 5:31 p.m..

Roll Call

The roll call shows Kilker is absent. The Invocation is given by Colson and followed with the Pledge of Allegiance.

Approval of Minutes

Chairman Rice asks for a motion to approve the March 17, 2009 Ogle County Board Meeting minutes. Bowers moves to approve, Messer seconds and the motion carries.

Approval of Reports

Chairman Rice asks for a motion to accept the reports of the Ogle County Clerk & Recorder, Treasurer and Circuit Clerk. Kenney moves to accept the reports as filed, Horner seconds and the motion carries on a voice vote.(Placed on file)

Presentation – Joan Sage – Comcast Care Day Resolution – 2009-0419

Chairman Rice introduces Joan Sage of Comcast to the members of the Board to speak about Comcast Care Day which will be held on Saturday, April 25, 2009. Ms. Sage invites the County Board members to attend this Comcast Care Day at Castle Rock State Park. There are 60 volunteers made up of Comcast employees, a Girl Scout Troop from Ogle County and their parents. Chairman Rice reads the resolution to the members of the board. Colson moves to approve Resolution 2009-0419, Bowers seconds and the motion carries on a voice vote.(Placed on file)

Presentation – Brian LeFevre of Sikich – County Annual Audit Review

Brian LeFevre thanks the County Board for the opportunity to present the County's Audit Report ending November 1, 2008. The following information is reviewed:

- Page 1 - Independent Auditor's Report
- Management's Discussion and Analysis
- Page 3 – Statement of Net Assets
- Page 4 – Statement of Activities
- Page 5 & 6 – Balance Sheet – Governmental Funds

Bowers refers to the Management Letter regarding the Carryover of Compensatory Time and asks how many employees this entails. LeFevre did not have detailed records with him regarding this and could not answer this question. Williams asks what is the cause of the reduction on page 4 "Change in Net Assets". LeFevre refers Williams to page 10 and says the assets are depreciating faster than the capital improvements are being made, this will decrease the net assets for the fiscal year. There were no more questions – Saunders states the questions were answered during the Finance Committee Meeting.

Resignation –

Chairman Rice informs the board of receiving a letter of resignation from Richard Smith on the 9-1-1 ETS Board which was effective April 1, 2009. Huntley moves to accept Resolution 2009-0401, Saunders seconds and the motion carries on a voice vote.(Placed on file)

Vacancies –

- Board of Health – 1 unexpired term ends 05/31/2009
- Board of Health – 1 unexpired term ends 11/30/2011 - applicant required to be a Dentist
- Board of Health – 1 unexpired term ends 11/30/2011
- Ogle County Civic Center Authority Board – 1 unexpired term ends 05/31/2011
- Board of Health – 2 vacancies
- Board of Review – 2 vacancies (Republican Candidates)
- Civic Center Authority Board – 3 vacancies

Application deadline for these vacancies will be
Friday, May 1, 2009 at 4:30 p.m. in the County Clerk's Office

- 9-1-1 ETS Board – 1 unexpired term ends 06/30/2012
- Byron Museum District – 1 vacancy

Application deadline for these vacancies will be
Friday, May 29, 2009 at 4:30 p.m. in the County Clerk's Office

Appointment – Lost Nation / New Landing RCD – R-2009-0402

Chairman Rice presents Resolution 2009-0402 with the recommendation of Dennis M. Contrell to the Lost Nation / New Landing RCD for a term which ends April 30, 2014. Nye moves to approve R-2009-0402, Horner seconds and the motion carries on a voice vote.(Placed on file)

Appointment – Lynn-Scott-Rock Fire Protection District – R-2009-0403

Chairman Rice presents Resolution 2009-0403 with the recommendation of Gerald L. Strohman to the Lynn-Scott-Rock FPD for a term which ends April 30, 2012. Horner moves to approve R-2009-0403, Janes seconds and the motion carries on a voice vote.(Placed on file)

Appointment – Leaf River Fire Protection District – R-2009-0404

Chairman Rice presents Resolution 2009-0404 with the recommendation of Rayetta Nelson to the Leaf River FPD for a term which ends April 30, 2012. Saunders moves to approve R-2009-0404, Bauer seconds and the motion carries on a voice vote.(Placed on file)

Appointment –Oregon Fire Protection District – R-2009-0405

Chairman Rice presents Resolution 2009-0405 with the recommendation of J. David Hughes to the Oregon FPD for a term which ends April 30, 2012. DeArvil moves to approve R-2009-0405, Huntley seconds and the motion carries on a voice vote.(Placed on file)

Appointment – Forreston Fire Protection District – R-2009-0406

Chairman Rice presents Resolution 2009-0406 with the recommendation of Rich A. Gronewold to the Forreston FPD for a term which ends April 30, 2012. Heuer moves to approve R-2009-0406, Hopkins seconds and the motion carries on a voice vote.(Placed on file)

Appointment –Ogle County Regional Planning Commission– R-2009-0407

Chairman Rice presents Resolution 2009-0407 with the recommendation of Lloyd C. Funk to the Ogle County Regional Planning Commission for a term which ends April 30, 2012. Colson moves to approve R-2009-0407, Barnes seconds and the motion carries on a voice vote.(Placed on file)

Appointment –Ogle County Regional Planning Commission– R-2009-0408

Chairman Rice presents Resolution 2009-0408 with the recommendation of Randy Ocken to the Ogle County Regional Planning Commission for a term which ends April 30, 2012. Hopkins moves to approve R-2009-0408, Colbert seconds and the motion carries on a voice vote.(Placed on file)

Appointment –Zoning Board of Appeals – R-2009-0409

Chairman Rice presents Resolution 2009-0409 with the recommendation of Randall C. Anderson to the Zoning Board of Appeals for a term which ends April 30, 2014. Huntley moves to approve R-2009-0409, Williams seconds and the motion carries on a voice vote.(Placed on file)

Appointment –Mental Health 708 Board – R-2009-0410

Chairman Rice presents Resolution 2009-0410 with the recommendation of Wendy S. Howarter to the Mental Health 708 Board for an unexpired term which ends December 31, 2011. Bowers moves to approve R-2009-0410, Janes seconds and the motion carries on a voice vote.(Placed on file)

Zoning – #1-09 SPECIAL USE - Eswood School District #269 – Ordinance 2009-0401

Chairman Rice presents the request from Eswood School District #269, c/o Dwight Mayberry, Superintendent, 304 N. Main St., Lindenwood, IL to allow a private wind energy conversion system in the R-2 Single-Family Residence District on property described as follows and owned by the petitioner:

S 25' Lot 4, Lots 5&6, and part of vacated Galena St., Block 6 Lynnville (Original Town); and Lots 1-5 Block 2 Perry's Addition; and a 3.58 acre westerly adjoining parcel; all part of the SW1/4 Section 5 Lynnville Township 41N, R2E of the 3rd P.M., Ogle County, IL
Property Identification Number: 19-05-326-001, -011, & -015
Common Location: 304 N. Main St.

Hopkins moves to approve #1-09 Special Use (Ordinance 2009-0401) and Colson seconds. Chairman Rice informs the board he will not be voting for this issue since his wife was involved with the grants for this project. The motion carries on a voice vote.(Placed on file)

Zoning - #1-09 AMENDMENT - Mark & Stacey Glendenning – Ordinance 2009-0402

Chairman Rice presents the request from Mark & Stacey Glendenning, 2796 E. Orchid Lane, Oregon, IL for an Amendment to the Zoning District to rezone from R-2 Single-Family Residence District to IA Intermediate Agricultural District on property described as follows and owned by the petitioners:

Tract "A", being part of Lot Three (3) of the Subdivision of Sections 10 & 15, part of the NW1/4 NW1/4 Section 15 Oregon-Nashua Township 23N, R10E of the 4th P.M., Ogle County, IL, 15.09 acres, more or less
Property Identification Number: 16-15-100-010
Common Location: 2100 Block of S. IL Rte. 2

Hopkins moves to approve #1-09 Amendment (Ordinance 2009-0402) – Hopkins states the petitioners want to build a shed on the property to store toys and a house to be built later. DeArvil seconds and the motion carries on a voice vote.(Placed on file)

Zoning – Ordinance Retaining Jurisdiction of Pre-Annexation of Property – O-2009-0403

Chairman Rice has Hopkins read Ordinance 2009-0403 in full:

WHEREAS, pursuant to 65 ILCS 5/11-15.1-2.1, the County may retain control and jurisdiction over property that is the subject of an annexation agreement under certain conditions; and

WHEREAS, the Ogle County Board desires to retain control and jurisdiction of property that is subject of annexation agreements pursuant to 65 ILCS 5/11-15.1-2.1 (c);

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF OGLE, ILLINOIS, AS FOLLOWS:

SECTION 1. That the County Board of the County of Ogle hereby finds it to be in the best interest of the citizens of the County of Ogle to retain control and jurisdiction over properties that are more than 1.5 miles from the boundaries of the annexing municipality and subject to annexation agreements.

SECTION 2. That such property as described in **SECTION 1** shall remain under the control and jurisdiction of the County Board and subject to all County Ordinances and Codes.

SECTION 3. That the County Board of the County of Ogle finds that the subject matter of this Ordinance pertains to the government and affairs of the County of Ogle and is passed pursuant to authorities granted it by State Statutes and the Illinois Constitution.

SECTION 4. That this Ordinance shall be known as Ordinance No. 2009-0403 of the Ordinances of the County of Ogle, Illinois, and shall be in full force and effect on and after April 21, 2009, for all public places.

Hopkins moves to approve Ordinance 2009-0403 and Bowers seconds. Reibel states this Ordinance involves parcels which are outside of the 1.5 mile boundary of a municipality and subject to an annexation agreement. The annexing municipality will have to request on a case by case basis to the County Board for jurisdiction. The Rules will need to be suspended to vote on

tonight and will require a 2/3 majority vote. Boes moves to suspend the rules according to Rule #25 of the Ogle County Board's Rules of Order, Barnes seconds and a roll call vote is called:

YES: Heuer, Hopkins, Horner, Huntley, Janes, Kenney, Messer, Nye, Saunders, Stahl, White, Williams, Barnes, Bauer, Boes, Bowers, Colbert, Colson, DeArvil, Diehl, Gouker, Gronewold and Rice

NO: None

ABSENT: Kilker

Gouker asks for clarification of the Ordinance and how does it apply to the pre-annexation which is pending at this time. Reibel states the Ordinance will apply to annexation agreements which are executed after this Ordinance is adopted. Reibel states this Ordinance is blanket coverage saying the County Board wishes to retain and have jurisdiction of all parcels located outside the 1.5 mile subject to an annexation agreement. DeArvil asks what happens if part of the property is within the 1.5 mile area and part of the property is outside. Reibel says State's Attorney Ben Roe has not issued a legal opinion on this issue. This is fairly new legislation and there is no case law at this time. A roll call vote is called for approval of the Ordinance:

YES: Hopkins, Horner, Huntley, Janes, Kenney, Messer, Nye, Saunders, Stahl, White, Williams, Barnes, Bauer, Boes, Bowers, Colbert, Colson, DeArvil, Diehl, Gouker, Gronewold, Heuer and Rice

NO: None

ABSENT: Kilker

The motion carries on a roll call vote.(Placed on file)

Public Comment – None

Road & Bridge – Local Agency Agreement – R-2009-0411

Huntley moves to approve the Local Agency Agreement for Federal Participation, Section 09-00264-00-RS - Microsurfacing of Freeport & Milledgeville Roads, \$758,019 FHWA funds and \$46,000 Local Funds – Resolution 2009-0411. Colson seconds and the motion carries on a voice vote.(Placed on file)

Road & Bridge – Resolution for County Road Construction – 2009-0412

Huntley moves to approve Section 09-00000-02-GM, County Bituminous Sealcoat, Award and Appropriation Resolution: \$ 221,000 from Motor Fuel Tax fund and \$ 221,000 from Federal Aid Matching fund – Resolution 2009-0412. Messer seconds and the motion carries on a voice vote.(Placed on file)

Road & Bridge – Resolution for County Bridge Construction – 2009-0413

Huntley moves to approve Section 08-00258-00-RS, Kishwaukee Road Shoulder Paving, Award and Appropriation Resolution: \$37,000 from County Bridge Fund – Resolution 2009-0413. Janes seconds and the motion carries on a voice vote.(Placed on file)

Road & Bridge – IGA – Winnebago County & Ogle County – Edson Rd – 2009-0414

Huntley moves to approve the Intergovernmental Agreement with Winnebago County for the Repairs to Edson Road Bridge, Section 06-15118-01-BR, 27% Ogle County, 73% Winnebago County – Resolution 2009-0414. Colson seconds and the motion carries on a voice vote.(Placed on file)

Road & Bridge – Comprehensive Capital Infrastructure Program Resolution – 2009-0415

Huntley moves to approve Resolution 2009-0415 Urging Passage of a Comprehensive Capital Infrastructure Program and Horner seconds. Huntley asks Assistant County Engineer Nathan Schwartz to explain this Resolution to the members of the Board. Schwartz states it has been ten years since the State of Illinois has had a Capital Improvement Program. The resolution is asking to keep the current formula intact and that the local units of government have the opportunity to control what projects will be funded in their jurisdiction. The motion carries on a voice vote.(Placed on file)

Heuer would like to take this Resolution to the UCCI meeting on Monday and ask that a similar resolution be passed by the 52 counties in the UCCI. The consensus of the Board was to have Heuer present the resolution to UCCI members.

Ogle County Claims – Clerk reads the claims:

- Payments in Vacation – March 2009 - \$128,270.75
- County Board Payments - April 2009 – \$130,364.82
- County Highway Fund – \$45,808.03

Nye moves to approve the claims as presented, Kenney seconds and the motion carries on a voice vote.(Placed on file)

COMMITTEE REPORTS

The following committee minutes have been placed on exhibit: 911 ETS Board, Executive and State’s Attorney, Finance and Insurance, HEW & Solid Waste, Juvenile & Probation/Judiciary & Circuit Clerk, LRP-Courthouse Renovations, Mental Health Board, Personnel & Salary - County Clerk, Planning & Zoning – Supervisor of Assessments, Regional Planning Commission, Road & Bridge, Sheriff & Coroner/Buildings & Grounds/IT Committee and Tri-County Opportunities.

The following committees had no minutes to file: Blackhawk Hills RC&D, Board of Health, GIS Committee, Ill Assoc of Co Bd Members, LRP –Emergency Operations Center, Liquor Commission, Safety Committee and UCCI/ICRMT.

Long Range Planning

Courthouse Remodeling Minutes placed on exhibit

Update on project

Stahl gives an update to the members of the Board:

- Thursday, April 23rd at 9:00 a.m. – Pre-bid meeting
- May 5th - bids are due
- May 12 – review of bids with LRP Committee
- May 19 – vote at County Board Meeting to approve bids
- Antique Committee working on digitalization
- Discovery of Memorial Hall on 3rd floor & Stenciling of County Board Room
- Bids back for Lead Paint & Asbestos
- Bid for shelving for Recorder’s Office in Mt Morris
- Phones have been ordered through Verizon for Mt Morris
- Discussion on temporary service with ComEd
- Moving Day – Courthouse Closed on May 7th and 8th and will re-open in Mt. Morris on May 11th.
- Next meeting on May 12th
- Lead Paint Abatement on tight schedule and need to remove the lead paint in May

Rice talks about the discovery of “Memorial Hall” which was hand-painted when the courthouse opened in 1891. The paint specialist with the help of a photo album in the County Clerk’s Office was able to find the hand-painted names of the veterans of Ogle County from the various early wars. He also uncovered one of the fresco murals located on the 3rd floor in the Probation Department bathroom. The Committee will be looking into what they can preserve with these new findings.

Barnes asks about the progress of the Geo-Thermal testing. Chairman Rice states it is done and will sustain Geo-Thermal heating units at 220 feet; there may need to be 40 to 45 wells. The County has applied for a Green Project Grant (Stimulus Funding).

Williams asks if the temporary service is being mandated by ComEd. There was discussion regarding the Jail and the Courthouse being on one transformer. In order to keep the jail operating while the existing transformer is being replaced; the temporary feed is needed. Gronewold agrees with Williams regarding the temporary feed. Chairman Rice states he will ask this question at the construction meeting on Thursday and share the findings with the County Board.

Ogle County Board Meeting

April 21, 2009

Resolution 2009-0416

Stahl presents Resolution 2009-0416 authorizing \$94,038.27 to be paid out of the Long Range Planning Fund as follows:

SUPPLIER NAME	DESCRIPTION	AMOUNT
Dynamic Horizons Computer	Labor, Programming & Install of 1 of 4 routers	\$ 1,500.00
Dynamic Horizons Computer	Balance of installation	\$ 4,500.00
Global Enterprise Tech.	County Network Equipment	\$ 696.32
Global Enterprise Tech.	County Network Equipment - RMU Utility Bldg	\$ 5,165.70
Global Enterprise Tech.	County Network Equipment – RMU	\$ 22,818.54
Verzieg Consulting & Mgmt.	Soil Thermal Response Testing & Reporting - Final Progress Invoice	\$ 5,000.00
Dixon Ottawa Comm.	County Network Upgrade	\$ 2,215.80
Holabird & Root, LLC	Professional Services for 2/2009	\$ 3,119.50
Holabird & Root, LLC	Professional Personnel Services for 2/2009	\$ 1,668.00
AR Remediation Corp.	Lead Paint Inspection & Testing	\$ 1,485.00
Custom Underground, Inc.	2009 Fiber Optic Project	\$ 5,500.00
Verizon	Phone System - Move & Equipment	\$ 19,879.38
Dynamic Horizons Computer	Prep for Move to Watt Building	\$ 1,855.00
ComEd	Installation & Removal of Meters	\$ 12,190.78
Shelving Inc.	Shelving - Watt Building	\$ 5,154.25
Henricksen	Shelving – Watt Building	\$ 1,290.00
TOTAL:		\$ 94,038.27

Hopkins seconds and the motion carries on a voice vote.(Placed on file)

Executive Committee Minutes placed on exhibit

Resolution 2009-0417 Chairman Rice presents Resolution 2009-0417 regarding a Tax Abatement for San Gabriel Enterprises Project which is a Senior living facility in Rochelle. The estimated number of jobs is 12 full-time and 10 to 14 part-time jobs. Nye moves to approve Resolution 2009-0417, Kenney seconds.(Placed on file)

Resolution 2009-0418 Chairman Rice presents Resolution 2009-0418 regarding a Tax Abatement for Project Levee which is a Distribution Center to the West of Rochelle. Chairman Rice gives the following information:

- * 3 year Tax Abatement – 90% - 75% - 60%
- * Part of Center Point Properties

Chairman Rice states this business is coming to Rochelle because of the construction of Jack Dame Road. This road will move trucks and container trucks away from schools and downtown Rochelle. DeArvil would like to know how many jobs are being created. Chairman Rice states approximately 20 to 25 jobs – average starting Hourly wage is \$30,000 to \$40,000 and average starting Salary wage is \$60,000 to \$75,000 and both with full benefits. Heuer asks what the initial investment is. Bauer states the Estimated Capital Investment is \$11,000,000. Kenney moves to approve Resolution 2009-0418. Nye seconds and the motion carries on a voice vote.(Placed on file)

County Clerk Comments -

County Clerk Huntley would like to make some comments on the Consolidated Election held earlier this month. Clerk Huntley would like to personally thank:

- * Election Judges – With their hard work the election went along very smooth. Huntley says one of our own Bobbie Colbert worked as an Election Judge as well as Miss Knight who is seated in the back
- * Township Supervisors - They do not get paid enough for their hard work with coordinating equipment - picking-up supplies and setting up the Polling Places
- * Staff – It always get hectic in the office and they band together to get the work done
- * Peters GMC – Joe Peters donates the use of a vehicle on the night of the Election to deliver the Flagg, Lynnville and Dement Precincts

Chairman Rice also thanks the Clerk on a job well done.

Chairman Comments -

- * Committee Meetings will be held at the Sheriff's Training Room – please alert Ruth Shipman if you change the date of a meeting.
- * Courthouse will be CLOSED on May 7th & May 8th to move the offices of the County Clerk & Recorder, Treasurer and Supervisor of Assessments. The Offices will reopen at 122 S. Wesley Avenue in Mt Morris on May 11th.

Unfinished Business –

County Administrator

Chairman Rice states since the 12 – 12 vote on the County Administrator last month he has been trying to assess by communicating with Board members, public and Department Heads in reference to the next step to be taken. Chairman Rice has been asked to bring to the board another vote for County Administrator. Hopkins moves to adopt Resolution 2009-0420 and reads as follows:

WHEREAS, The Executive and State's Attorney Committee of the Ogle County Board with the assistance of Springsted have conducted a search for the hiring of an Ogle County Administrator,

WHEREAS, The Executive Committee selected six candidates to be interviewed at the Special Executive Committee Meeting which was held on Friday, February 20, 2009,

WHEREAS, The Ogle County Board members were given an opportunity to interview with the remaining three candidates on Thursday, March 12, 2009, with the assistance of Springsted,

WHEREAS, The Executive Committee held interviews with the remaining three candidates on Friday, March 13, 2009, with the assistance of Springsted, and after deliberation has selected Meggon McKinley as Ogle County Administrator.

WHEREAS, The Ogle County Board has reviewed the Employment Agreement for the County Administrator, and a copy of said Employment Agreement is attached to this Resolution and made a part hereof,

NOW THEREFORE, BE IT RESOLVED, that the Ogle County Board approves said Employment Agreement for the hiring of Meggon McKinley as the Ogle County Administrator at the April 21, 2009, Ogle County Board meeting.

Bauer seconds. Colson reads the following from the April 15, 2009, Executive & State's Attorney Committee Meeting: "Rice reports there is nothing to report in regards to the Administrator search as it is over." Chairman Rice states the other two candidates have withdrawn. Colson questions the Resolution which cites the search by Springsted and Springsted did not bring this candidate forward. Chairman Rice states Ms. McKinley's name was part of the original candidates and brought forward by Springsted. Barnes asks why the board members did not receive a copy of the Resolution in the packet. Chairman Rice states this is the same Resolution which was presented at the March Ogle County Board meeting. Gouker asks why it is not on the Agenda. Chairman Rice states it is listed on the Agenda. Gouker states the Resolution is not listed on the Agenda. Chairman Rice states "possible action" is listed on the Agenda. Gouker states "possible action" is too vague and asks Chairman Rice how many board members he called. Chairman Rice states he talked to 15 to 16 Board members in the last month as well as the Department Heads. Gouker would like to have a ruling by the Parliamentarian. Chairman Rice reads information given to him by State's Attorney Roe who contacted Nancy Sylvester who is a certified professional parliamentarian at Rock Valley College:

Renewal of a motion - The same motion that was defeated at the March meeting can be made again at the April meeting. Unlike the motion to reconsider, any member of the board can bring forth this motion. You can do so regardless of how you voted on the original motion. If previous notice is given of an intent to make the motion, adoption of the motion requires a majority vote.

Gouker says the information may be appropriate with the Roberts Rule of Order, but he doesn't think it is appropriate with the Open Meetings Act. According to the Open Meetings Act the item needs to be on the Agenda and given 48 hours notice prior to a meeting. County Clerk Huntley states the language was given to her by State's Attorney Ben Roe to place the item on the Agenda. Gouker states the motion and the reference need to be on the Agenda 48 hours before the meeting. County Clerk Huntley states the item was on the Agenda and posted 48 hours before the meeting. Gouker states the possible action is not a clear reference. Gouker states the resolutions which have been acted on tonight are listed on the Agenda and clearly identified with a Resolution number. Chairman Rice asks if we had a Resolution at the March County Board Meeting to hire a County Administrator. Gouker is referring to the Agenda for the meeting tonight and the Resolution does not appear on it. Chairman Rice states this is a renewal of a motion which was made at the March County Board Meeting. Gouker asks Chairman Rice if he knew he was going to bring this resolution before the board tonight. Chairman Rice states this is the same resolution presented at the March County Board meeting. Gouker asks if Chairman Rice knew before this County Board meeting that he was going to bring this Resolution to the Board. Chairman Rice states yes he did. Gouker asks why it was not on the Agenda and how come the rest of the board did not know. Horner says, Chairman you would think if there was possible action listed on the Agenda and there was a question they would contact you. Horner states he always reads the Agenda and if he had any questions he would call. Nye states everyone will be able to vote tonight on the issue. Gouker states he doesn't think this can be voted on this month. Stahl states it is listed under "Unfinished Business" on the Agenda and we all know last month the motion failed due to a tie vote. Heuer states late this afternoon she received communication from the Illinois Attorney General's Office – Michael Luke who is in charge of the Open Meetings Act Division- there is a case which pertains to Agenda's with "possible action". Heuer refers to 326-IL part 3rd 1120 – a ruling by the courts in 2002 which states possible action does not preclude final action and does not constitute final action within an Agenda. Bauer asks if Heuer has the information in writing from the Attorney General's Office. Heuer states she has her notes from the communication. Horner calls for the question. Gouker states point of order and doesn't think this is allowable. Chairman Rice states we were told by our State's Attorney this is allowable through the information he has received. Boes makes the motion to suspend this action until we receive a legal ruling. Williams states if this was to be voted on this evening – Ben Roe should be here. Clerk Huntley states Roe is at a conference and he does have a representative from his office in attendance. Assistant State's Attorney Aaron Wiles addresses the board – he states Roe has talked with Ms. Sylvester and she said the process by which this was introduced today was fine. Wiles states he does not know what Heuer's conversation was with the Attorney General's Office. He does know you can call the Attorney General's Office and sometimes you can speak with someone on the staff. They can say what they think it is and they can propose to continue to give you a decision – it can come back completely different. Until you get the final decision from the Attorney General's Office which could take months; you do not know what they are going to say. Heuer states there is a dichotomy here; she spoke to Nancy Sylvester as well and according to Roberts Rules of Order – yes – the motion can be brought up again since the motion was defeated by a tie vote. This is why she communicated with the Attorney General's Office and didn't get a response in a timely matter. Heuer states Wiles is correct the response could take awhile. Heuer says according to

Michael Luke who is the head of the Open Meetings Act Division – says there is case law that says that “possible action” is too vague and does not preclude final action as posted on an Agenda. Chairman Rice states based on Agendas of the past; we have been in violation for years. Heuer says that is a possibility. Chairman Rice states there have been issues where we didn’t know if we would receive the information in time for action. We then posted on the Agenda “possible action” so we have notified people action would be taken, if the information was received. Colbert makes the motion to hold this over until next month, so it can be posted on the Agenda. Barnes seconds. Chairman Rice states we need to take care of the motion which is on the floor first. Clerk Huntley thinks there are two motions on floor – one by Hopkins and Bauer and one by Boes. Boes did not receive a second on his motion. White asks Heuer if she has a copy of the case law. Heuer states she has the number and not the case. Nye asks Heuer since she called the Attorney General’s Office – Heuer was obviously aware of the possible action. Nye says with the research which has been done – she submits the people who feel like they didn’t know this action was going to be taken; perhaps they really did. Horner called for the vote and states if members do not want to vote – vote no. Gouker states Colbert could amend the motion to hold this over. Colbert withdraws her motion. Heuer states the Resolution number is not on the Agenda. County Clerk Huntley states the board makes motions all the time without Resolution numbers on the Agenda; we have made up the Resolution afterwards. Otherwise, we wouldn’t be able to ever hold an Open Meeting if we are to say every motion needs to have a Resolution number. County Clerk Huntley says by instituting Resolution numbers which we do similar to DeKalb County – If you say every motion has to be prior in a Resolution form – this is being restrictive to the Open Meetings Act. So there are times the board makes a motion without a Resolution and afterwards Laura and I author the Resolutions which are then signed by the Chairman. This is not the first time. County Clerk Huntley states she would prefer to have the Resolution ahead of time, because it saves us from getting into some trouble. You can look back through the minutes. Gouker would like to clarify one thing – The purpose of the Open Meetings Act is to allow the public to know in advance the action. If it is known by the Board and known by the Chairman then it should be disclosed ahead of time. Gouker says Roberts Rule of Order is strictly procedural and is always trumped by the Law. Barnes says to the Chairman – during the Executive Committee Meeting you stated there was nothing new to report and if there was you would bring it up at the County Board Meeting. Barnes says there was no mention of a Resolution and he would have liked to have seen a Resolution before the meeting. Boes asks if Chairman Rice knew at the time of Executive Committee meeting that this Resolution was going to be brought forward. Chairman Rice says no, they were still negotiating with the candidates to see who was still interested. Boes thought Chairman Rice had said the other 2 candidates had already withdrawn. Chairman Rice says they had not withdrawn at that time. Boes asks when the candidates withdrew. Chairman Rice states at the end of last week – Friday he had phone calls with Springsted. They are still in our employ and that is why they are handling this. Boes directs a question to Chairman Rice – he didn’t receive a phone call regarding this issue and he would like to know who of the 12 members that voted no the Chairman talked to. Chairman Rice states he had many conversations with board members during the last two weeks. A roll call vote is called:

YES: Horner, Huntley, Kenney, Messer, Nye, Saunders, Stahl, Bauer, Bowers, Colbert, Diehl, Hopkins and Rice

NO: Janes, White, Williams, Barnes, Boes, Colson, DeArvil, Gouker, Gronewold and Heuer

ABSENT: Kilker

The motion carries on a roll call vote.(Placed on file)

New Business –

* Gouker informs the board of a County Board District 3 Town Hall Meeting to be held on May 14th at 7:00 p.m. to be held at the Community Room at Byron City Hall

Communications –

- Sales Tax for January 2009 was \$38,762.01 and \$59,448.81
- Sales Tax for January 2008 was \$24,002.05 and \$64,434.00
- County Financial Audit - Management Letter & Circuit Clerk Audit – on file
- CASA – Information distributed to County Board Members
- Census 2010 – Information distributed to County Board Members

Motion to Adjourn

At 7:10 p.m., Nye makes the motion to adjourn the March Ogle County Board meeting until Tuesday, May 19, 2009 at 5:30 p.m. at Focus House in Rochelle. Horner seconds and the motion carries on a voice vote.

W. Ed Rice
Chairman - Ogle County Board

Attest: Rebecca Huntley, Ogle County Clerk &
Ex-officio Clerk of the Ogle County Board