

**JO DAVIESS COUNTY BOARD
MEETING MINUTES
JUNE 8, 2021**

CALL TO ORDER: Jo Daviess County Chairperson Don Hill called the meeting to order at 7:00 p.m. on Tuesday, June 8, 2021 in the Jo Daviess County Board Room, Jo Daviess County Courthouse in Galena, Illinois.

ROLL CALL was answered as follows: Present – Dianne Allendorf, William Bingham, Janet Checker, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, LaDon Trost, and Don Zillig. Present: 11. Present electronically – Staci Duerr and John Schultz. Present electronically: 2. Absent - Hendrica Regez and Darcy Wild. Absent: 2. Vacant: 2.

THE PLEDGE OF ALLEGIANCE was led by Chairperson Hill.

THE INVOCATION and thought for the day were given by William Bingham.

Hendrica Regez entered the meeting electronically at this time.

AGENDA ITEM I – CONSENT AGENDA

A motion to approve the consent agenda was made by LaDon Trost and was seconded by Janet Checker.

The motion carried by roll call vote. Ayes – Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, and Don Zillig. Ayes: 14. Nays: 0. Absent – Darcy Wild. Absent: 1. Vacant: 2.

AGENDA ITEM II - CITIZENS' COMMENTS

Mike Dittmar, Elizabeth addressed the board regarding the member vacancy of County Board District #13-Elizabeth and part of Rice. As the Republican Committee Chairperson, Mike sent a letter endorsing Steve McIntyre over three weeks ago. Additionally, the Elizabeth Chamber of Commerce has also endorsed Steve McIntyre for the seat. He is disappointed the issue was not included on tonight's agenda and hopes an appointment will be made very soon.

Darcy Wild entered the meeting electronically at this time.

AGENDA ITEM III – UNFINISHED BUSINESS

There was no unfinished business brought before the board at this time.

AGENDA ITEM IV – NEW BUSINESS & COMMITTEE REPORTS

GGMI President and CEO Rose Noble gave the GGI Fiscal Year 2022 Budget Presentation.

A motion to approve a resolution to amend and extend the Jo Daviess County Emergency Disaster Declaration due to COVID-19 in Jo Daviess County with an amended ending date of July 15, 2021 was made by John Lang and seconded by Robert O'Connor.

The motion carried by roll call vote. Ayes – Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 15. Nays: 0. Vacant: 2.

EXECUTIVE:

A committee motion to amend R2019-10 a Resolution to Approve the Reclassification of the Chief Deputy County Clerk Position, Amend the Jo Daviess County Pay Grade Structure Schedule, and Approve the Updated Position Description as presented was made by John Lang.

Jo Daviess County Board Meeting Minutes

June 8, 2021

Page 2 of 7

The motion carried by roll call vote. Ayes – Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 15. Nays: 0. Vacant: 2.

Darcy Wild left the meeting at this time.

A committee motion to pay any tuition reimbursement provided for by the FOP Collective Bargaining Agreement, and that meets any and all guidelines established for such reimbursement, from the Contingency Fund (016) was made by John Lang.

The motion carried by roll call vote. Ayes – Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, and Don Zillig. Ayes: 14. Nays: 0. Absent – Darcy Wild. Absent: 1. Vacant: 2.

Darcy Wild entered the meeting electronically at this time.

A committee motion to amend P2018-11 Fraud, Waste, and Abuse Policy as presented was made by John Lang.

The motion carried by roll call vote. Ayes – Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 15. Nays: 0. Vacant: 2.

A committee motion to amend P2018-12 Whistleblower Protection Policy as presented was made by John Lang.

The motion carried by roll call vote. Ayes – Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 15. Nays: 0. Vacant: 2.

A committee motion to amend P2018-1 Discrimination, Harassment, & Sexual Misconduct Policy as presented was made by John Lang.

The motion carried by roll call vote. Ayes – Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 15. Nays: 0. Vacant: 2.

A committee motion to amend the Jo Daviess County Employee Handbook as presented was made by John Lang.

The motion carried by roll call vote. Ayes – Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 15. Nays: 0. Vacant: 2.

A committee motion to appoint Angela Kaiser as the IMRF Authorized Agent was made by John Lang.

The motion carried by roll call vote. Ayes – Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 15. Nays: 0. Vacant: 2.

SPECIAL SERVICE AREA COMMISSIONS:

County Administrator Scott Toot reported they've started receiving the various ambulance service audit reports and the SSA commissions would need to schedule a meeting soon.

Jo Daviess County Board Meeting Minutes

June 8, 2021

Page 3 of 7

DEVELOPMENT & PLANNING:

A committee motion to participate in the update of the 2009 Greenways and Trails Plan with Blackhawk Hills Regional Council was made by Diane Gallagher.

The motion carried by roll call vote. Ayes – Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 15. Nays: 0. Vacant: 2.

PUBLIC WORKS:

The committee had no business to bring before the board.

LAW ENFORCEMENT & COURTS:

The committee had no business to bring before the board.

SOCIAL & ENVIRONMENTAL:

A motion to revise the effective date of the termination of the Operator Agreement between Jo Daviess County and The Workshop from August 11, 2021 to July 31, 2021 subject to the approval of The Workshop was made by John Lang and seconded by John Schultz.

The motion carried by roll call vote. Ayes – Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 15. Nays: 0. Vacant: 2.

PLANNING COMMISSION/ZONING BOARD OF APPEALS:

A motion to approve a special use permit for a residence on a lot less than 40 acres, commonly located at an address TBD on Brandt Road, Scales Mound was made by Robert Heuerman and seconded by Staci Duerr.

The motion carried by roll call vote. Ayes – Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 14. Nays - Hendrica Regez. Nays: 1. Vacant: 2.

LEGISLATIVE:

The committee had no business to bring before the board.

FINANCE, TAX, & BUDGETS:

A committee motion to accept the FY2022 Budget Preparation Schedule as presented was made by John Schultz.

The motion carried by roll call vote. Ayes – Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 15. Nays: 0. Vacant: 2.

A committee motion to approve an amendment to the Grant Administrative Oversight Policy was made by John Schultz.

The motion carried by roll call vote. Ayes – Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 15. Nays: 0. Vacant: 2.

The fund balance for the Contingency Fund (016) on April 30, 2021 was \$334,836.89.

INFORMATION & COMMUNICATIONS TECHNOLOGY:

The committee had no business to bring before the board.

AGENDA ITEM V – OTHER COMMITTEES AND BOARDS

Ad-Hoc Menominee Dunleith Fire Protection District (MDFPD) Communication Tower:

A motion to approve a Resolution for Sole/Single Source Procurement for Purchase and Installation of Antenna Equipment for MDFPD Communication Tower Project was made by William Bingham and seconded by John Korth.

The motion carried by roll call vote. Ayes – Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 14. Nays - Robert O'Connor. Nays: 1. Vacant: 2.

AGENDA ITEM VI – BOARD MEMBER CONCERNS

Don Zillig visited the location of the proposed county park and was very impressed by the site.

LaDon Trost and Robert Heuerman have both received public feedback against a county park.

Diane Gallagher and Hendrica Regez are working on a project to raise public awareness about county government and welcome any input board members might have to help generate interest in the community.

Don Zillig stated he has served on the County Board with Steve McIntyre in the past and believes him to be a good choice for the appointment of the County Board District #13 seat.

State's Attorney Chris Allendorf cautioned board members about using the Board Member Concerns forum to discuss items that are not on the agenda and might be of interest to the public.

AGENDA ITEM VII – CITIZENS' COMMENTS

Joe Kratcha, IT/GIS Director referenced the impending retirement of Bruce Habel at the end of June and thanked him for his dedicated service to Jo Daviess County.

Kevin Turner, Sheriff referenced the impending retirement of Steve Endress, Merle Soat, and Ron Shutts in the month of June and thanked them for their many years of service to Jo Daviess County.

Scott Toot, Administrator thanked Joe Kratcha, Angela Kaiser, Melisa Hammer, and Mary Althof for their help during his first weeks as Administrator.

Steve McIntyre, Elizabeth thanked the board for their consideration in the matter of his appointment to County Board District #13. He stated he has served in the past and would enjoy doing so again.

AGENDA ITEM VIII – CLOSED SESSION

A motion to enter closed session at 8:16 p.m. was made by Diane Gallagher and seconded by Janet Checker to discuss:

D. Pursuant to 5 ILCS Litigation Section 120/2(c)11

"Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting." Topic of discussion – Case # 2021MR34

The motion carried by roll call vote. Ayes – Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 15. Nays: 0. Vacant: 2.

William Bingham left the meeting at 8:25 p.m.

Jo Daviess County Board Meeting Minutes

June 8, 2021

Page 5 of 7

The board reconvened at 8:36 p.m. following a motion by John Lang and second by Diane Gallagher.

The motion carried by roll call vote. Ayes – Dianne Allendorf, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 14. Nays: 0. Absent - William Bingham. Absent: 1. Vacant: 2.

AGENDA ITEM IX – POSSIBLE ACTION AS A RESULT OF CLOSED SESSION

A motion to litigate Case #2021MR34 was made by John Schultz and seconded by John Korth.

The motion carried by roll call vote. Ayes – Dianne Allendorf, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 14. Nays: 0. Absent - William Bingham. Absent: 1. Vacant: 2.

AGENDA ITEM X - ADJOURNMENT

A motion to adjourn was made by John Korth and seconded by Darcy Wild.

The motion carried by roll call vote. Ayes – Dianne Allendorf, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Ayes: 14. Nays: 0. Absent - William Bingham. Absent: 1. Vacant: 2.

Chairperson Hill adjourned the meeting at 8:38 p.m. until 7:00 p.m. Tuesday, July 13, 2021 at the Jo Daviess County Board Room, Jo Daviess County Courthouse in Galena, Illinois.

**JO DAVIESS COUNTY BOARD
CONSENT AGENDA
JUNE 8, 2021**

A. MINUTES APPROVAL

1. County Board meeting minutes from the May 11, 2021 County Board Meeting.
2. County Board meeting minutes from the May 24, 2021 Special County Board Meeting.

B. APPOINTMENTS/RESIGNATIONS

1. Appointment of Don Hill to the Ad-Hoc Economic Development Committee.
2. Appointment of Don Hill to the Jo Daviess County Ad-Hoc Health Insurance Committee.
3. Appointment of Don Hill to the Labor Negotiating Committee.
4. Appointment of Bill Bingham to the Personnel Review Committee.
5. Appointment of Mary Vincent to the Jo Daviess County Sheriff's Merit Commission for a six year term beginning June 1, 2018 and ending May 31, 2024.
6. Appointment of Julie Mark-Helman to the Jo Daviess County Sheriff's Merit Commission for a six year term beginning June 1, 2018 and ending May 31, 2024.
7. Appointment of Kat Speaker to the Jo Daviess County Sheriff's Merit Commission for a six year term beginning June 1, 2019 and ending May 31, 2025.
8. Appointment of Jim Boho to the Jo Daviess County Sheriff's Merit Commission for a six year term beginning March 1 2017 and ending May 31, 2023.
9. Appointment of Linda Nobis to the 708 Mental Health Board for a four year term beginning July 1, 2021 and ending June 30, 2025.
10. Appointment of Steve Keeffer to the LRA Board for a three year term beginning August 1, 2021 and ending July 31, 2024.
11. Appointment of Dianne Allendorf to the Emergency Telephone System Board (ETSB) for the remainder of a term ending November 30, 2022.
12. Appointment of Tara Redfearn, R.N. to the Jo Daviess County Board of Health for the remainder of a three year term ending April 30, 2023.
13. Appointment of Jo Daviess County State's Attorney as Jo Daviess County Compliance Officer.
14. Appointment of Jo Daviess County State's Attorney as Jo Daviess County Ethics Officer.

C. CONTRACTS, AGREEMENTS, & PETITIONS

D. ORDINANCES, RESOLUTIONS, & PROCLAMATIONS

E. REPORTS & CORRESPONDENCE

F. CLAIMS

1. Claims approval in the amount of \$595,852.44 as follows:
 - i. \$538,552.05 (\$523,787.95 Regular Claims + Claims associated w/LIT's \$14,764.10)
 - ii. \$55,855.42 (GGMI Hotel/Motel Tax Reimbursement)
 - iii. \$1,444.97 (COVID-19 Claims to be paid from Contingency Fund)

G. LINE ITEM TRANSFERS

1. Line Item Transfers (with associated claims) in the amount of \$15,945.81 as follows:
 - i. \$4,320.81 \$4,320.81 from 002-43141-901 Contingency to 002-43141-441 Uniform Allowance

Jo Daviess County Board Meeting Minutes

June 8, 2021

Page 7 of 7

- ii. \$800.00 \$800.00 from 002-43141-901 Contingency to 002-43141-441 Uniform Allowance
- iii. \$825.00 \$825.00 from 001-40113-724 Rentals to 001-40113-501 Education & Training
- iv. \$4,000.00 \$4,000.00 from 001-41122-711 Utilities to 001-41122-441 Uniform Allowance
- v. \$2,000.00 \$2,000.00 from 001-41122-719 Other Service Charges to 001-41122-701 Maintenance Service
- vi. \$4,000.00 \$4,000.00 from 001-41122-711 Utilities to 001-41122-702 Professional Service

CLOSED SESSION
JO DAVIESS COUNTY BOARD MEETING
JUNE 8, 2021

The board entered closed session at 8:19 p.m. to discuss:

D. Pursuant to 5 ILCS Litigation Section 120/2(c)11

"Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting." Topic of discussion – Case # 2021MR34

Present were members Dianne Allendorf, William Bingham, Janet Checker, Staci Duerr, Diane Gallagher, Robert Heuerman, Don Hill, John Korth, John Lang, Robert O'Connor, Hendrica Regez, John Schultz, LaDon Trost, Darcy Wild, and Don Zillig. Present: 15. County Administrator Scott Toot, Office Manager Mary Althof, State's Attorney Chris Allendorf, C.C.A.O. Laura Edmonds, IT/GIS Director Joe Kratcha, and County Clerk Angela Kaiser were also present.

William Bingham left closed session at 8:25 p.m.

Joe Kratcha gave the board some history regarding the GIS department in Jo Daviess and the current case brought against C.C.A.O. Laura Edmonds:

- He was hired in 1999 as a GIS specialist to develop a GIS system to be used by other county offices and departments to provide services to residents and visitors.
- In 2002, the county established a GIS Products & services Cost Recovery Policy that identifies GIS products and services that can be made available to the public on a "user-based fee" approach. The policy has been revised throughout the years, most recently in 2018 and one of the products available is the licensing of the digital GIS data.
- For the past 19 years, digital GIS data has been licensed to many entities and individuals using the policy established by the County Board and a signed licensing agreement is required for these requests.
- FOIA was re-written and when into effect on 01.01.2010. Per FOIA Section 7-Exemptions: "computer geographic systems" are exempt from FOIA "when disclosure could reasonably be expected to produce private gain or public loss."
- In April 2010, Rockford Map Publishers (RMP) submitted a FOIA request for all digital GIS data in Jo Daviess County and the request was denied. RMP appealed to the Illinois Attorney General's office and the AG's office agreed with Jo Daviess County's decision to deny the request.
- From 2011 to 2020, the County has received 5 other requests for digital GIS data. All requests were denied and no further action was taken by the requestors.
- In February 2021, Roger Hurlbert of Sage Information Services of Jefferson City, MO sent a \$100 check to the Assessor's office and under FOIA, requested shapefiles of all parcels in the county, citing Sec 9-35 of the Property Tax Code. C.C.A.O. Laura Edmonds passed the request to Joe, as previous C.C.A.O.'s have done, considering it was a request for GIS information. Joe inquired of Sage Information Services if the request was for commercial purposes (as allowed by FOIA) and was told it was. He then denied the request citing digital GIS data as being exempt.

- On March 31, 2021, State's Attorney Chris Allendorf advised Donald Craven, an attorney representing Sage Information Services in this matter, to register a complaint with the Illinois Attorney General's office for review. Instead, Attorney Craven filed suit on April 20, 2021 with the case to be heard by Judge John Hay in August.
- It is important to note that Sage Information Services has also brought suit in Carroll County for the exact same denial of request for digital GIS data and court proceedings are scheduled for July.
- Laura and Joe are working with Attorney Karen McNaught from the law office of OKGC, hired by the County's insurance company. McNaught is also working with Carroll County in their suit.

This issue was discussed at the most recent Finance, Tax, & Budget committee meeting and the recommendation from there was to litigate the suit. The feeling is this is a suit seeking a monetary reward.

State's Attorney Chris Allendorf spoke, stating he agrees this is a plaintiff looking to get something for nothing. He's also spoke with the Carroll County State's Attorney and that appears to be their opinion, as well.

Board members agree this isn't something that should be allowed (giving digital GIS data out in response to FOIA requests), nor should it be something to just settle with a monetary award.

The board left closed session at 8:35 p.m.

Opened 10.03.23