

**PROCEEDINGS  
OF THE  
MACON COUNTY BOARD**

**DECEMBER 10, 2020**

**Kevin Greenfield  
Chairman**

**Josh Tanner  
Clerk**

The Chairman called the meeting to order at 6:00 p.m. with Chief Deputy, Adam Walter and the State's Attorney present.

Mr. Tanner: Mr. Tanner said prior to reading the Roll Call he had a letter to read from board member Matt Brown: To the Members of the Macon County Board: Effective immediately I resign my position as an elected Board Member of District #6 in Macon County, IL. I will forever cherish the friendships that I have made with fellow Board Members, Office Holders and Macon County Employees over the last six years. In these difficult times I am hopeful that the County Board Members and Office Holders can come together and work as a team in the best interest of the taxpayers of Macon County. I wish you all well. Respectfully, Matthew E. Brown

The Roll Call showed the following members present at the meeting: Mr. Coleman, Mrs. Dawson, Mr. Entler, Mr. Greenfield, Mr. Gresham, Mr. Holman, Mrs. Kraft, Mr. Kreke, Mrs. Little, Mr. Mattingley, Mrs. Rood, Mrs. Taylor. The following members were present via tele-presence: Ms. Buckner, Mr. Drobisch, Mr. Hogan, Mr. Jackson, Mr. Noland, Dr. Zimmerman

Mrs. Taylor led the members in Prayer.

All led in the Pledge of Allegiance.

**A. APPROVAL OF THE MINUTES FROM THE NOVEMBER 12, 2020 MEETING**

**MOTION**

Mrs. Kraft moved, seconded by Mr. Mattingley to approve the minutes of the November 12, 2020 meeting.

There were no questions or comments from the board floor.

**ROLL CALL.**

Ayes: Buckner, Coleman, Dawson, Drobisch, Entler, Greenfield, Gresham, Hogan, Holman, Jackson, Kraft, Kreke, Little, Mattingley, Noland, Rood, Taylor, Zimmerman

Nays: (None)

**AYES = 18**

**NAYS = 0**

**MOTION CARRIED.**

There were zoning or subdivisions presented at the meeting.

## **B. CORRESPONDENCE**

A letter from the Illinois EPA regarding Tate & Lyle Ingredients Americas LLC (Illinois EPA BOA ID# 115015ABX) Construction Permit (20100020).

A letter from CIVEL (Cannabis Industry Victims Educating Litigators) regarding prohibiting or significantly limiting a cannabis business establishment's location.

A letter from IDOT regarding information about the policy and procedure IDOT developed to complete delinquent bridge inspections.

An e-mail from Ameren Illinois regarding tree trimming in the area.

A letter from Ameren regarding upcoming vegetation management.

## **REPORTS**

Sheriff's Report – November 2020

Treasurer's Fund and Investment Report – November 2020

Collector's Report – October & November 2020

Coroner's Report - October 2020

## **MOTION**

Mrs. Little moved, seconded by Mrs. Kraft to approve placing the Correspondence and Reports on file.

There were no questions or comments from the board floor.

## **ROLL CALL.**

Aye: Buckner, Coleman, Dawson, Drobisch, Entler, Greenfield, Gresham, Hogan, Holman, Jackson, Kraft, Kreke, Little, Mattingley, Noland, Rood, Taylor, Zimmerman

Nays: (None)

**AYES = 18**

**NAYS = 0**

## **MOTION CARRIED.**

## **1. CLAIMS**

## **MOTION**

Mrs. Little moved, seconded by Mr. Mattingley to approve the claims that have been paid.

There were no questions or comments from the board floor.

**ROLL CALL.**

Ayes: Buckner, Coleman, Dawson, Drobisch, Entler, Greenfield, Gresham, Hogan, Holman, Jackson, Kraft, Kreke, Little, Mattingley, Noland, Rood, Taylor, Zimmerman

Nays: (None)

**AYES = 18**

**NAYS = 0**

**MOTION CARRIED.**

**C. APPOINTMENTS**

2. Mr. Greenfield presented Resolution G-5227-12-20 which is appointing Jake Horve to fill the County Board District # 6 position vacated by Kevin Bird.

**MOTION**

Mr. Greenfield moved, seconded by Mr. Gresham to approve Resolution G-5227-12-20.

There were no questions or comments from the board floor.

**ROLL CALL.**

Ayes: Buckner, Coleman, Drobisch, Entler, Greenfield, Gresham, Hogan, Holman, Jackson, Kraft, Kreke, Little, Mattingley, Noland, Rood, Taylor, Zimmerman

Nays: (None)

Present: Dawson

**AYES = 17**

**NAYS = 0**

**PRESENT = 1**

**MOTION CARRIED.**

Macon County Clerk, Josh Tanner administered the Oath of Office to Jake Horve as the newly appointed Macon County Board member in District #6.

**D. CONSENT CALENDAR**

3. Mr. Greenfield presented Resolution G-5219-12-20 which is executing deeds to convey property on which taxes were delinquent.

**MOTION**

Mr. Greenfield moved, seconded by Mr. Mattingley to approve Resolution G-5219-12-20.

There were no questions or comments from the board floor.

**ROLL CALL.**

Ayes: Buckner, Coleman, Dawson, Drobisch, Entler, Greenfield, Gresham, Hogan, Holman, Horve, Jackson, Kraft, Kreke, Little, Mattingley, Noland, Rood, Taylor, Zimmerman

Nays: (Nays)

**AYES = 19**

**NAYS = 0**

**MOTION CARRIED.**

**JUSTICE COMMITTEE**

4. Mr. Mattingley presented Resolution G-5220-12-20 which is authorizing disposal of surplus property by the State's Attorney's office.

**MOTION**

Mr. Mattingley moved, seconded by Mrs. Kraft to approve Resolution G-5220-12-20.

There were no questions or comments from the board floor.

**ROLL CALL.**

Ayes: Buckner, Coleman, Dawson, Drobisch, Entler, Greenfield, Gresham, Hogan, Holman, Horve, Jackson, Kraft, Kreke, Little, Mattingley, Noland, Rood, Taylor, Zimmerman

Nays: (None)

**AYES = 19**

**NAYS = 0**

**MOTION CARRIED.**

5. Mr. Mattingley presented Resolution G-5221-12-20 which is designating the Illinois State's Attorney's Appellate Prosecutor as its agent to administer the operation of Appellate offices and process Appellate cases for Macon County during FY 2021.

**MOTION**

Mr. Mattingley moved, seconded by Mrs. Kraft to approve Resolution G-5221-12-20.

There were no questions or comments from the board floor.

**ROLL CALL.**

Ayes: Buckner, Coleman, Dawson, Drobisch, Entler, Greenfield, Gresham, Hogan, Holman, Horve, Jackson, Kraft, Kreke, Little, Mattingley, Noland, Rood, Taylor, Zimmerman

Nays: (None)

**AYES = 19**

**NAYS = 0**

**MOTION CARRIED.**

The EEHW Committee had nothing to submit at the meeting.

**OPERATIONS AND PERSONNEL**

6. Mrs. Little presented Resolution G-5222-12-20 which is approving an increase in appropriations in the FY 2020 County Clerk Elections budget.

**MOTION**

Mrs. Little moved, seconded by Mrs. Kraft to approve Resolution G-5222-12-20.

There were no questions or comments from the board floor.

**ROLL CALL.**

Ayes: Buckner, Coleman, Dawson, Drobisch, Entler, Greenfield, Gresham, Hogan, Holman, Horve, Jackson, Kraft, Kreke, Little, Mattingley, Noland, Rood, Taylor, Zimmerman

Nays: (Nays)

**AYES = 19**

**NAYS = 0**

**MOTION CARRIED.**

7. Mrs. Little presented Resolution G-5223-12-20 which is approving a budget amendment for Workforce Investment Solutions FY 2020 budget – Layoff Aversion Project.

**MOTION**

Mrs. Little moved, seconded by Ms. Rood to approve Resolution G-5223-12-20.

There were no questions or comments from the board floor

**ROLL CALL.**

Ayes: Buckner, Coleman, Dawson, Drobisch, Entler, Greenfield, Gresham, Hogan, Holman, Horve, Jackson, Kraft, Kreke, Little, Mattingley, Noland, Rood, Taylor, Zimmerman

Nays: (None)

**AYES = 19**

**NAYS = 0**

**MOTION CARRIED.**

The Legislative Committee had nothing to submit at the meeting.

**FINANCE COMMITTEE**

8. Mrs. Kraft presented Resolution G-5224-12-20 which is amending the State's Attorney's FY 20 budget for the Child 1<sup>st</sup> Center.

**MOTION**

Mr. Kraft moved, seconded by Ms. Rood to approve Resolution G-5224-12-20.

There were no questions or comments from the board floor.

**ROLL CALL.**

Ayes: Buckner, Coleman, Dawson, Drobisch, Entler, Greenfield, Gresham, Hogan, Holman, Horve, Jackson, Kraft, Kreke, Little, Mattingley, Noland, Rood, Taylor, Zimmerman

Nays: (None)

**AYES = 19**

**NAYS = 0**

**MOTION CARRIED.**

The Negotiations Committee had nothing to submit at the meeting.

The Transportation Committee had nothing to submit at the meeting.

The Executive Committee had nothing to submit at the meeting.

The Siting, Rules & Ordinance Sub-Committee had nothing to submit at the meeting.

The Building Sub-Committee had nothing to submit at the meeting.

**CITIZENS' REMARKS:**

Mr. Greenfield: Mr. Greenfield asked if it was the boards will to read the comments out loud (that were submitted via e-mail), or place them on file. He asked if anyone had a preference.

Mrs. Kraft: Mrs. Kraft said he wanted it read. She didn't care but...

Mrs. Little: Mrs. Little said they asked that it be read.

Mrs. Kraft: Mrs. Kraft said that Jim asked that his be read specifically.

Mr. Greenfield: Mr. Greenfield asked Mr. Baggett to read the citizens' remarks.

Mr. Baggett: said there was one public comment received by e-mail. It says: Dear County Board Members, I am writing to make you aware of and to express my concerns about the Macon County Health Department shutting down businesses to enforce State Tier II restrictions for COVID 19. The Health Department is using an ordinance adopted by the Macon County Board to do so. Illinois Compiled Statute (20 ILCS 2305/2 c) Department of Public Health Act gives the Macon County Health Department the authority to order a business to close to protect the public from a dangerous contagious or infectious disease. This law also states, if the business owner does not give consent the department has the ability to immediately close the business. The law also states "the department shall, as soon as practical, within 48 hours after issuing the order, obtain the consent of the person or owner or file a petition requesting a court authorizing the isolation, quarantine or closure." The Macon County Health Department is using Macon County Food Sanitation ordinance, Section 7.9 and 8.6 (4) (effective 2019), as seen posted on the Texas Roadhouse business door (attached photo). I downloaded this ordinance from the MCHD website. These sections don't exist in the ordinance – or if

they do, they aren't published. Furthermore, this ordinance was passed by the Macon County Board on 11-8-2018 prior to the arrival of the COVID-19 virus and implementation of the States response to the virus. In section 91.25 titled Permit Suspension, it states whenever the health authority finds unsanitary or other conditions in the operation of the food establishment, or a temporary food establishment, which in the authority's judgment, constitutes a substantial hazard to public health, it may without warning, notice or hearing, issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken, and stating that the permit is immediately suspended. It later states an appeal may be made to the Macon County Board of Health in the manner set forth in this section (Attached section of ordinance). I am not a lawyer but have read and interpreted many laws over the course of my life and know the "shall" language in the public Health Act is there to protect the businesses and explain to the Health Department what is required to close a business during an infectious disease outbreak. It essentially mandates the Health Department to request a court authorization after 48 hours. The Macon County Health Department is circumventing Illinois law and using a County ordinance to enforce executive orders which may or may not be legal. The purpose of the ordinance is to ensure the restaurants are clean and safe preparing food for consumption, not to enforce mitigation guidelines for COVID-19. Thank you Jim Root, Macon County Resident.

#### **OFFICEHOLDERS' REMARKS:**

Mrs. Little: Mrs. Little said she would like to wish the board and officeholders a Merry Christmas.

Mr. Jackson: Mr. Jackson said he thinks it is imperative that the county board does take action to look into what Mr. Root brought up. He is somewhat in agreement. He feels they should at least look to see if they are doing something that adversely affects the citizens and business owners in town and in the county.

Mrs. Dawson: Mrs. Dawson asked if he was saying the Health Department is not doing what they are supposed to be doing.

Mr. Jackson: Mr. Jackson said no. He was saying they are probably overstepping their bounds.

Mrs. Dawson: Mrs. Dawson said, so he was saying they're not.

Mr. Jackson: Mr. Jackson said no, he was not saying that. He was saying they are probably extending the law beyond its reach.

Mrs. Dawson: Mrs. Dawson asked what legal had to say. She said she is not a lawyer either, as is Mr. Root not one.

Mr. Baggett: Mr. Baggett said he did not have an opinion at that time. It is a subject that needs to be researched. He needs to learn more about what exactly the Health

Department has done. Mr. Baggett said he did not know all the facts and was not prepared at that time to give legal counsel or advice or an opinion as to what the Health Department has done, whether it is legal or not.

Mr. Mattingley: Mr. Mattingley said he would like such an opinion as he tends to share some of Mr. Root's concerns.

Mr. Baggett: Mr. Baggett said he was happy to provide that. He said he didn't often volunteer or presume to know what the county board wants of him, but if that is something they want, he would provide it.

Mr. Mattingley: Mr. Mattingley said he would like to hear from the State's Attorney about their opinion on this. It seems that the language might even be useable, but to him it is not clear.

Mr. Rueter: Mr. Rueter said one thing he wanted to make clear is that with the pandemic there have been various actions taken by the county health department. He is rather surprised given the situation, and he just assumed office on December first, that the Health Department hasn't reached out to him to discuss what their limits or abilities are in enforcement and what his role may or may not be in that. Hopefully, they will sometime soon reach out to see what the extent of their legal authority is so they can have that discussion.

Mrs. Dawson: Mrs. Dawson asked if they had consulted with the former State's Attorney.

Mr. Rueter: Mr. Rueter said he didn't believe they had to any great degree. He asked Mr. Baggett if that was correct.

Mr. Baggett: Mr. Baggett said his understanding was that there was prior contact between the Health Department Administrator and the prior State's Attorney. Mr. Baggett said he had contact with the administrator at various times over the past 9 months. Again, with respect to the specifics of this enforcement action he didn't know exactly what happened. He does know that prior advice that has been given to the Health Department is that they are empowered under state law to enforce State regulations. In terms of who is going to be responsible for prosecuting violations of State law or regulations, the governor has a Department of Public Health and an Attorney General who represent him. Mr. Baggett said his prior State's Attorney had indicated that the Macon County State's Attorney's office would not be involved in the direct prosecution of violations of State law or regulation.

Mr. Rueter: Mr. Rueter said he intends to adopt that same policy.

Mrs. Dawson: Mrs. Dawson thanked them and said she appreciated that.

Dr. Zimmerman: Dr. Zimmerman said she just wanted to add something to that because she is on the Board of Health. She said that decision by the Board of Health and Health Department was not made lightly. Dr. Zimmerman said they need to remember that the hospitals are full. There are several deaths nearly every single day. The people at the Health Department are not out to just shut down businesses. They are trying to save lives. She just wanted that motivation to be understood when they are discussing these shutdowns of indoor dining. People can go and carryout the food. This was just for the indoor dining.

Mr. Coleman: Mr. Coleman said he just wanted to piggyback on what Laura said. He said if he did his math correctly from the Herald & Review's reporting yesterday, over 10% or just about 10% of the county's population either has had COVID or (could not hear the rest of what was said)

**COMMENT:**

Mr. Greenfield: Mr. Greenfield asked Mr. Baggett if it was correct that they needed to suspend the rules to act on the two resolutions under new business because they have not been through any committee.

Mr. Baggett: Mr. Baggett said these are resolutions that, for timing purposes, did not make it through the committee process for the month of November; but they are time sensitive. The officeholders have asked to bring them forward to be voted on here. A board member would need to make the motion to suspend the rules in order to consider these two resolutions under item 25.

**MOTION TO SUSPEND THE RULES**

Mrs. Little moved, seconded by Mr. Mattingley to suspend the rules to consider Resolution G-5225-12-20 and G-5226-12-20 under New Business.

**QUESTION:**

Mrs. Dawson: Mrs. Dawson asked why they didn't make it through committee.

Mr. Baggett: Mrs. Baggett said he could not speak as to the Local Cure Program. He thinks it might have been a situation where the county got the award from the State and in order to spend the money it needs to be done now. As far as the Command Officers' contract, he thinks after the contract was fully negotiated, it was sent out after the Justice Committee had already met. It is a retroactive contract from back to December 2018. So, they basically want to have their back pay now.

Mr. Rueter: Mr. Rueter said they have been working without a contract. This has been a working agreement while the contract was negotiated.

Mrs. Little: Mrs. Little said regarding the contract resolution, she asked if they have the money to pay them a year's worth of back pay.

Mr. Baggett: Mr. Baggett said he didn't have an answer to the question and Ms. Reed was indicating that she didn't have an answer to the question. Mr. Baggett said Chief Deputy Walter was at the meeting but he didn't know if Chief Deputy Walter would have an answer to the question.

Mrs. Little: Mrs. Little said she was not going to vote for a resolution that the county did not have the money to support. That's irresponsible.

Mr. Greenfield: Mr. Greenfield said they do have the money. Part of it may have to come out of the Safety Tax, but the money is there.

Mr. Baggett: Mr. Baggett said the LEST has a significant positive fund balance.

**ROLL CALL.**

Ayes: Coleman, Dawson, Entler, Greenfield, Gresham, Hogan, Holman, Horve, Jackson, Kraft, Kreke, Little, Mattingley, Noland, Rood, Taylor, Zimmerman

Nays: Drobisch

Present: Buckner

**AYES = 17**

**NAYS = 1**

**PRESENT = 1**

**MOTION CARRIED. (TO SUSPEND THE RULES FOR G-5225-12-20 AND G-5226-12-20)**

**NEW BUSINESS:**

9. Mr. Greenfield presented Resolution G-5225-12-20 which is approving increase in appropriations in the FY 20 General Fund budget for Local CURE Program.

**MOTION**

Mr. Greenfield moved, seconded by Mrs. Kraft to approve Resolution G-5225-12-20.

There were no questions or comments from the board floor.

**ROLL CALL.**

Ayes: Buckner, Coleman, Dawson, Drobisch, Entler, Greenfield, Gresham, Hogan, Holman, Horve, Jackson, Kraft, Kreke, Little, Mattingley, Noland, Rood, Taylor, Zimmerman

Nays: (None)

**AYES = 19**

**NAYS = 0**

**MOTION CARRIED.**

10. Mr. Greenfield presented Resolution G-5226-12-20 which is approving a working agreement for December 1, 2018 through November 30, 2021 between the Sheriff of Macon County, Illinois and Macon County Illinois and the Macon County Sheriff's office Command Officers' Association.

**MOTION**

Mr. Greenfield moved, seconded by Mrs. Little to approve Resolution G-5226-12-20.

There were no questions or comments from the board floor.

**ROLL CALL.**

Ayes: Buckner, Coleman, Dawson, Drobisch, Entler, Greenfield, Gresham, Hogan, Holman, Horve, Jackson, Kraft, Kreke, Little, Mattingley, Noland, Rood, Taylor, Zimmerman

Nays: (None)

**AYES = 19**

**NAYS = 0**

**MOTION CARRIED.**

Mr. Greenfield: Mr. Greenfield wished everyone a safe and Merry Christmas and a Happy New Year. Hopefully 2021 will be a lot better than the past year.

**MOTION TO ADJOURN**

Mrs. Little moved, seconded by Mr. Holman to adjourn until January 14, 2020 at 6:00 p.m.

**MOTION CARRIED.**

Meeting adjourned at 6:33 p.m.