

SITING, RULES & ORDINANCE SUB-COMMITTEE MEETING
October 2, 2013
5:30 P.M.

MEMBERS PRESENT

Jerry Potts
Susanna Zimmerman
Jay Dunn

MEMBERS NOT PRESENT

Bill Oliver
Tim Dudley

COUNTY PERSONNEL PRESENT

Jennifer Hoffman, Director P&Z
Mike Baggett, State's Attorney's Office
Jeannie Durham, County Board Office

Meeting was called to order by Chair Jerry Potts at the Macon County Office Building. Jay Dunn was asked to sit on the committee for quorum purposes

MINUTES

Motion to approve the minutes of prior meeting (6-18-13) made by Susanna Zimmerman, seconded by Jay Dunn, and motion carried 3-0.

CITIZEN'S REMARKS

None

OLD BUSINESS

None

NEW BUSINESS

Discussion of the Codification Project –

This project has been ongoing for several years. Jerry Potts went through the entire book pointing out the changes that had been made so that committee members could ask questions if there were any.

Mike Baggett stated that all of the notes are his handwriting and he did insert the changes, but most of the notes are the notes from the department heads who have reviewed their governing ordinances and submitted the changes. He said he had looked over them and without exception every note received from department heads were verifiable as being legally correct and worth changing on the original draft submitted by American Legal. He said he just wanted it to be clear that this is an incorporation of all of the departments input into the process.

Jerry pointed out on Ch 31, page 7, C Finances, .09 per month has been crossed out and .90 cents has been added. Mike said that this is a typo where the numbers had been transposed. It should have said .90 to begin with. The originating ordinance was O-32-6-96 passed in June, 1996.

Jay Dunn asked if all the department heads and county officials had responded and looked over the material. There were some late, but it was agreed that the response had been good.

Ch 72, Traffic Schedule has a strike out and Jerry questioned the reason. Mike Baggett stated that one of the streets is a Township Road now and one of the streets is a City Road. They are no

longer county roads and so we gave up the authority to set the speed limit there. The County Engineer said that these roads do not belong to the County any longer. Jerry asked if the County Board would have to vote to strike that. Mike said the procedure for the adoption of the code would be that when the next draft comes back from American Legal and they have incorporated in all of these changes as well as any new ordinances passed since February, 2012. We will review that and make sure the changes have been made as approved by the committee tonight and as reflected in the new ordinances the board has passed. At that point, that draft of the code, if it is final would be presented to the County Board to adopt. Everything that is adopted in that code will supersede any ordinance that has been passed prior to the adoption of the code. When the County Board adopts ordinances in the future, those will be incorporated into the code on an annual basis, but they will also still have the force of law. What will happen is that the County Board does not need to move to repeal this ordinance, because by passing the code, once we strike it from the draft, will have that affect.

Jerry asked if Ch 90, Nuisance incorporated the latest updates. Mike said it did because the latest Ordinance that was passed had been inserted into the draft that has been sent to American Legal. They will strike everything they currently have and utilize the new ordinance in place of it.

Ch 92 Street names, signage, etc on pages 26 & 27 changes were comments by the highway department from the County Engineer. This would have the effect of bringing the ordinance in line with State Statute which has changed since the ordinance was originally adopted. This is a situation where the County does not have to adopt these changes prior to voting on the code. By voting on the Code, they will be adopting the changes. Jerry asked about B on page 27 being struck out totally. Mike said that was done because it is in conflict with State Statute. A developer no longer has the legal authority to maintain decorative street name poles. It is left entirely up to the County Highway Departments or the Department of Transportation or the Cities, Municipalities, etc...

Mike Baggett pointed out a change in ch 111, page 10, Section B. This is an update with respect with these ordinances. These are not ordinances as passed by the County Board. These are ordinances as passed by the Board of Health under their authority to regulate public health. Mike said that Kathy Wade, Director of Environmental Health, said that Section B is no longer accurate and that the fee is established by the Illinois Department of Public Health.

In Ch 112, there is no Section 9.4B in the original ordinance as referenced in this section. It is stricken by request of American Legal because it references a section that does not exist.

Title XIII is reserved and Jerry questioned why. Mike explained that when Statutory Code is being created, with a scheme in mind as to how to organize the laws, and they don't have anything to put there yet, but they don't want to lose the ability to slide something in there at some point, they do this. Susanna said it is a place holder. Mike agreed.

Mike explained that on page 4 with respect to Section 150.03, the County Board passed a new ordinance in February of this year adopting the current edition of the National Electrical Code. That was inserted into the packet that was sent back to American Legal and they will incorporate it into the next draft.

Ch 151, Flood Plain Development, because of the age of this ordinance that was sent to American Legal, had several sections that could not be made out on the copies they received. Their notations indicated missing text. The department located the ordinance and provided the original language from the Ordinance that needed to be inserted.

That concluded discussion of changes, but Jerry Potts had additional questions after a discussion with the Auditor on the agreement with American Legal, items #2 & #3. Item #3 says they will suggest new provisions which the County should consider including in the new codes. Mike Baggett said he had filled out and submitted with the latest draft. It is a legal review that they wanted done to review for legality particularly with respect to things which may be outdated. That has already been sent back to them. Jay Dunn asked is they weren't supposed to tell us if there are certain ordinances dealing with specific things that we needed. Mike Baggett said that was part of the contract that if they came across something that they thought was worth having. He said there were a few notes as far as outdated material that we might want to consider revising, but there was not anything with respect to creating a whole new scheme on anything. Jay asked Mike to send a letter asking if there is anything they are aware of because that was one of their main selling points. Jerry said that falls in to #3 – suggest new provisions we should consider including in the new code. Mike will send an email and ask for a follow up letter to be included with the next draft asking if there is anything they suggest.

Jerry said this draft is dated 2012. Mike said that when this goes before the Board it will include everything passed by the Board through last week between 2/12 & last week. If the Board passes that, anything passed as an ordinance after that would need to be incorporated down the road, but it would be up to date through 2013. Jerry asked if the SRO would need another date to meet. Mike said he didn't think so. You passed on all the edits that were to be made. There were 4 or 5 more ordinances that have been passed since February, 2012 and at least one, the Nuisance Ordinance, will replace what is already in the draft. You are already reviewing everything that is going to be in the next draft.

In conclusion, Jerry Potts asked Mike Baggett if he believed that American Legal has lived up to the agreement. Mike Baggett said he did. Time will tell whether it is worth an ongoing investment of having the code updated on a regular basis. In addition to a code book, we will have website access to the ordinances and that will be updated on a more practical basis. As soon as we adopt a new ordinance, it can get put online. Jerry Potts said that the intent of this was to bring everything from all the different department together, get it on the website so all the citizens can see it. Mike Baggett said, as far as he could tell, American Legal has done everything they promised to do. He said he would send the letter asking, if in their opinion, there was anything that had been missed by the county. With a few exceptions, they are in the business of creating codes. They have a format they use, which is why you will see that the word "state" is struck through and the word "Illinois" is inserted. They are a little more generic. They miss a few of the Illinois idiosyncrasies. One of the things we hope to see in the next draft is that they incorporate the proper statutory citation for all of the state laws. The way they've done it throughout this draft is not how things are done in Illinois. While the way we do things is remarkably stupid, we want them to do it the right way. It needs to be done the way the legislature says to do it. Jerry Potts asked if this is what is being said on the front page. Mike Baggett said it was. State law says

statutes are to be cited a certain way. Mike Baggett said he did not think it was a good way. It is a very convoluted way, but it is our way. It is the law. We need to see them incorporate that so that when the Macon County Code get published and people start looking through it, particularly those familiar with the law, don't look at it and wonder what these "yahoos" are doing reorganizing the Illinois Law. Additionally, the Macon County Code is a state law thing. The county board is allowed to adopt a code, but it has to have the name "The Macon County Code" and it cannot be called "A Code of Ordinances". They are in the business of doing this for a lot of different agencies so they do it on a generic format. We need for them to tailor it more to us. Assuming they do that on the next round, Mike Baggett said he couldn't say he would be anything less than pleased with their work. Mike Baggett apologized for the length of time it has taken for the project. Jerry Potts thanked him for his work.

Jay Dunn asked about the process. Mike Baggett said the committee should pass on the draft at this meeting, but it shouldn't go to the October Board meeting, but should wait until the draft comes back from American Legal. Once it has been determined by Mike Baggett that they have incorporated all the changes the committee has signed off on, then it will go before the full board. He said he thought November was possible, was hopeful it would be at least by December, but there is no guarantee.

Mike Baggett explained that the contract called for a hard copy for the County and ongoing updates to the website. Extra copies, not allowed for in the contract would cost extra.

Jerry Potts asked if the committee should pre-approve the draft. Mike Baggett said that is what the committee was doing at this meeting. When the next draft comes in, Mike Baggett will look at it and compare it to the edits that the committee has signed off on and if all the changes have not been incorporated or if they've done more than they were asked to do, then Mike would call them and tell them to do nothing more or less than the committee has passed. He said he did not think the committee needed to meet again unless there were additional changes.

Mike said a motion to recommend adoption by the Board could be made tonight and there is no requirement that it has to go to the next board meeting. Jerry Potts said he would notify the chairman of the EEHW committee. Susanna Zimmerman so moved, seconded by Jay Dunn and the motion passed 3-0.

CLOSED SESSION

None

OLD BUSINESS

None

ADJOURNMENT

Motion to adjourn made by Susanna Zimmerman, seconded by Jay Dunn and motion carried 3-0, and meeting adjourned at 6:10 p.m.

Minutes submitted by Jeannie Durham
Macon County Board Office