

COLES COUNTY BOARD
Regular Meeting
December 12, 2017

The regular meeting of the Coles County Board was called to order at 7:00 p.m. with the following members present Brandon Bell, Travis Coffey, Paul Daily, Jan Eads, Brian Marvin, Nancy Purdy, Cory Sanders, Rick Shook, Marc Weber, and Mike Zuhone with Chairman Stan Metzger presiding. Absent was member Mark Degler.

Following the Pledge to the Flag, the Invocation was given by Treasurer, George Edwards.

APPROVAL OF MINUTES

Motion by Purdy, seconded by Daily to approve the November 14, 2017, Re-Convened Meeting minutes with the consent of the County Board.

AYES: Bell, Coffey, Daily, Eads, Marvin, Metzger, Purdy,
Sanders, Shook, Weber, Zuhone (11)
NAYS: None (0)
ABSENT: Degler (1)

Motion by Weber, seconded by Shook to approve the November 14, 2017, Regular County Board minutes with the consent of the County Board.

AYES: Bell, Coffey, Daily, Eads, Marvin, Metzger, Purdy,
Sanders, Shook, Weber, Zuhone (11)
NAYS: None (0)
ABSENT: Degler (1)

APPOINTMENT TO THE 9-1-1 BOARD

Appointment was made by Metzger to appoint Jason Taylor to the 9-1-1- Board until June 2020 with the consent of the County Board

AYES: Bell, Coffey, Daily, Eads, Marvin, Metzger, Purdy,
Sanders, Shook, Weber, Zuhone (11)
NAYS: None (0)
ABSENT: Degler (1)

RESOLUTION APPOINTING DRAINAGE COMMISSIONER

(For a copy of the resolution see pages 3723-3725)

Motion was made by Daily, seconded by ZuHone to appoint Greg Rhoads to serve on the Homann Mutual Drainage until the first Tuesday in September, 2019 with the consent of the Coles County Board.

AYES: Bell, Coffey, Daily, Eads, Marvin, Metzger, Purdy,
Sanders, Shook, Weber, Zuhone (11)
NAYS: None (0)
ABSENT: Degler (1)

RESOLUTION: TRANSFER OF FUNDS - VOTING EQUIPMENT

(For a copy of the resolution see page 3726)

Motion was made by Marvin, seconded by Bell

AYES: Bell, Coffey, Daily, Eads, Marvin, Metzger, Purdy,
Sanders, Shook, Weber, Zuhone (11)
NAYS: None (0)
ABSENT: Degler (1)

**RESOLUTION: DECLARING THAT THE UNLAWFUL DISTRIBUTION OF
PRESCRIPTION CONTROLLED SUBSTANCES HAS CREATED A PUBLIC
NUISANCE AND A SERIOUS PUBLIC HEALTH AND SAFETY CRISIS FOR THE
COLES COUNTY AND AUTHORIZING LITIGATION**

(For a copy of the resolution see pages 3727 - 3729)

Motion was made by Daily, seconded by Eads

AYES: Bell, Coffey, Daily, Eads, Marvin, Metzger, Purdy,
Sanders, Shook, Weber, Zuhone (11)
NAYS: None (0)
ABSENT: Degler (1)

**AGREEMENT WITH THE DEPARTMENT OF TRANSPORTATION
FOR COUNTY ENGINEER'S SALARY**

(For a copy of the resolution see page 3730)

Motion was made by Weber, seconded by Coffey

AYES: Bell, Coffey, Daily, Eads, Marvin, Metzger, Purdy,
Sanders, Shook, Weber, Zuhone (11)
NAYS: None (0)
ABSENT: Degler (1)

**RES: TO APPROPRIATE FUNDS FOR THE PAYMENT OF
COUNTY ENGINEER'S SALARY**

(For a copy of the resolution see page 3731)

Motion was made by Weber, seconded by Shook

AYES: Bell, Coffey, Daily, Eads, Marvin, Metzger, Purdy,
Sanders, Shook, Weber, Zuhone (11)

NAYS: None (0)

ABSENT: Degler (1)

RES: FOR THE 2018 MOTOR FUEL TAX HIGHWAY ANNUAL MAINTENANCE

(For a copy of the resolution see pages 3732)

Motion was made by Weber, seconded by Daily

AYES: Bell, Coffey, Daily, Eads, Marvin, Metzger, Purdy,
Sanders, Shook, Weber, Zuhone (11)

NAYS: None (0)

ABSENT: Degler (1)

**RES: TO APPROPRIATE FUNDS FOR A STRUCTURE REPLACEMENT IN
PLEASANT GROVE TOWNSHIP**

(For a copy of the resolution see pages 3733)

Motion was made by Weber, seconded by Zuhone

AYES: Bell, Coffey, Daily, Eads, Marvin, Metzger, Purdy,
Sanders, Shook, Weber, Zuhone (11)

NAYS: None (0)

ABSENT: Degler (1)

AWARD PRESENTATION

Chairman Stan Metzger presented Marc Weber a plaque for him serving on the Coles County Board.

Chairman Stan Metzger presented Dee Braden a plaque for her 41 years of service to the Life Span Center and Proclaimed December 14, 2017 as Dee Braden Day.

APPOINTMENT

1. One appointment to the County Board District #3.

PUBLIC COMMENT

Public comments were heard from the following regarding the mass appraisals of commercial and industrial properties:

James DiNaso
Charles Stodden
Kirk Allen

Robb Perry
Rex Dukeman

ADJOURNED

Upon motion by Daily, seconded by Marvin, the Coles County Board was adjourned at 8:00 p.m. with the consent of the County Board.

AYES: Bell, Coffey, Daily, Eads, Marvin, Metzger, Purdy,
Sanders, Shook, Weber, Zuhone (11)

NAYS: None (0)

ABSENT: Degler (1)

ATTEST:

_____ County Clerk

STATE OF ILLINOIS)
COUNTY OF COLES)
COUNTY BOARD)

A RESOLUTION APPOINTING DRAINAGE COMMISSIONER
FOR HOMANN MUTUAL DRAINAGE DISTRICT, COLES COUNTY, ILLINOIS

WHEREAS, HOMANN MUTUAL DRAINAGE DISTRICT, COLES COUNTY, ILLINOIS is a Drainage District organized under the Levee Act, now succeeded by the Illinois Drainage Code; and

WHEREAS, under the provisions of the Illinois Drainage Code this County Board is the appointing authority to appoint a Commissioner for a term of three (3) years, and the Commissioner should be appointed; and

WHEREAS, pursuant to 70 ILCS 605/4-3, the County Board may waive the requirement of a Commissioner owning land in the District if the waiver is in the best interest of the District; and

WHEREAS, GREG RHOADS is a farm tenant of farmland in the District and is desirous of acting as a Commissioner and should be appointed as Commissioner even though he does not own land within said Drainage District.

NOW, THEREFORE, BE IT AND IT HEREBY IS RESOLVED, as follows:

1. That the requirement that an individual own land in the District be waived in the best interest of the District.
2. That GREG RHOADS be, and is hereby, appointed Commissioner of HOMANN MUTUAL DRAINAGE DISTRICT, COLES COUNTY, ILLINOIS to serve until the first Tuesday in September, 2019, and thereafter until his successor shall be appointed and qualified.
3. That said GREG RHOADS shall file a Bond and Oath as required by statute.

I introduce and move this passage and adoption of the foregoing resolution.

Dated: _____, 2017.

Member of the County Board

I second the motion to pass and adopt the foregoing resolution.

Dated: _____, 2017.

Member of the County Board

I declare the foregoing resolution adopted by the County Board this ____ day of
_____, 2017.

Chairman of the County Board

ATTEST:

COUNTY CLERK

IN THE CIRCUIT COURT
FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS
COLES COUNTY, CHARLESTON, ILLINOIS

IN THE MATTER OF HOMANN MUTUAL)
DRAINAGE DISTRICT OF THE COUNTY)
OF COLES AND STATE OF ILLINOIS)

CERTIFICATE OF APPOINTMENT

The undersigned Clerk of the County Board, Coles County, Illinois, hereby certifies that at a regular meeting held on the ____ day of _____, 2017, the said Board found that the following-named person has the qualifications required by law for the office for which he is appointed and that said Board did appoint the following-named person to the office of Commissioner and for the term set forth after his name to serve, subject to requirements of the office, for said term and until his successor is appointed and qualified.

<u>NAME</u>	<u>TERM</u>
GREG RHOADS	Until the first Tuesday in September, 2019

This appointment shall take effect upon said person filing his Oath of Drainage Commissioner and Commissioner's Bond in the amount of \$500 in the Office of the Circuit Clerk, Coles County, Illinois.

DATED this ____ day of _____, 2017.

CLERK, COUNTY BOARD, COLES COUNTY,
ILLINOIS

State of Illinois)
)ss.
County of Coles)

RESOLUTION RE: TRANSFER OF FUNDS

WHEREAS, Sue Rennels, County Clerk, informed the members that the Revenue Tax Stamp Fund has a current balance of \$77,000; and

WHEREAS, the County Clerk’s Office is in need for new voting equipment; and

WHEREAS, the Finance Committee voted to forward a resolution to the County Board to transfer \$77,000 from the Revenue Tax Stamp Fund to the General Fund earmarked for the purchase of new voting equipment.

NOW, THEREFORE BE IT RESOLVED by the County Board of Coles County to amend the FY 2018 as follows:

Increase line item 001-000-4042-000, County Clerk - Revenue Stamps	\$77,000
Increase line item 001-007-7312-000, Election Supplies-Expense	\$77,000

DATED this ____ day of _____, 2017.

ATTEST:

Clerk

**RESOLUTION DECLARING THAT THE UNLAWFUL DISTRIBUTION OF
PRESCRIPTION CONTROLLED SUBSTANCES HAS CREATED A PUBLIC
NUISANCE AND A SERIOUS PUBLIC HEALTH AND SAFETY CRISIS FOR THE
CITIZENS OF COLES COUNTY**

WHEREAS, the County Board is the policy-determining body of the County; and

WHEREAS, the County Board has the authority to take action to protect the public health, safety, and welfare of the citizens of Coles County; and

WHEREAS, there exists a serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Coles County; and

WHEREAS, the diversion of legally produced controlled substances into the illicit market causes or contributes to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Coles County; and

WHEREAS, the violation of any laws of Illinois or of the United States of America controlling the distribution of a controlled substance is inimical, harmful, and adverse to the public welfare of the citizens of Coles County and constitutes a public nuisance; and

WHEREAS, the County Board has the authority to abate, or cause to be abated, any public nuisance including those acts that significantly interfere with the public health, safety, and welfare of the citizens of Coles County; and

WHEREAS, the County Board has expended, is expending, and will continue to expend in the future County public funds to respond to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Coles County, and

WHEREAS, the County Board may sue to obtain any money due the County; and

WHEREAS, the County Board has received information that indicates that the manufacturers and wholesale distributors of controlled substances in Coles County may have violated Federal laws and regulations that were enacted to prevent the diversion of legally produced controlled substances into the illicit market and to prevent the misuse of such drugs; and

WHEREAS, the County Board has an affirmative, statutory duty to take suitable and proper measures to prosecute a suit on behalf of the County:

Duty of county board to prosecute and defend suit. It shall be the duty of the county boards of each of the counties of this State to take and order suitable and proper measures for the prosecuting and defending of all suits to be brought by or against their respective counties, and all suits which it may become necessary to prosecute or defend to enforce the collection of all taxes charged on the state assessment.

55 ILCS § 5/1-6003 (emphasis added); and

WHEREAS, the State's Attorney also has an affirmative, statutory duty to commence civil actions on behalf of the County where, as here, the people of the State and County are concerned:

Powers and duties of State's attorney.

(a) The **duty** of each State's attorney shall be:

(1) **To commence and prosecute all actions, suits, indictments and prosecutions, civil and criminal, in the circuit court for his county, in which the people of the State or county may be concerned.**

55 ILCS § 5/3-9005 (emphasis added); and

WHEREAS, the State's Attorney has the power to procure the necessary services in fulfilling his or her mandatory statutory duties: "The State's Attorney shall control the internal operations of his or her office **and procure the necessary** equipment, materials, and **services to perform the duties of that office.**" 55 ILCS § 5/3-9006(a) (emphasis added); and

WHEREAS, in order to fulfill these mandatory duties imposed by statute, we find, and the State's Attorney has found, that the citizens of this County will benefit from retention of outside counsel to investigate and pursue, as appropriate, claims against the manufacturers and distributors of controlled substances in this County and Illinois, on a contingent fee basis, wherein there is no attorney fee or reimbursement of litigation expenses if there is no recovery; and

WHEREAS, there is a substantial need for the legal services; and

WHEREAS, the legal services cannot be adequately performed or provided solely by the attorneys and supporting personnel of the state governmental entity or by the attorneys and supporting personnel and another state governmental entity; and

WHEREAS, the legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which the services will be obtained and because the County does not have appropriated funds available to pay the estimated amounts required under a contract providing only for the payment of hourly fees; and,

NOW, THEREFORE, BE IT RESOLVED by the County Board of Coles County, Illinois:

SECTION I

That the Board hereby declares that opiate abuse, addiction, morbidity and mortality has created a serious public health and safety crisis in Coles County, Illinois, and is a public nuisance; and

SECTION II

That the Board of Coles County, Illinois, hereby authorizes to the extent necessary the State's Attorney to retain the firms of Goldenberg, Heller, Antognoli, P.C, 2227 South State Route 157, Edwardsville, IL. 62025, Greene, Ketchum, Farrell, Bailey & Tweel, LLP, 419 Eleventh Street, Huntington, West Virginia 25701, and Baron & Budd, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, TX 75219, and such other legal counsel as needed, as Counsel to represent the County and where appropriate the State, to investigate and, if appropriate, pursue in federal court all civil remedies which may be afforded under law as against the manufacturers and distributors in the chain of distribution of controlled substances who have caused or contributed to the public nuisance and serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Coles County, with the compensation therefore on a contingent fee basis, in concert with the contingent fee agreement that is designated as "Authority to Represent" and for which all members of the Board of Coles County are authorized to execute the afore stated contingent fee agreement, the same of which is identified as Exhibit A and attached hereto and made a part hereof in its entirety.

SECTION III

That the Board of Coles County hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements.

ADOPTED by roll call vote this ____ day of _____, 2017.

ATTEST:

CLERK

COUNTY BOARD CHAIRMAN



This agreement, by and between the DEPARTMENT OF TRANSPORTATION, State of Illinois, hereinafter called the DEPARTMENT, and the COUNTY OF Coles, of the State of Illinois, hereinafter called the COUNTY,

WHEREAS, the COUNTY has elected to use the Illinois Department of Transportation's recommended salary schedule to determine the County Engineer's annual salary and has agreed that the minimum salary shall be at least ninety-five (95) percent of the recommended salary;

WHEREAS, the COUNTY desires to transfer Federal Surface Transportation Program Funds to the DEPARTMENT in return for State funds to be used by the COUNTY to pay a portion of the County Engineer's salary, an amount not to exceed fifty (50) percent of the County Engineer's annual salary;

NOW THEREFORE, for and in consideration of the covenants and agreements herein contained, the parties agree as follows:

THE COUNTY AGREES:

- 1. That it will provide the DEPARTMENT with a resolution passed by the County Board authorizing the transfer of the COUNTY's Federal Surface Transportation Program Funds to the State for an equal amount of State Funds.
2. That it will deposit the State Funds in the County's Motor Fuel Tax account.
3. That an annual resolution appropriating funds for the payment of the County Engineer's annual salary shall be submitted to the DEPARTMENT along with the resolution authorizing the amount of Federal Surface Transportation Program funds to be transferred.
4. That it will maintain, for a minimum of 3 years after the completion of the agreement, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the agreement; that the agreement and all books, records and supporting documents related to the agreement shall be available for review by the DEPARTMENT and/or Auditor General and that it will provide full access to all relevant materials.

THE DEPARTMENT AGREES:

- 1. That it will accept the COUNTY's Federal Surface Transportation Program funds and make an equal amount of State funds available to the COUNTY for deposit in the County's Motor Fuel Tax account.
2. That payment of that State Funds to the COUNTY will be made each year upon receipt of the COUNTY's resolution transferring their Federal Surface Transportation Program funds and appropriating their Motor Fuel Tax or other funds for payment of their County Engineer's salary.

IT IS MUTUALLY AGREED:

- 1. That this agreement shall remain in full force and effect for a period of six years from the date of execution unless terminated by either party upon 30 days written notification by either party.
2. That the obligations of the STATE shall cease immediately without penalty or further payment being required if, in any fiscal year, the Illinois General Assembly or applicable Federal Funding source fails to appropriate or otherwise make available funds for the purpose contemplated herein.

Executed by the COUNTY this 12 day of December, 2017. Coles County, State of Illinois, acting by and through its County Board.

BY: Chairperson of the County Board Date Stan Metzger

Executed by the DEPARTMENT this ___ day of ___ Month, Year

APPROVED STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION

Randall S Blakenhorn Secretary of Transportation Date BY: Priscilla A Tobias Director, Office of Program Development Date



Resolution No [] MFT Salary Section No 18-00000-00-CS Section No []

WHEREAS, the County Board of Coles County has adopted a resolution establishing the salary of the County Engineer to be 100% of the recommended salary for the County Engineer as determined annually by the Illinois Department of Transportation, and percentage

WHEREAS, the County Board of Coles County has entered into an agreement from [] to [] execution date ending date with the Illinois Department of Transportation for transfer of Federal Surface Transportation Program funds to pay one-half of the salary paid to the County Engineer.

NOW, THEREFORE, BE IT RESOLVED, by the Coles County Board that there is hereby appropriated the sum of One hundred ten thousand four hundred dollars and zero cents Dollars (\$110,400.00) from the County's

Motor Fuel Tax Fund funds for the purpose of paying the County Engineer's salary from 01/01/18 to 12/31/18 and, beginning date ending date

BE IT FURTHER RESOLVED, that the Coles County Board hereby authorizes the Department of Transportation, State of Illinois to transfer Fifty-five thousand two hundred dollars and zero cents Dollars (\$55,200.00) of Federal Surface Transportation Program funds allocated to Coles County to the

Department of Transportation in return for an equal amount of State funds; and

BE IT FURTHER RESOLVED, by the Coles County Board that there is hereby appropriated the sum of Three thousand dollars and zero cents Dollars (\$3,000.00) from the County's

Motor Fuel Tax Fund funds for the purpose of paying the County Engineer's expenses from 01/01/18 to 12/31/18 . beginning date ending date

I Sue Rennels County Clerk in and for said County of Coles in the State of Illinois, and Name of Clerk County keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete original of a resolution adopted by the County Board of Coles at a meeting held on 12/12/17 . date

I certify that the correct TIN/FEIN number for Coles County is 376000640 Legal Status: Governmental. TIN/FEIN Number

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 12 day of December, 2017 . Day Month, Year

(SEAL)

Clerk Signature

[Signature box]

APPROVED STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION

Randall S Blakenhorn Secretary of Transportation

[Signature box]

Date []

BY: Priscilla A Tobias Director, Office of Program Development

[Signature box]

Date []



Resolution for Maintenance Under the Illinois Highway Code



Resolution Number	Resolution Type	Section Number
	Original	18-00000-00-GM

BE IT RESOLVED, by the Board of the County of Coles Illinois that there is hereby appropriated the sum of Six hundred fifty thousand dollars and zero cents Dollars (\$650,000.00)

of Motor Fuel Tax funds for the purpose of maintaining streets and highways under the applicable provisions of Illinois Highway Code from 01/01/18 to 12/31/18.

BE IT FURTHER RESOLVED, that only those operations as listed and described on the approved Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that County of Coles shall submit within three months after the end of the maintenance period as stated above, to the Department of Transportation, on forms available from the Department, a certified statement showing expenditures and the balances remaining in the funds authorized for expenditure by the Department under this appropriation, and

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit four (4) certified originals of this resolution to the district office of the Department of Transportation.

I Sue Rennels County Clerk in and for said County of Coles in the State of Illinois, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the

Board of Coles at a meeting held on 12/12/17.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 12 day of December, 2017.

(SEAL)

Clerk Signature

APPROVED

Regional Engineer
Department of Transportation

Date

COUNTY of COLES
Section No.: 10-11138-00-BR Coles/10-01124-00-BR Cumberland
Project No.: BROS-0035(046)
Job No.: C-95-034-13
Addendum #2

RESOLUTION FOR FUND APPROPRIATION

WHEREAS, the County of Coles endeavors to improve an existing structure (018-3023) on a segment of TR 5 from Station 13+00 to Station 18+00 that is approximately 0.10 miles in length and known to the Illinois Department of Transportation as MFT Section Number 10-11138-00-BR and State Job Number C-95-034-13.

WHEREAS, the cost of said improvement has necessitated the use of federal funds.

WHEREAS, the federal fund source requires a match of local funds.

WHEREAS, the use of federal funds requires a joint funding agreement with the Department of Transportation.

NOW THEREFORE, BE IT RESOLVED that the County of Coles authorizes Thirty-two Thousand Four Hundred dollars, (\$32,400.00) or as much of such sum as may be needed to match federal funds for the completion of the aforementioned project known as MFT Section Number 10-11138-00-BR.

BE IT FURTHER RESOLVED that the Chairman is hereby authorized and directed to execute the above-mentioned agreement and any other such documents related to advancement and completion of said project.

STATE OF ILLINOIS
COUNTY OF COLES

I, Sue Rennels, County Clerk in and for said County of Coles in the State of Illinois, and a keeper of the records and files thereof, as provided by statute, do hereby certify the forgoing to be a true, perfect and complete copy of a resolution adopted by the County Board of Coles County, at its adjourned meeting held at the Coles County Courthouse on December 12, 2017.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in _____, in said County, this _____ day of _____.

(SEAL)
COLES COUNTY CLERK