

March 9, 2021

SHELBY COUNTY BOARD MEETING AGENDA

March 11, 2021 – 7:00 P. M.

Lion's Club Building – Forest Park - Shelbyville

1. Call to Order – Prayer – Pledge of Allegiance
2. Roll Call
3. Approval of Minutes
4. Public Body Comment
5. Beth Beck-Marts, CEFS Transportation Director – Approval of 5311/DOAP Publication Transportation Ordinance; Resolution authorizing Board Chair to apply for 5311(\$393,033)/DOAP (\$1,867,470) funds; Acceptance of Intergovernmental Agreements with Moultrie, Christian Montgomery, Clay and Fayette Counties; Purchase of Service Agreement between Shelby County and CEFS; Vehicle Lease Agreement between Shelby County and Effingham County
6. County Highway Engineer Alan Spesard – Highway Engineer's Report: Request approval for: Joint Agreement with IDOT for funding the Flat Branch Bridge Replacement Project (Location: 2525N/100E: Bridge 087-3101)
7. Jim Schwerman, Shelby County State Bank – Presentation of County Farm Licensing Agreement
8. Jesse Durbin, County Board member – Approval of County Farm Licensing Agreement
9. Gary Patterson, County Board member – Approve of Farm Management agreement with Shelby County State Bank
10. Nichole Kroncke, State's Attorney – Payment of 2019 County Farm Taxes
11. Bryon Coffman, Insurance Committee – Request approval of language changes to the Health Insurance contract/policy
12. Erica Firnhaber, Treasurer – Monthly expense/revenue report, investment report
13. Don Tate, Public Buildings Chair – Discussion regarding Courthouse drainage work (water leaking into basement) on east and west side of building (these areas are currently rocked)
14. Committee Reports
15. Chairman Updates
16. Chairman Appointments - Robert Hemer – Trustee Moweaqua Fire
Earl Baker – Chairman of EMA Committee
17. Correspondence
18. Approve payment of claims
19. Public Body Comment
20. Adjournment

Prayer today is given by Board member Gary Patterson

**** Please silence cell phones during the Board meeting****

SHELBY COUNTY BOARD MEETING

February 11, 2021- 7:00 P.M.

The Shelby County Board met on Thursday, February 11, 2021 at 7:00 P.M. at the Lion's Club in Forest Park in Shelbyville, Illinois.

Chairman Orman called the meeting to order, Board member Lynn Williams gave the prayer, and all present recited the Pledge of Allegiance.

County Clerk Jessica Fox called the roll.

Minutes for the January 14, 2021 board meeting were presented for approval. B. Bennett made motion to approve the minutes as presented. Gergeni seconded said motion, which passed by voice vote (22 yes, 0 no).

Chairman Orman called for Public Body Comment.

George Hiler from rural Assumption questioned the board regarding their moratorium on wind farms, expressed his concerns and requested the board carefully exam policy and procedure regarding wind farms before passing any type of ordinance. Various members of the public spoke regarding the payment of the County Farm taxes and encouraged the board to not pay them. Discussion was also held about the County Farm and options such as selling the land and doing a licensure agreement were addressed by members of the audience. Prior to ending PBC, board member John Pogue stated he would pull the agenda item for payment of farm taxes and defer this back to the State's Attorney.

Health Administrator addressed those in attendance and gave details on Covid-19 cases in Shelby County and discussed how current vaccinations procedures for COVID-19 were being handle by the County Health Department.

Chairman Orman called for a rule change to the order of business #13 to read all committee meetings shall be voice recorded and those recordings shall be kept on file in the Clerk's office for 1 year. Discussion was held.

Orman made motion to approve recording committee meetings. Baker seconded said motion, which failed by voice vote (6 yes (M. Bennett, Pearcy, Pogue, Canaday, Orman and Gergeni), 16 no).

Orman next requested a change in the order of business for #14 to reflect 18 standing committees. Gergeni made motion to accept this change. Patterson seconded said motion, which passed by voice vote (22 yes, 0 no).

Chairman Orman presented the Shelby County Title VI Transportation Policy for approval. This policy is necessary for Shelby County PCOM and to administer Public Transportation. Orman made motion to approve the policy. Barr seconded said motion, which passed by voice vote (22 yes, 0 no). (Policy attached to these minutes).

Zoning committee member Terry Metzger informed the board the County has been without a Zoning Administrator since mid-August. An interim Zoning Administrator has been offered the position on a temporary basis pending board approval. Metzger requested the board approve a resolution hiring Gary Townsend, who serves the City of Shelbyville as Zoning Administrator, as interim Zoning Administrator for Shelby County. Hiring Townsend will help the County get caught up on Zoning issues and building permits that have not been taken care of in months.

Barr made motion to approve the appointment. Canaday seconded said motion, which passed by voice vote (22 yes, 0 no). (Resolution attached to these minutes).

Next Metzger presented for approval an Intergovernmental Agreement between the City of Shelbyville and Shelby County approving both to utilize Townsend as a Zoning Administrator.

Gergeni made motion to approve the agreement. Tate seconded said motion, which passed by voice vote (22 yes, 0 no).

Undersheriff Sean McQueen presented for approval a petition and resolution to declare surplus and dispose of 15 Toughbook computers from squad cars and outdated bullet proof vests.

Patterson made motion to approve declaring these items surplus and for disposal. Lines seconded said motion. Discussion was held regarding this matter as the vest had been planned to be used at the gun range. Undersheriff McQueen assured those in attendance the vest would be destroyed in a safe and secure manner. Coffman called for the vote. Motion to

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declare property surplus and destroy passed by voice vote (21 yes, 1 nay – Lines). (Petition and resolution attached to these minutes).

Undersheriff McQueen also requested approval from the board to allow Board Chairman Orman to sign a grant agreement, previously signed by the former board chair. B. Bennett made motion to approve. Patterson seconded said motion, which passed by voice vote (22 yes, 0 no).

Public Buildings Chairman Don Tate informed the board the committee had met recently to discuss water drainage issues in the rock areas on both sides of the Courthouse. The Sheriff had gotten a bid estimate from Fox & Austin for this project; however, the committee request the Sheriff to put these bid specs out even though items less than \$30,000 are not required to be bid. The committee will have more to report to the board later.

Treasurer Erica Firnhaber addressed the board to review the revenue and expense report and the investment report. Orman made motion to accept the Treasurer's reports as presented. Tate seconded said motion, which passed by voice vote (22 yes, 0 no).

Next Firnhaber presented a resolution for recertification in IMRF for elected officials. IMRF requires this to be done every 2 years. B. Bennett made motion to approve the resolution. Simpson seconded said motion, which passed by voice vote (22 yes, 0 no).

Treasurer Firnhaber and County Clerk Fox requested approval of a contract with Computer Information Concepts (CIC) for new financial software for the office of the County Clerk and the Treasurer. Firnhaber informed the board the budget committee had approved moving forward with this software in October of 2020 following a live demonstration. Request for bid proposals were published in a local paper and no bids were received other than CIC and Zobrio. The current provider Zobrio will no longer provide a payroll program or payroll support as of July 31, 2021. This program will provide payroll, accounts payable and budgeting, which are required by both offices. Several counties in the area who were with Zobrio have recently signed contracts with CIC and time is of importance for Shelby County to get "in line" to have our system installed. The software contract had previously been emailed to all board members for their review.

Baker made motion to approve the CIC contract. Gergeni seconded said motion, which passed by roll call vote: Aye – Baker, Barr, B. Bennett, M. Bennett, Canaday, Drnjevic, Gergeni, Hite, Lenz, Lines, Orman, Percy, Pogue, Simpson, Slifer, and Tate. No – Metzger, Patterson and Swits. Present – Coffman and Williams. Not voting – none. (Contract attached to these minutes).

At this time, Chairman Orman called for the County Highway Engineer's report.

Alan Spesard, County Highway Engineer, presented the Highway Engineer's Report and requested approval from the Board for a petition, 3 Resolutions and an Agreement. Spesard requested approval from the Cold Spring Highway Commissioner to replace a culvert located 4.5 miles northeast of Herrick. Estimated cost are \$2,000 and will be split equally between the Township and the County.

Barr made motion to approve the petition. Baker seconded said motion, which passed by voice vote (22 yes, 0 no). (Petition attached to these minutes).

Spesard presented a resolution to award oil bids to the low bidder. Bids were opened on Friday, Feb. 5th, and the only bidder was Howell Paving. Slifer made motion to approve the oil resolution. Williams seconded said motion, which passed by voice vote (21 yes, 0 no, 1 present – B. Bennett). (Resolution attached to these minutes).

Next, Spesard presented the resolution for Cold Mix, which includes the oil and pugmill. This bid was also opened on Friday, Feb. 5th, and Howell paving was the only bidder. Spesard reported 33,000 gallons of cold mix will be prepared.

Baker made motion to approve the resolution. Tate seconded said motion, which passed by voice vote (20 yes, 1 no - Pogue, 1 present – B. Bennett). (Resolution attached to these minutes).

Spesard presented a funding resolution for a closed bridge in Flat Branch Township. This bridge is located 5 miles southeast of Moweaqua. The joint funding agreement has not yet been received from IDOT, but Spesard stated the board could go ahead and approve the resolution. This bridge will be funded with 80% Federal monies, 16% state and the remaining 4% will be shared between the County and the Township. Estimated maximum matching funds for this project are \$55,000.

Simpson made motion to approve the resolution. Barr seconded said motion, which passed by voice vote (22 yes, 0 no). (Resolution attached to these minutes).

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The final agreement Spesard had to present was the engineering agreement with Hampton, Lenzini and Renwick for construction oversight on the Cowden-Herrick road project that was tabled at the January meeting. The estimated cost for this agreement is \$82,000 and will be paid for by Rebuild Illinois grant funds, not County general funds.

Baker made motion to remove this item from the table. Lines seconded said motion, which passed by voice vote (22 yes, 0 no).

B. Bennett made motion to approve the engineering agreement. Barr seconded said motion. Discussion was held. Swits called for the vote. Baker requested a roll call vote which passed (19 yes, 3 no). Aye – Barr, B. Bennett, M. Bennett, Canaday, Coffman, Drnjevic, Durbin, Gergeni, Hite, Lenz, Lines, Metzger, Orman, Patterson, Simpson, Slifer, Swits, Tate and Williams. Nay – Baker, Percy, and Pogue. (Agreement attached to these minutes).

Continuing with updates, Spesard reported on Feb. 5th a bid opening was also held for oil for the townships and rock hauling for the townships. The closed bridge in Flat Branch is scheduled to be bid by IDOT on April 23. Spesard hopes to build 2 bridges this year, the Flat Branch bridge and one in Rose Township. Due to environmental concerns (the nesting of long eared bats), trees around these bridges must be removed before April 1 or work can not take place. The Cowden-Herrick road project is approved for a bid opening on March 5th in Springfield. The contract for this project will be between IDOT and the contractor awarded the bid. IDOT will award the bid. This is a 1.2-million-dollar project that will be funded by 80% Federal funds, up to \$200,000 State match and the remaining funds will come from the Rebuild Illinois grant. The Illinois Commerce Commission has awarded \$164,000 for a railroad crossing approach in Todd's Point Township. This crossing is located 2.5 miles northeast of Findlay. The Highway Department has 12 months to build this approach and the design will be done in house.

Chairman Orman informed the board he recently met with County Auditor West & Co. They feel Shelby County is in a high-risk category and will need another 300 – 400 hours of work at \$100.00 per hour. This will probably double the cost of the audit from original \$42,000 listed in their contract that was signed in 2019. Only \$50,000 was budgeted for the annual county audit, so it is possible the County may need to amend the general fund account in July. The County is required by law to conduct an annual audit. The County really has little choice but to approve additional funding so West & Co. can complete the audit they are currently working on, as they will not sign off on what they have completed to date. West & Co. feels the County is high risk as findings that were found in last year's audit have not been addressed by the board. Discussion was held regarding some findings which are unavoidable but felt should not put the county in a high-risk category.

Orman made motion to approve additional funding for the county audit. Tate seconded said motion. Baker made motion to table this item, which died for lack of a second. Motion to approve additional funding passed by roll call vote (19 yes, 2 no, 1 present) Aye – Barr, B. Bennett, M. Bennett, Canaday, Coffman, Drnjevic, Durbin, Gergeni, Hite, Lenz, Metzger, Orman, Patterson, Pogue, Simpson, Slifer, Swits, Tate and Williams. Nay – Baker and Lines. Present – Percy.

Lines made motion to cap additional funding at no more than \$50,000. Slifer seconded said motion, which passed failed by voice vote (8 yes – Barr, Percy, Lines, Baker, Gergeni, Pogue, Lines and Slifer, 13 no).

Farm Committee Chair Jesse Durbin addressed the board regarding the expiration of the County Farm Lease which is set to expire at the end of the month. This ground (240 acres) was purchased by the county in 1867 for \$5,060 for use as a "poor farm". In 1967 the State abolished the "Almshouse" and poor farms. This ground has been leased to area farms since the early 1970's and Shelby County has always paid the property taxes until this past year and these taxes currently remain unpaid.

State's Attorney Nichole Kroncke informed the board her office called 46 counties out of the 102 in Illinois. 15 of these counties own farm ground. 13 of these 15 counties lease their farm ground and 10 of those 13 counties pay the taxes. Kroncke has requested a written opinion on issues related to the farm ground from the Attorney General's office and is still waiting on a response. It is possible an opinion will not be received this year. It is necessary for the county to move forward. Kroncke stated she has researched licensing the farm ground as an alternative to a lease at the request of the Farm Committee. She received a licensing agreement for a forest preserve from Kendall County. Kroncke proposed a licensing agreement as a potential alternative to a lease. Members of the Farm Committee then scheduled a second committee meeting and voted to sell the county farm and for that reason, Kroncke did not draft a licensing agreement for consideration.

Mark Bennett, Farm Committee member stated the members of the Farm Committee felt the best option is to sell the County Farm. He understands the emotional aspect of this

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ground to the County. This land is not contiguous with the Airport, so it is not an option to "give" this farm ground to the Airport for their use.

Baker made motion to sell the County Farm. Lines seconded said motion. A lengthy discussion ensued.

Metzger made motion to table the sale of the county farm. Slifer seconded said motion, which passed by roll call vote 13-9 Aye – Barr, B. Bennett, Coffman, Drnjevic, Durbin, Hite, Lenz, Metzger, Patterson, Simpson, Slifer, Swits and Williams. Nay – Baker, M. Bennett, Canaday, Gergeni, Lines, Orman, Percy, Pogue and Tate.

Chairman Orman called for committee reports. (Committee reports attached to these minutes). Reports were given and items presented for follow-up and/or for public awareness.

Law Enforcement Chair Gary Patterson stated the jail is currently full. Patterson stated the County needed to get a policy in place regarding a COVID-19 policy and a virtual meeting policy.

Orman thanked Paul Canaday for making the name plates for the board members.

Continuing with Chairman Appointments Orman requested approval for the following:

Reappoint Bruce Steinke to the Zoning Board of Appeals. Motion by Durbin, second by Barr, passed by voice vote (22 yes, 0 no).

Appoint John Strohl to the Sheriff's Merit Commission. Motion by Slifer, second by B. Bennett, passed by voice vote (22 yes, 0 no).

Appoint Gary Gergeni to the Regional Office of Education. Motion by Orman, second by Drnjevic, passed by voice vote (22 yes, 0 no).

Appoint Paul Canaday to the Eastern Illinois Economic Development Authority. Motion by Orman, second by Slifer, passed by voice vote (22 yes, 0 no).

Appoint Pam Fairbanks to the Housing Authority. Motion by Baker, second by Slifer, passed by voice vote (22 yes, 0 no).

There was no correspondence.

B. Bennett made motion to approve the paying of the monthly bills as reviewed by committee. Simpson seconded said motion, which passed by roll call vote (21 yes, 0 no, 1 absent) Aye – Baker, Barr, B. Bennett, M. Bennett, Canaday, Coffman, Drnjevic, Durbin, Gergeni, Hite, Lenz, Lines, Metzger, Orman, Patterson, Percy, Pogue, Simpson, Slifer, Swits, Tate and Williams. Absent – Lenz.

At this time, the Chairman again called for public body comment.

Comments from the public related to the audit for FY ending 8/31/2019 was not taken seriously by the board and should have been received by the board in advance for review. Disappointment was expressed that the board did not approve the taping of committee meetings so the public could review. Orman requested that board members find in the statutes where public land can be used for private purpose.

State's Attorney Kroncke informed the board that 20/20 Forensics (John Vanderburg) hopes to have the payroll audit of the Sheriff's office done by the end of February. The Highway Engineer is currently being investigated by a law enforcement agency which just began. The gun sales investigation was completed last summer and was accepted by the AG's office. This will probably be addressed once the payroll audit is complete.

Metzger made motion to adjourn until the next meeting to be held on March 11, 2021. Baker seconded said motion, which passed by voice vote (21 yes, 0 no) and the meeting was adjourned at 10:51 P.M.

Jessica Fox
Shelby County Clerk and Recorder

LEASE AGREEMENT

IL State Constitution - Article 8, Section 1, General Provisions: *"(a) Public funds, property or credit shall be used only for public purposes."*

County Code 55 ILCS 5/5-1049.2 - "Lease of county property. *The county board may lease real estate acquired or held by the county for any term not exceeding 99 years and may lease the real estate when, in the opinion of the county board, the real estate is no longer necessary, appropriate, required for the use of, profitable to, or for the best interests of the county. The authority to lease shall be exercised by an ordinance passed by three-fourths of the county board members then holding office, at any regular meeting or at any special meeting called for that purpose.*

Property Tax Code 35 ILCS 200/15-15 - "Obligation to file copies of leases or agreements. *If any property listed as exempt by the chief county assessment officer is leased, loaned or otherwise made available for profit, the titleholder or the owner of the beneficial interest shall file with the assessment officer a copy of all such leases or agreements and a complete description of the premises, so the chief county assessment officer can ascertain the exact size and location of the premises in order to create a tax parcel. Failure to file such leases, agreements or descriptions shall, in the discretion of the chief county assessment officer, constitute cause to terminate the exemption"*

Property Tax Code 35 ILCS 200/9-195 - (Text of Section WITH the changes made by P.A. 97-1161, which has been held unconstitutional) *"Leasing of exempt property.(a) Except as provided in Sections 15-35, 15-55, 15-60, 15-100, 15-103, 15-160, and 15-185, when property which is exempt from taxation is leased to another whose property is not exempt, and the leasing of which does not make the property taxable, the leasehold estate and the appurtenances shall be listed as the property of the lessee thereof, or his or her assignee. Taxes on that property shall be collected in the same manner as on property that is not exempt, and the lessee shall be liable for those taxes. However, no tax lien shall attach to the exempt real estate."*

Dillon's Rule - A government body can exercise only the powers explicitly granted to them. If the law doesn't say you can do it, then you can't do it.

Attorney General opinion 1974 - *"From the foregoing it is my opinion that a county may not lease real estate owned by it and held in public trust by a private individual to be used by such individual for a private farming operation on an annual cash rental basis.*

Attorney General opinion to Logan County - *"The power to lease public property granted by section 24 does not authorize counties to lease their property for private purposes."*

Yaakey V. Johnson Court Ruling - *"Since a county has only the rights and privileges granted to it, either by the legislature or by the constitution, we cannot find in the provisions of the statute, or in the adjudicated cases in our Supreme Court that a county has the power, either expressly or by implication, to lease the public property for private purposes."*

Conclusion - County owned property is tax exempt. County never filed the lease with the tax assessor to create a tax parcel. If no lease was filed with tax assessor, the tax bill remains with the county, which is exempt. But leases could only be used in the case where the land was still to be used for public purposes. There is nothing in 55 ILCS that specifically states a county can cash rent out farm land. Dillon's Rule states if the law doesn't say it, then a county cannot do it. The state constitution does not allow for publicly owned property to be used for private purposes. Court cases and AG opinions confirm this. Property cannot be leased for private farm ground as cash rent.

LICENSE AGREEMENT

55 ILCS 5/5-31012 - *"Powers of district. To the extent necessary to carry out the purpose of this Division and in addition to any other powers, duties and functions vested in museum districts by law, but subject to limitations and restrictions imposed elsewhere by this Division or other law, a museum district is authorized and empowered: (a) To adopt bylaws, adopt and use a common seal, enter into contracts, acquire and hold real and personal property and take such other actions as may be necessary"*

55 ILCS 5/5-1005 - *"Powers. Each county shall have power: 1. To purchase and hold the real and personal estate necessary for the uses of the county, and to purchase and hold, for the benefit of the county, real estate sold by virtue of judicial proceedings in which the county is plaintiff. 2. To sell and convey or lease any real or personal estate owned by the county. 3. To make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers."*

Millennium Park - Park District did a License, and they operate under 70 ILCS Park District Code.

"70 ILCS 1205/10-7 - Sale, lease, or exchange of realty. (a) Any park district owning and holding any real estate is authorized (1) to sell or lease that property to the State of Illinois, with the State's consent, or another unit of Illinois State or local government for public use, (2) to give the property to the State of Illinois if the property is contiguous to a State park, or (3) to lease that property upon the terms and at the price that the board determines for a period not to exceed 99 years to any corporation organized under the laws of this State, **FOR PUBLIC USE.**"

Kendall County license - Done by Forest Preserve District under 70 ILCS 805, not the County. *"The Licenser agrees that the Licensee may, without further license on the part of the Licenser, use the Subject Property for the specific purpose of planting and harvesting the cover crop specified herein. Seed shall be planted on all tillable acres at the following rates: *1 bushel of oats per acre & *15 to 18 Pounds per acres of the following blend: 30% Timothy, 20% Orchard Grass, 20% Alfalfa, 10% Blue Grass, and 20% Premium Regular Grass."* **Only a few acres & specifies what can be grown, because it is hay used for Ellis Equestrian Ctr. "Licensee will communicate with Ellis Equestrian Center staff on timelines and delivery of hay. Licensee will be responsible for delivery of hay bales on racks to Ellis Equestrian Center, and Ellis Equestrian Center staff will be responsible for unloading of hay bales."**

Bid Contract - Does everyone get a fair shot at this land? Kendall County did sealed bids.

IL State Constitution - Article 8, Section 1, General Provisions: *"(a) Public funds, property or credit shall be used only for public purposes."*

Conclusion - Millennium Park was for a restaurant in a public park, which was still for public use. Kendall County is doing this on small acreage for hay for public use at the attached equestrian park, and is attached to public use ground in a forest preserve district, which owns the equestrian park. There are zero cases in Illinois where a county is licensing out stand alone farm ground. If licensing were an alternative option to leasing, this would have been referenced in any AG opinion or court case. None have suggested that a license was simply misused as a lease. This still leaves the issue of the state constitution only allowing for public property to be used for public use. If the argument is made that funding the county is for public use, then a county could simply buy all of the farm ground in a county and then license it out. This would clearly create a problem, which is why statutes do not explicitly grant authority on leasing or licensing out farm ground for private use. While there are a couple of references to a county being able to contract out or lease land, they do not mention for what purpose, to which must defer to the fact that public land can only be used for public purposes.

AIRPORT AUTHORITY

Contiguous Land - 70 ILCS 5/9.1 *"Any territory which is not within the corporate limits of any airport authority but which is contiguous to an airport authority and which territory has no electors residing therein, or any such territory with electors residing thereon, may be annexed to the airport authority"*

Conclusion - The farm ground is not connected to the airport, therefore could not be used by the airport. The idea of swapping this farm land for land north of the airport has 2 problems. First is that the county owned land is appx 200 acres, while the farm land to the north is 40 acres. Second is that even if that were to be completed, it is still not contiguous. There is a road that separates the airport from the farm ground to the north.

PROPERTY TAXES

IL State Constitution - Article 8, Section 1, General Provisions: *"(a) Public funds, property or credit shall be used only for public purposes."*

35 ILCS 200/15-60 - Taxing district property. All property belonging to any county or municipality used exclusively for the maintenance of the poor is exempt, as is all property owned by a taxing district that is being held for future expansion or development, except if leased by the taxing district to lessees for use for other than public purposes.

Conclusion - County owned property is exempt by default. Any taxable parcel that has been created to be billed to the county has been created in error. Public funds (example; county general fund) can only be used for public purposes. Paying property taxes on publicly owned lands would not be allowable under state law.

FARM LAND ORIGIN

Original Poor Farm - In 1819, the General Assembly passed a law mandating public care of the destitute, who were unable to support themselves and without family support. Private citizens were hired to oversee this operation.

From a report made to the General Assembly in 1881 - *"There has been some improvement in the condition of the almshouse since our last report, but not much. A large yard has been provided, with a high board fence, for the use of such insane inmates as are uncleanly in their persons ; but the old building for the insane, with all its abominations, remains. The number of pauper inmates, when visited, was forty-one, of whom nine were insane. Only one of them was in seclusion; two of them are said to be capable of farm labor. There were also eight children, who attend the district school. The present keeper took charge in March, 1879. for a salary of five hundred dollars a year. The county physician's salary is seventy dollars ; he furnishes medicines, but visits the almshouse only. The almshouse cost the county last year thirty-eight hundred dollars, and the amount expended for outdoor relief was nearly thirteen hundred dollars. Other pauper expenses amounted to nineteen hundred dollars, of which the large sum of ten hundred and forty-four dollars and fifty cents was paid for the transportation of paupers. An almshouse register has been kept since March, 1870, and the number of inmates admitted since that date is one hundred and ninety-seven. The overseers do not keep the accounts nor make the reports required by law."*

Renamed County Homes - In 1917, a law provided that all poorhouses and poor farms maintained by counties were to be called "County Homes".

Public Assistance Code - In 1949, the public assistance code was passed and county homes were reauthorized only for the care of infirm or chronically ill persons. Counties were specifically forbidden from placing destitute but physically healthy persons in the county homes.

County Homes Repealed - In 1967, the public aid code repealed the county home laws and deauthorized the county homes remaining in Illinois.

Conclusion - County originally purchased grounds for use as a poor farm, as required by state law, for public use. Illinois later changed it to be called County Homes, still for public use. In 1967, the act was repealed, eliminating the need for the County Homes. At this point, its public use had expired.

John Pogue - County Board Member and Poor Farm Committee member

3-9-2021

Questions for the County Board at the meeting dated 3-11-21

Mark Bennett, Jesse Durbin and myself are members of the Poor Farm Committee. We are taxed to help solve issues that come up regarding the County Poor Farm and recommend the changes to the Shelby County Board. We were given the task to decide what to do with the Poor farm after the County found out that the farm lease was in question to be legal. Also to be determined was why the County has been paying the real estate taxes on their tax-exempt land. We asked the farm committee chairman to call a meeting the last 2 weeks to discuss a solution to this farm. He declined to do so. These questions are what need to be addressed. **If the committee can not meet, these questions must be answered at our board meeting.** (Roberts Rules of Order allows 2 members to call a meeting with the declination of the chairman.

After reading several opinions about the legality of leasing the farm ground from previous Attorney General Opinions, the Committee voted to bring the sale of the farm to the Board. Jesse Durbin, the committee chairman, abstained from voting. The Board has not acted on this yet.

Questions to consider regarding the States Attorney opinion:

1.What powers does the Illinois Appellate Prosecutors Office have in relation to contracting agreements?

(725 ILCS 210/4.07) (from Ch.14, par. 204.07) Sec. 4.07. The Office may accept and expend monies, gifts, grants and services from any public or private source; contract or enter into agreements **with educational institutions or any Illinois county, the state of Illinois or federal agencies.**

Sec. 7.06. (a) The Director may contract for or employ part-time such investigators to provide **investigative services in criminal cases and tax objection cases for staff counsel and county state's attorneys.**

The law firm mentioned is not an educational institution, Illinois county, state of Illinois, or a federal agency. The issue of farm **ground lease** and who **owes tax** is **NOT a criminal case** nor a tax objection case since no one has filed any tax objection suit! It seems to me that the IAP office is in violation of their own statute!

2. Can we rely on the opinion of a law firm who is freely giving their opinion for the IAP office?

The IAP office has over 108 lawyers with a average salary of \$80,000. Why not them? The Attorney General has not given any opinion regarding our issues. The AG office has previously given opinions that, in many lawyers opinions, have stood the test of time in Illinois. (Logan County-11/5/1975-File No. S-995) Also (Yakley v. Johnson-Not overruled or negatively treated on appeal) These documents have been distributed to all the board members previously. Has every board member read them?

3. Can the Shelby County Board continue to delay the problems that the Citizens of Shelby County have asked us to fix?

4. Can we afford to lose a farm sale this year and by doing so lose out on investment income and real estate tax revenue needed for Shelby County?

5. Do you, as a County Board member, have a fact-based opinion? We would like to hear it.

Thank you for your consideration and opinions.

COUNTY BOARD COMMITTEE CLAIM

STATE OF ILLINOIS)
) SS
COUNTY OF SHELBY)

_____ being duly sworn on oath, says the sum of

_____ Dollars

is due for attending Committee meetings of the County Board of Shelby County, Illinois.

X _____
COUNTY BOARD MEMBER

Subscribed and sworn to before me this

_____ day of _____ A.D., 20____.

County Clerk or Notary Public

COMMITTEE MEETINGS ATTENDED — MONTH OF _____ 20____.

Committee Meeting:	Date:	Mileage & Per Diem:

If additional mileage is due show separate.

Fill in the committee meeting and date only.

RETURN TO MY OFFICE NO LATER THAN THE BOARD MEETING ON _____ 20____.