

FRANKLIN COUNTY BOARD

MINUTES OF MEETING

Jan 16, 2024

CALL TO ORDER

The Regular Meeting of the County Board was called to order at 6:00 p.m. by J. Larry Miller. This meeting was held in the Franklin County Courthouse, County Board Room 133, 100 Public Square, Benton, Illinois.

ROLL CALL

Secretary, Kevin Wilson, called the roll. Members in attendance were J. Larry Miller, John Gossett, Neil Hargis, Ray Minor, Curtis Overton and Kevin Weston. Angela Evans and Brad Wilson were absent.

Also in attendance were Gayla Prather, County Board Office Manager; Kyle Bacon, County Sheriff; Matt Barnett, County Engineer; Abby Dinn, States Attorney; Darla Fitzjerrells, Director of Court Services; Jim Muir, Circuit Clerk; Steve Vercellino, County Treasurer and Dave Bartoni, and other interested parties.

PLEDGE

Chairman J. Larry Miller lead everyone in the Pledge of Allegiance.

PUBLIC COMMENT

Chairman J. Larry Miller asked the public if there were comments at this time.

MINUTES OF PREVIOUS MEETING

Neil Hargis made a motion to accept the minutes of the December 18, 2023 Regular County Board Meeting and January 2, 2024 Special County Board Meeting. Curtis Overton seconded the motion. On roll call vote, all voted yes.

COUNTY CLAIMS

Ray Minor made a motion to pay the claims on file. Kevin Weston seconded the motion. On roll call vote, all voted yes.

APPOINTMENT TO FILL COUNTY BOARD VACANCY IN DISTRICT 3

Chairman J. Larry Miller stated that the first item on the agenda is the appointment to the County Board to fill Jack Warren unexpired term in District 3 ending November 30, 2023.

John Gossett made a motion to appoint Mr. David Bartoni to the County Board. Kevin Weston seconded the motion. On roll call vote, all voted yes.

At this time Kevin Wilson, Franklin County Clerk swore David Bartoni to the office of member of the County Board District 3 of Franklin County.

Chairman J. Larry Miller: Welcome Mr. Bartoni to the group.

David Bartoni: Thank you, sir.

Chairman J. Larry Miller: Seems we have seen you before in the past. Anyway, we appreciate you being here and feel a part of it. I hope we can. Any questions or anything I can help you with, I would be more than happy to do that.

**MILEAGE
REIMBURSEMENT RATE -
APPROVAL**

Chairman J. Larry Miller stated that the next item on the agenda is the approval of mileage reimbursement rate from 65.5 cents per mile to 67 cents per mile established by the Federal General Services Administration (GSA) effective January 1, 2024.

Curtis Overton made a motion to approve the mileage reimbursement rate as presented. Ray Minor seconded the motion. On roll call vote, all voted yes.

Said mileage reimbursement is made a part of these minutes as Agreement No. 2024-01.

**NOT TO RELEASE
CLOSED SESSION
MINUTES - APPROVAL**

Chairman J. Larry Miller stated that the next item on the agenda is to not release the closed session minutes.

Neil Hargis made a motion not to release the minutes. John Gossett seconded the motion. On roll call vote, all voted yes.

**NOT TO DESTROY
CLOSED SESSION TAPES
- APPROVAL**

Chairman J. Larry Miller stated that the next item on the agenda is the approval to not to destroy closed session tapes.

John Gosset: I thought we did destroy the closed session.

Chairman J. Larry Miller: We asked about that. We were talking about the tapes there. We keep those. So, a motion to not to destroy them. And if you want to, I think we are looking for a yes vote there. Okay.

John Gossett: I thought we did destroy.

Chairman J. Larry Miller: Yeah, destroyed in the past.

Abby Dinn, States Attorney: While the county is a respondent in the lawsuit, closed session minutes and tapes should not be destroyed. It may be discovery and if we do disclose those or if we do destroy those, there is a possibility that a federal court could rule that. We have rule sanctions against us for destroying. And I am not saying that there is information in those tapes regarding the lawsuit, but while there is a pending lawsuit against the county board or the county board is a named respondent, any closed session tapes need to be kept.

Chairman J. Larry Miller: So, in the past, Abby, had we...

Abby Dinn, States Attorney: Yes.

Chairman J. Larry Miller: Destroyed those.

Abby Dinn, States Attorney: In the past, they were destroyed. There was an issue that came up this year were the attorney for the petitioner in the federal lawsuit contacted my office and was concerned that there was a vote at some point, I

believe it was in August, to destroy some closed session tapes. And there was a concern that there could be some information on those tapes that is discovery in that federal case. So that is why this time while a named party, we must keep those closed session tapes available for discovery. So, they will not be destroyed. They will not be released unless a subpoena is produced, but they cannot be destroyed at this time.

Chairman J. Larry Miller: Okay. Have we got a motion?

John Gossett: No, we need a motion before we just go any farther with guys, can I ask a question before we motion?

Chairman J. Larry Miller: I will allow it.

John Gossett: If we didn't because I don't want it available for discovery. I'll just be honest with you. I don't think it's anybody's business. We do that. We might as well have that the written record. There is no difference. So, if we do this, what kind of sanctions could happen to us?

Abby Dinn, States Attorney: In the federal court?

John Gossett: Yes.

Abby Dinn, States Attorney: Well, we have monetary sanctions. We could have the federal, there are a number of avenues that the federal judge could sanction us for intentionally destroying evidence. And what you just said that you don't want that plea available, that's indication that you would intentionally destroy evidence. That's in the discovery, that's in that case. And that's not a good place to be in, as a respondent in a lawsuit.

John Gossett: Once the lawsuit is over, we can go to destroy it?

Abby Dinn, States Attorney: If a lawsuit is over and we're no longer named partying lawsuit, then yes, that could be the case but for now, out of caution and a discovery sanction for in the federal case, I think it's best that we keep those. We do not destroy those currently. And we have been, there's been discussion with other attorneys. Our attorney, Joe Bleyer, that is represented county board in that case, has asked that we do not destroy those closed session tapes.

John Gossett: Okay. Per your recommendation then a motion would be not to destroy the closed session tapes and the correct way that I would want to vote is yes.

Kevin Wilson: Yes correct.

Ray Minor made a motion not to destroy the closed session tapes. Neil Hargis seconded the motion. On roll call vote, all voted yes.

**INSTALLATION OF
BULLET PROOF GLASS -
APPROVAL**

Chairman J. Larry Miller stated that the next item on the agenda is the approval of the installation of Bulletproof Glass with Campbell Building offices from the 1% fund from the courthouse Construction.

John Gossett made a motion to approve the installation of Bulletproof Glass with Campbell Building offices. Ray Minor seconded the motion. On roll call vote, all voted yes.

**PAYMENT TO HFE /
FROM ARPA - APPROVAL**

Chairman J. Larry Miller stated that the next item on the agenda is the approval of payment for the core drillings. Payment to HFE from ARPA (American Rescue Plan Act).

Neil Hargis made the motion for the core drillings payment for ARPA. Curtis Overton seconded the motion. On roll call vote, all voted yes.

**RESIDENT COUNTY
HIGHWAY ENGINEER -
APPROVAL**

Chairman J. Larry Miller stated that the next item on the agenda is to approve the job posting for an opening of a resident engineer for the highway department. We discussed that previously.

Kevin Weston made the motion to approve hiring, taking the application to hire a resident engineer. Ray Minor seconded the motion. On roll call vote, all voted yes.

**DELINQUENT TAX
RESOLUTIONS**

Chairman J. Larry Miller stated that the next item on the agenda is the Delinquent Tax Program resolutions regarding authorizing my signature (J. Larry Miller) to execute deeds on the parcels sold thru the County's Delinquent Tax Program.

Kevin Weston made a motion to accept the resolutions as presented. Ray Minor seconded the motion. On roll call vote, all voted yes.

Said resolutions are made a part of these minutes as Resolution No. 2024-01 and 2024-03.

**MAINTENANCE UNDER
THE ILLINOIS HIGHWAY
CODE - RESOLUTION**

Chairman J. Larry Miller stated that the next item on the agenda is the County Motor Fuel Maintenance Tax Resolution and he asked Matt Barnett, County Engineer to explain. Matt Barnett, County Engineer explained to the County Board this is a resolution for maintenance under the Illinois Highway Code section number 24-00000-00-GM is hereby appropriated \$1,216,150.00 of Motor Fuel Tax funds for the purpose of maintaining streets and highways under the applicable provisions of Illinois Highway Code from January 1, 2024 thru December 31, 2024 and he asked for approval.

Curtis Overton made a motion to approve the County Motor Fuel Maintenance Tax Resolution as presented. Neil Hargis seconded the motion. On roll call vote, all voted yes.

Said resolution is made a part of these minutes as Resolution No. 2024-04.

**SUPERVISOR OF
ASSESSMENT**

Chairman J. Larry Miller stated that the next item on the agenda is appointment we need to reappoint Cindy Miklos. She's been our supervisor of assessment for the last four years. Her contract is up at the beginning of February and we want to reappoint her as the Supervisor of Assessments. And we're going to negotiate the contract terms fairly quickly here. Okay.

Ray Minor made that motion to reappoint Cindy Miklos as Supervisor of Assessments for a four year term ending February 1, 2028. John Gossett seconded the motion. On roll call vote, all voted yes.

**COUNTY CLERK &
SHERIFF REPORTS**

Chairman J. Larry Miller stated the next item on the agenda are the December, 2023 monthly reports from the Franklin County Clerk, and Sheriff reports.

Kevin Weston made motion to approve the reports as presented. Curtis Overton seconded the motion. On roll call vote, all voted yes.

Said reports are made a part of these minutes.

**ROE QUARTER #2
REPORT**

Chairman J. Larry Miller stated the next item on the agenda is the ROE (Regional Office of Education) Quarter #2 Report this report is Reports of Official Arts July 2023 - June 2024.

John Gossett made a motion to accept the ROE Quarter #2 Report as presented. Neil Hargis seconded the motion. On roll call vote, all voted yes.

Said report is made a part of these minutes.

CLOSED SESSION

Chairman J. Larry Miller stated that the next item on the agenda is a closed session and we need a motion to go into close session.

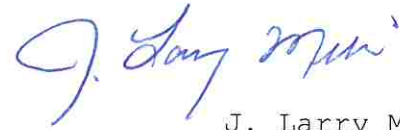
Curtis Overton made a motion at 6:20 p.m. to have a closed session. John Gossett seconded the motion. On roll call vote, all voted yes.

**RETURN TO OPEN
SESSION**

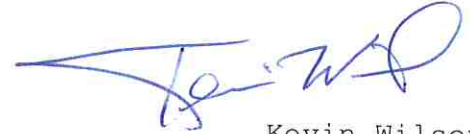
Kevin Weston made a motion to resume the open meeting at 7:25 p.m. Ray Minor seconded the motion. On roll call vote, all voted yes.

ADJOURNMENT

Chairman J. Larry Miller asked the Board if there were any questions. John Gossett made a motion to adjourn the meeting. Curtis Overton seconded the motion. There being no further business Chairman J. Larry Miller declared the meeting adjourned.



J. Larry Miller
Franklin County Board Chairman



Kevin Wilson
County Clerk and Recorder