Call to Order
The Committee of the Whole was called to order by Chair John Shaw at 4:00p.m., who led the group in the Pledge of Allegiance.

Roll Call


Board Members Absent: Elizabeth Flowers, Judy Gilmour

Others Present: Leslie Johnson, Anne Knight, Jeff Wilkins

Approval of Agenda – Member Gryder made a motion to approve the agenda as it stands, second by Member Prochaska.  With all in agreement, the motion carried.

New Business

- **Review of Claims** – Member Purcell made a motion to forward the claims to the County Board for approval the claims in an amount not to exceed $3,968,754.28 to the County Board for approval, second by Member Cullick.

  Voice Vote: Member Davidson – yes, Member Koukol – yes, Member Purcell – aye, Member Gryder – yes, Member Prochaska – aye, Member Cullick – yes, Member Wehrli - yes, Member Shaw – aye.  With all in agreement, the motion carried.

- **Kendall County Long Range Transportation Plan Update** – Member Koukol presented the long-range transportation plan to the committee outlying the various projects and projections for the upcoming year.  Mr. Klaas will be present at the December 16, 2014 County Board meeting to answer questions. Member Wehrli made a motion to forward for approval of the Kendall County Long Range Transportation Plan Update to the County Board, second by Member Davidson.

  Voice Vote: Member Cullick – yes, Member Wehrli - yes, Member Shaw – aye, Member Davidson – yes, Member Koukol – yes, Member Purcell – aye, Member Gryder – yes, Member Prochaska – yes.  With all in agreement, the motion carried.
**Resolution Appointing a Program Compliance Oversight Monitor for Section 5311 and Illinois Downstate Operating Assistance Grants** – Jeff Wilkins explained that as part of our grant agreements with IDOT we must have a Compliance Oversight Manager. Mr. Wilkins explained that the EDC Coordinator was fulfilling that role, but that position is currently vacant. Mr. Wilkins said that this resolution is to create an alternate for the role, and that with Board approval at the December 16, 2014 meeting, the resolution will be forward to our program manager at IDOT. Member Wehrli made a motion to forward to the County Board for approval the Resolution Appointing a Program Compliance Oversight Monitor for Section 5311 and Illinois Downstate Operating Assistance Grants, second by Member Koukol.

**Voice Vote:** Member Wehrli - yes, Member Shaw – aye, Member Davidson – yes, Member Koukol – yes, Member Purcell – aye, Member Gryder – yes, Member Prochaska – aye, Member Cullick – yes. **With all in agreement the motion carried.**

**Old Business**

**Discussion on Court Ordered Payment for Appeal to Illinois Supreme Court in State’s Attorney’s Budget line item 0102-020-6524 in the amount of $1.00** – Chairman Shaw stated that some type of resolution regarding this issue, and the need for discussion of the recent notification sent to all Board members recently from State’s Attorney Eric Weis.

Member Purcell reminded the committee about the Supreme Court ruling that the State’s Attorney’s office is subject to FOIA, and explained that the $1.00 amount was added into the SAO budget as a specific line item in anticipation of potentially high attorney fees the county would have to pay that are not covered by insurance for the Supreme Court appeal of the Larry Nelson FOIA case by the plaintiff, Mr. Weis. Mr. Purcell said that there was no resolution on the bill that the county would have to pay, and that this would have to be dealt with in the 2015 Budget year. Mr. Purcell stated that Mr. Weis said that the County Board would not have any input on the appeal, and that the attorney bills could continue to increase for as long as another year. Mr. Purcell said that not knowing where to put this amount into the 2015 budget that the Finance Committee determined that it was appropriate to put the cost into the office that is responsible for incurring those costs, and that it should come out of contingency. Mr. Purcell said that since it will not be covered by insurance, it should not come out of the insurance budget line.

Assistant State’s Attorney Leslie Johnson said that there is litigation where an elected official is sued in their official capacity such as 11MR-146 case, the case that Mr. Nelson has filed against the SAO regarding his third request for the same FOIA information requested twice before. In that case, if attorney’s fees are awarded against the State’s Attorney the money is to be paid by the county pursuant to the LaSalle County case. All funds come out of the county just as they would in any other type of litigation brought against any other elected official. There are several cases pending against other elected officials that were not included in the budget, in which case some of those requests for attorney’s fees that have been made, were also not covered by insurance. Ms. Johnson yet, none of those items have been included in the budget is the issue.
Ms. Johnson stated that in regard to the MR-143 case, the County, along with Jeff Wilkins were dismissed as defendants. Ms. Johnson stated there is no longer a named defendant in that case, yet the case is still continuing to proceed without a named defendant. Ms. Johnson said the SAO intervened on behalf of the State’s Attorney, and there is a question of whether or not the case should still continue without a defendant. Ms. Johnson stated even if attorney’s fees are awarded against the intervener, the SAO, the County would be liable for payment of those attorney’s fees.

Mr. Shaw stated that Mr. Weis could file a law suit against the County Board based upon mandamus, which is an action where the plaintiff asks the court to order the public agency, the County Board, to do their job. The Chief Judge would have to appoint an attorney to represent County Board which would be an additional cost. Mr. Shaw said that the Board needs to resolve the budget issue raised by Mr. Weis to avoid additional costs to the County, especially considering it simply involves a procedural issue as to where a potential judgment is to be paid from and that any funds paid out will come out of the General Fund anyway.

Discussion on the purpose of contingency funds, and when to use those funds, and whether the auditor requires a specified line item for this type of payment.

There was consensus of the committee to get an answer from the auditor regarding any requirement, and to forward to the Board the Determination of a General Fund line item to account for costs associated with future court ordered payments for State’s Attorney’s Office appeal to the Illinois Supreme Court.

**Review Draft Board Agenda** – Mr. Shaw asked the committee to review the draft agenda and make any changes or additions.

**Public Comment** - None

**Questions from the Media** – None

**Executive Session** – Member Davidson made a motion to go into Executive Session for the purpose of collective negotiation matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees, and litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting, second by Member Wehrli.

Roll call: Member Davidson - yes, Member Koukol - yes, Member Purcell - aye, Member Gryder - yes, Member Prochaska - yes, Member Cullick - yes, Member Wehrli – yes, Member Shaw – aye. **With all in agreement, the committee entered into Executive Session at 5:10p.m.**

Member Davidson made a motion to reconvene in Open Session, second by Member Prochaska. **With all in agreement, the committee reconvened Open Session at 5:56p.m.**
Adjournment – Member Prochaska moved to adjourn the Committee of the Whole meeting and the motion was seconded by Member Wehrli. There being no objection, the Committee of the Whole was adjourned at 5:57 p.m.

Respectfully submitted,

Valarie A. McClain
Administrative Assistant/Recording Secretary