

County Commissioner's Record No. 31

State of Illinois)
 SS September 28, 2018
County of Union)

The Union County Board of Commissioners met for a regular meeting in the Union County Courthouse Community Room at 8:30 A.M. County Chairman Bobby Toler Jr. called the meeting to order and roll call was taken with Bobby Toler Jr., Danny Hartline, Max Miller, Dale Foster and David Gould present.

Bobby Toler Jr. commented on the passing of Bill Jackson. Bill has represented the county well throughout the years.

The Union County Commissioners presented Dale Russell with a plaque for his service as Union County Commissioner. Dale Russell thanked everyone.

A motion was made by Danny Hartline and seconded by Max Miller to approve the minutes of the September 14, 2018 meeting.

Bobby Toler Jr.	Yes
Danny Hartline	Yes
David Gould	Yes
Dale Foster	Yes
Max Miller	Yes

Motion Passed.

Building Permits:

Andrew Crabtree	392 Fawn Drive	05-27-03-887-3
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A motion was made by Danny Hartline and seconded by Dale Foster to approve building permits as presented.

Bobby Toler Jr. Yes

Danny Hartline Yes

David Gould Yes

Dale Foster Yes

Max Miller Yes

Motion Passed.

A motion was made by Max Miller and seconded by David Gould to approve the bills from September 13 to September 26, 2018.

Bobby Toler Jr. Yes

Danny Hartline Yes

David Gould Yes

Dale Foster Yes

Max Miller Yes

Motion Passed.

Angie Johnson, Union County Administrator gave update on new budget. She has started looking at projections.

Cheryl Graff from Regional Superintendent Office presented quarterly update.

A motion was made by Bobby Toler Jr. and seconded by Danny Hartline approve Resolution Appointing Patti Flamm to Directors of the Union County Hospital District. Expiring on June 30, 2021.

Bobby Toler Jr. Yes

Danny Hartline Yes

David Gould Yes

Dale Foster Yes

Max Miller Yes

Motion Passed.

A motion was made by David Gould and seconded by Max Miller to approve Collective Bargaining Agreement between Union County IL/Union County Treasurer's Office and Laborers' Local Union 773.

Bobby Toler Jr.	Yes
Danny Hartline	Yes
David Gould	Yes
Dale Foster	Yes
Max Miller	Yes

Motion Passed.

A motion was made by Dale Foster and seconded by Max Miller to approve Collective Bargaining Agreement between Union County IL/Union County Clerk's Office and Laborers' Local Union 773.

Bobby Toler Jr.	Yes
Danny Hartline	Yes
David Gould	Yes
Dale Foster	Yes
Max Miller	Yes

Motion Passed.

A motion was made by Max Miller and seconded by Dale Foster to approve Collective Bargaining Agreement between Union County IL/Union County Supervisor of Assessments Office and Laborers' Local Union 773.

Bobby Toler Jr.	Yes
Danny Hartline	Yes
David Gould	Yes
Dale Foster	Yes
Max Miller	Yes

Motion Passed.

Resolution to Transfer 2018 Budget Appropriations was tabled.

A motion by Danny Hartline and seconded by Dale Foster to approve \$6,000.00 to the Union County Senior Citizens Council.

Bobby Toler Jr.	Yes
Danny Hartline	Yes
David Gould	Yes
Dale Foster	Yes
Max Miller	Yes

Motion Passed.

Bobby Toler Jr. asked if there was any other business.

Tiffany Busby, Union County Circuit Clerk said she got an email that her payroll was denied for management and that I needed to speak to the board. I submitted payroll last Friday prior to payroll the next week. I got email the following Thursday my payroll was denied. So I need to know why with an explanation.

Angie Johnson asked Bobby if he would like for her to discuss it. Bobby Toler Jr. said yes please.

So I sent Tiffany email yesterday to tell her the extra pay she submitted for a manager was not approved by the board and that the board wanted to talk to her. So the reason was I was not sure how to handle this. I sent numerous emails out to the Commissioners, Tyler and Rhett asking for advice how to proceed with her request because it was removed out of the 2018 physical budget and communicated to Tiffany that it was not to be filled after the previous had retired and the previous person retired in March and hasn't been filled this whole time and when I get payroll out of my box Monday morning with a request for additional pay for a manager so at this time I was trying to figure out what I need to do. She does have the money in her budget for manager due to early retirement in March but it was communicated to not fill this position. So she has money in assistant line but not as much as employee. That's where we are at. Question is why we need a manager in that office and what's the role of manager, is there a job description.

Tiffany Busby, Union County Circuit Clerk interrupted I am the officeholder and it is in my contract it was previously signed by the county board, we are now in negotiations and this has not been removed it is registered with the State of Illinois and Department of Labor. It has been petitioned thru the state so my contract goes way above the county level to the state level so I'm not sure Mrs. Johnson is aware of that but it's not her decision that

when I have money and budget has been approved by commissioners not Mrs. Johnson so since it has been approved by the board and I have it appropriated and I still have enough in my management line as well as employee line to pay for my seven people. The reason it has not been filled is due to grievance filed. The grievance was dismissed based on that MOU that Rhett emailed back and had communicated with the Union when I filled my seventh position then now I have taken upon with the Union contract to hire and fill my management position which is in there so it is not her decision to know what my management does. So at this point that is why I have filled my seventh position and manager position and I have enough to get it thru end of budget year based on those calculations.

Angie Johnson, County Administrator stated that is not accurate. She doesn't have enough money to get it thru end of year unless she is going to move stuff and she can move in between funds. If she doesn't want to keep all in general fund and move one out into her other funds then there would be enough money. But that's a question we had is it coming out of general fund? That's why I reached out to Tyler and Rhett, what is the process, if there is money in account now do I approve it and then at end of fiscal year does someone come out of general fund budget, how do I proceed? I sent multiple emails asking how to proceed with this, when is the time, do you deny somebody right at the very end or do you deny somebody as soon as your made aware that there is not enough money in the account?

Tiffany Busby, Union County Circuit Clerk said there is enough money. It should have never been denied. If there is enough money that is interfering with the internal operations of the office. The county board has passed my budget and there is enough money so you had no authority to deny my budget.

You will run out end of year, stated Angie.

Tiffany Busby, Union County Circuit Clerk asked if she never got answer to deny or approve why was it denied, I am asking you five commissioners?

Danny Hartline did ask where the money is coming from and did we have enough. If the money is in there now but it's not by the end of year then yes I did have question of is that money going to last because last thing we want to do is make a manager or hire somebody and at end of year be obligated and run out of money to pay.

Tiffany Busby, Union County Circuit Clerk stated she has the money right now to pay it to the end.

Angie Johnson, County Administrator that's not accurate.

Tiffany Busby, Union County Circuit Clerk okay can you supply the numbers?

Danny Hartline asked does this person know at the end of fiscal year that money is gone?

Tiffany Busby, Union County Circuit Clerk said yes.

Danny Hartline then stated it's your call and your office.

Tiffany Busby, Union County Circuit Clerk then said your right it is my call and it was denied and I don't think that is right. It was denied even without legal advisor denying it and I don't think she has that authority.

Danny Hartline, I did say let's hold up till we find out if money is there.

Tiffany Busby, Union County Circuit Clerk said but you are just one of five, do you have the authority to do that?

Danny Hartline, there is a discrepancy in your figures and administrators and yes I am one of five.

Angie Johnson, County Administrator replied I did reach out to Tyler and he did not respond. Rhett Barke replied and I went with his advice. He suggested we get more information from you basically on plan going forward. How are you covering expense this year and next year?

Bobby Toler Jr. stated we need to get figures together and compare and see where we are at and if money is there we have to pay it.

Tiffany Busby, Union County Circuit Clerk replied management is in my contract, if I don't fill it there would be a grievance.

Danny Hartline asked Tiffany if she has enough money to pay both positions to end of fiscal year? Yes I do replied Tiffany Busby.

If the money is there then this is not an issue stated Bobby Toler Jr. Tiffany Busby replied money is there today so when does she get her paycheck? I approved the payroll I submitted it and it was denied. So I have an employee that was told this is your paycheck and how much you are getting and she did not receive it today and that is a major problem so the union is here with her because she expects paycheck today. Bobby Toler Jr. understands that.

Charley Ferguson from Labor Local 773 stated my obligation is to represent and to do labor relations between county and employees. Management is in contract. Seems like it's just being scratched out without authorization and I think we really need to sit down and hash things out. I think we can do that. Bobby Toler Jr. agreed.

Judy Ritchey asked if this will be taken care of today? I'm expecting it today.

Bobby Toler Jr. asked Angie Johnson if a special payroll could be done today. Angie Johnson replied I don't know. Angela is off today and she handles payroll. I can check into it if that's the boards decision. That's why I tried to reach out before payroll was ever done.

David Gould commented to Tiffany if this was something unusual communication before payroll would have helped. Lack of communication has been a failure here. Tiffany Busby replied it's in the contract. David replied that it was still unexpected. We have weak communication here. Angie Johnson stated that in her defense she did not check her outbox till Monday and I emailed all of you as soon as I looked at it. I sent email out again Tuesday evening still no response. Finally Rhett Barke called me. David Gould replied walk in an office or pick up a phone.

Bobby Toler Jr. asked if everyone was in agreement this needs done today. Yes. We will do everything we can to solve this today.

Danny Hartline stated I will say Tiffany, you say you are doing this to protect your office and the board I understand that but then if we had known you did this instead of when you submitted payroll we could have looked at it. Tiffany Busby replies it goes both ways. Danny said communication is a two way street and he has been in her office and talked about this position.

Tiffany Busby, Union County Circuit Clerk asked if Rhett is just the attorney for negotiations or is he now the attorney for multiple things because it seems like we are outsourcing.

Danny Hartline stated this was a union issue so I think call was appropriate. Rhett gives opinion and we make the call. So it was of your opinion and Rhett's that check was stopped asked Tiffany Busby. Angie Johnson, County Administrator replied she could answer that. It was Rhett's opinion. I reached out to everybody. Bobby was having problem with phone and I heard from other four not to pay it.

Judy Ritchey also wanted to know. You passed everybody else contracts. I shook hands and we made a deal and now things have changed. Bobby Toler Jr. replied from information I have the MOU that is still in discussion in the Circuit Clerk contract. Charley Ferguson from Local 773 stated the MOU is attached in contract and will be unless negotiated out as far as I know right now we are still in negotiations.

Angie Johnson, County Administrator said there are two things outstanding with contract right now from my understanding. The MOU and the manager clause. The manager clause I put out a question that said in beginning on contract it references a case and the case Angela Knupp asked Tyler to send to her. He sent it to her so that we had a copy of case. The case specifically says whose included and excluded from the bargaining unit.

The excluded are the elected officials and supervisors and managers so that's why I reached out and asked how you can have manager in contract. I sent that verbiage to Rhett and Tyler, I have tried to get clarification.

The answer is yes we can. This was brought to board in 2010. It was approved and the county did nothing, they sat on their hands, they let this go thru so absolutely it's in the contract. This should have been brought up in negotiations not after a handshake and agreement. It wasn't the attorney that called this to my attention but the administrator and I have a problem with that stated Charley Ferguson, Labor Local 773.

Angie Johnson, County Administrator replied Charley you email me constantly, just me, you do not include the board, you do not include Rhett, any response I have sent I have made sure I have included both Danny and Max because they are on the negotiating board. I have called Rhett and said please note it is not me that keeps removing you from the email it is Charley that keeps removing you from email. When I copy back I always include them. I had to send multiple emails directly to you, the reason I was emailed you not Rhett was because there was so many misspelled words and mistakes in contract, page numbers not done, years not updated there was no reason for Rhett to spend his time doing all that when they were minor things that wasn't stuff we were trying to negotiate. Charley Ferguson replied you do not have the authority to remove a full paragraph. I never asked for it to be removed, I asked for clarification, I asked if this was legal, I didn't ask to remove it.

Bobby Toler Jr. stated we need to move on you have an answer to your concern.

Rose Hogan asked the question why some of the board meetings have not been posted yet? I am glad you brought this to our attention. We will definitely check into it and get an answer replied Bobby Toler Jr. Angie Johnson, County Administrator stated they are not on the website they are on you tube. They are missing agendas, minutes and video. Rose Hogan did not understand why it would make it to you tube and not county website, that seems inexcusable. Wouldn't that be part of your as management, to take care of technology needs. Angie replied it is not part of her job. David Gould suggested putting a link to our website.

Tom Sadowski asked how much of taxpayers money is going to Rhett Barke? Angie Johnson, County Administrator told Tom she will get that for him.

Bobby Toler Jr. stated it's very important to stay in your budget.

Kevin Starr made statement if there was a tentative agreement between board Local 773 the article was not discussed or asked to be taken out that's a very serious situation.

Tyler Edmonds, Union County State's Attorney had a few comments to make. One, I think communication is a major problem around here. It is very frustrating. The answer on the payroll is very clear. If the payroll is submitted and the officeholder has it in budget it needs to be paid so no I did not respond to Angie email that I received Monday night at 6:00 P.M. because Tuesday I was in court and working on the 911 agreement that you wanted done on Wednesday. I was also working on it Wednesday morning, why was I working on it Tuesday and Wednesday, lack of communication because it was the understanding of several of us that we were not going to proceed on that, then we decide we were going to proceed on that so the communication issue is much bigger I think then what is being acknowledged here today. I think there is major communication problems and I think it also relates to our outside council because I have talked to Angie about this and no disrespect to the union or anyone else but I was very clear when I agreed that we were going to use outside council, that we were going to be the one drafting the contracts. What I explained to you was if I am drafting the contracts it is not going to cost us anything and we are going to draft it in our office. If we are going to use outside council we are going to have to pay them and that is your choice if you choose to use outside council that is going to cost us more money. I have been very cooperative in your choice to use outside council although I didn't personally think it was probably the best decision. Mr. Barke is a friend of mine and I think he did a great job. But I was very clear when I agreed to that of how that was to be done and I find out when I start receiving contracts that the union is drafting them. That was the practice before I was State's Attorney, I didn't think that was a good practice for the county and then that's gone out the window after I made that very clear that that was one of the conditions I had for using outside council. I am not happy about that because then now look what has happened. We have miss communications over what is in the contract and I think it's just making things even worse.

Secondly, I also discussed when we talk about outside council it was very clear what the outside council is doing and what aren't they doing and this payroll issue is not a union issue it is not a union contract issue it is a payroll issue and I do not think it is appropriate for outside council to weigh in on that so and also related to outside council I do not like and I was very clear when we talked about using outside council we are not going to get in business of getting two opinions and then decide whose opinion we like. I'm not going to weigh in on something where you are asking Mr. Barke opinion and paying for it and I don't think he should be coming in to second guess my opinion on issues that are within the States Attorney office. Those are all communication issues that's really the number one problem we have here and it is very frustrating. I also think this IT is a issue related to communication issues. You know what, we don't have Rollie Hawk here to put things on website and I was very clear and the Treasurer was very clear that when we got a outside IT firm we need to have people to do all these things and we don't have that with our current IT situation and I was very clear about that. I don't feel like that concern was taken into account. I have a whole lot of IT problems that I am not going to get into today

that I deal with every day in our office and it's an absolute nightmare, our IT situation but that is for another conversation. I just think we all need to work on our communication. I apologize if sometimes I can't respond to an email because I am trying to do some other things but I know everyone is trying to do the right thing here and I think we all want what is best for the county but I think we all really need to ourselves revisit our communications, listening and remembering some of our conversations that we have. Thank you.

Motion to adjourn made by David Gould and seconded by Danny Hartline.

Bobby Toler Jr.	Yes
Danny Hartline	Yes
David Gould	Yes
Dale Foster	Yes
Max Miller	Yes

Motion passed.

Time 9:35

A.M.

Bobby Toler Jr

Bobby Toler Jr

Max Miller

Max Miller

David Gould

David Gould

Dale Foster

Dale Foster

Danny Hartline

Danny Hartline

Vonda Benefield

Vonda Benefield