

Executive/Legislation Committee Meeting
Thursday January 9, 2020
5:00 P.M., Vermillion County Administration Building
2nd floor conference room

AGENDA

1. Call to Order and Roll Call
2. Adoption/Amendments to Agenda
3. Approval of Minutes – October 24, 2019
4. Audience Comments
5. Resolution- Renaming the Vermillion County Administration Building Chambers as the Ivadale Foster Vermillion County Chambers
6. Personnel Policy- Vermillion County Alcohol and Drug Policy
7. Ordinance: Amendment to the Combined Annual Budget and Appropriation Ordinance For Veteran's Assistance (documentation to be provided at meeting)
8. Resolution- Central Illinois Landbank Authority Intergovernmental Agreement
9. Executive Session:
 - A. Pursuant to Open Meetings Act 5 ILCS 120/2 (c) (1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity.
 - B. Pursuant to Open Meetings act 5 ILCS 120/2 (c) (6) The setting of a price for sale or lease of property owned by the public body.
 - C. Pursuant to Open Meetings Act 5 ILCS 120/2 (c) (11) 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.
10. Items of Information and Committee Concerns
11. Adjournment

MINUTES

Agenda Item 1 - Call to Order and Roll Call

Chairman Larry Baughn, Jr. called the meeting to order at 5:00 PM. Upon the call of roll, the following members were present: Larry Baughn, Jr., Kevin Green, Crisi Walls, Greg Thatcher. Absent were Craig Golden, Steve Fourez, Becky Stark. Also attending the meeting were: Bill Donahue, Risk Consultant for Vermilion County and Tracy Crane, journalist for the News Gazette.

Agenda Item 2 - Adoption/Amendment to the Agenda

Walls moved, seconded by Green, to adopt the agenda as presented. Motion passed by acclamation.

Agenda Item 3 - Approval of Minutes from September 26, 2019

Green moved, seconded by Walls, to approve the minutes as presented. Motion passed by acclamation.

Agenda Item 4 - Audience Comments

None.

Agenda Item 5 – Ordinance-Regulations Concerning Cannabis Business Placement

Motion to place the ordinance on the table for discussion by Walls, seconded by Thatcher. Baughn explained that given the state legislation legalizing cannabis the County had the option of restricting placement of dispensaries or businesses selling cannabis. The County took the same approach as in our Liquor Ordinance in restricting locations of businesses selling cannabis. Upon the call of roll, the following members voted yes, to-wit: Baughn, Green, Walls, Thatcher. Absent and not voting were Golden, Fourez, Stark. Motion passed.

Agenda Item 6 – Recreational Cannabis Tax

Walls moved and Green seconded the motion to place the item on the table for discussion. Baughn explained that the State law set the taxation rules for the sale of cannabis and the County will simply follow the State rule, 3.75% in the unincorporated area of the County, and 3% in any municipality where cannabis sale is allowed. Upon roll call vote the following members voted yes, to-wit: Baughn, Green, Walls, Thatcher. Absent and not voting were Golden, Fourez, Stark. Motion passed.

Agenda Item 7 – Liquor Ordinance Amendment

Green Moved and Walls seconded the motion to place the Liquor Ordinance on the table for discussion. Baughn explained that the ordinance was being updated to eliminate outdated terminology such as the size of a dance floor and other items, rolling the application fee into the license fee cost, addressing large events, and other matters. Upon the call of the roll for a vote the following members voted yes, to-wit: Baughn, Green, Walls, Thatcher. Absent and not voting were Golden, Fourez, Stark. Motion passed.

Agenda Item 8 – Executive Session- No action needed.

Agenda Item 9. Items of Information:

Chairman Baughn noted that the State's Attorney sent him a letter concerning how to properly evaluate the Large Livestock Facility issues after the public hearing concerning a request to license such a facility under the jurisdiction of the Department of Agriculture in Ridge Farm. The County has no expertise to evaluate these issues and it is largely up to the Department of Agriculture to weigh these issues. At a later date an appropriate response to the Department of Agriculture will be sent along the lines suggested by the State's Attorney.

Kevin Green commented that The Kickapoo Rail Trail is progressing and that there will be a fundraising event at Sleepy Creek sponsored by the Vermilion County Conservation district on Friday November 17. See the Vermilion County District or Vermilion County Conservation District Foundation websites for more information.

ITEM 10. Adjournment

Chairman Baughn adjourned the meeting at 5:13 P.M.

Minutes by: Bill Donahue, Risk Consultant

RESOLUTION

RE: Petition to Name the County Board Chambers in Honor of Ivadale Foster

WHEREAS, the has received a petition with numerous signatures requesting that the County Board Chambers be named in honor of Ivadale Foster, a longtime former County Board Representative for County Board District 8, and,

WHEREAS, the Property Committee and the Executive/Legislative Committee upon consideration of several factors as set out in the attached Policy, marked as Exhibit "A" and incorporated herein by reference, must vote to either forward such recommendation for the naming of a public building or public property to the County Board as a whole, or permit the request will die without further action by the Committee. Such a vote will require a majority of voting members present of each committee to affirmatively pass such recommendation to the County Board as a whole, and

WHEREAS, the Property Committee and the Executive Committee are called upon to make the necessary findings as set out in said Policy to cause such request to go forward and upon such findings a formal resolution as may be appropriate will be presented to the County Board as a whole for voting purposes.

NOW, THEREFORE, BE IT RESOLVED by the Vermilion County Board that the petition as presented (is) (is not) forwarded to the full County Board for their vote as set out by policy.

PRESENTED, APPROVED, and RESOLVED by the Property Committee and Executive Committee of the County Board of Vermilion County, Illinois, at their December 16, 2019 & January 9, 2020 meeting(s).

DATED, this 16th day of December 16, 2019, A.D., for Property Committee

DATED, this 9th day of January, 2020, A.D., for Executive Committee

AYE _____ NAY _____ ABSENT _____

Chairman, Property Committee

Chairman, Executive Committee

Resolution No. _____

APPROVED BY PROPERTY COMMITTEE:
December 16, 2019

Wesley Bieritz <i>Committee Chairperson</i>	Y N <u>A</u>
Joe Eakle	<u>Y</u> N A
Diana Frazier-Brenneman	<u>Y</u> N A
Adam Hart	Y N <u>A</u>
Greg Thatcher	Y N <u>A</u>
Mitch Weaver	<u>Y</u> N A
Dan Wright	Y N <u>A</u>
<i>Larry Baughn JR</i>	<u>Y</u> N <u>A</u>

APPROVED BY EXECUTIVE COMMITTEE:
January 9, 2020

Larry Baughn, Jr. <i>Committee Chairperson</i>	Y N A
Steven Fourez	Y N A
Craig Golden	Y N A
Kevin Green	Y N A
Becky Stark	Y N A
Greg Thatcher	Y N A
Crisi Walls	Y N A

Policy on Naming Public Property

Given the number of people who could justifiably be honored by the naming of a public building or portion thereof, as well as roads, bridges or other public property, in their honor, the Property Committee has developed a policy to guide its recommendations as to the appropriateness of naming a public building in honor of an individual's achievements. Looking back on Vermilion County's history, so many people have contributed much to this community that there are not enough public buildings to honor them all. However, the naming of a public building is a recognized tradition in this and other communities. To fairly consider any such request, the following guidelines are offered:

1. A petition to so name a specific building or public property should be presented to the County Board Chairman, along with a written narration addressing the appropriateness of such action using at a minimum the criteria set out in this policy, and thereafter transmitted to the Property Committee Chairperson, containing at least 500 signatures of the residents of Vermilion County, being 18 years of age or older, in support of such action. The signatures must be accompanied by the person's address, date of birth, and printed name in order to verify that they are residents of Vermilion County, Illinois.
2. The proposed person for whom a building or public property is to be named must have a record of demonstrable achievements dedicated for the public good, be of good character, have devoted at least twenty years of public service to the community or have performed such heroic or memorable acts in defense of others or their Country such that their name on a public building will add meaning to others in our community and be of long lasting significance to the community.
3. The Property Committee and the Executive/Legislative Committee upon consideration of those factors, will vote to either forward such recommendation for the naming of a public building or public property to the County Board as a whole, or permit the request will die without further action by the Committee. Such a vote will require a majority of voting members present of each committee to affirmatively pass such recommendation to the County Board as a whole.
4. To adopt such recommendation, the full County Board pass such recommendation by two-thirds vote of the entire County Board, and not just those present, for such action to be taken by the County.
5. There shall be no extravagant funding or material alteration of the building or other public property through the use of taxpayer funds beyond reasonable signage, which the County may pay for to the extent necessary to properly identify the site. The County may accept private donations for any memorial plaque, signage, or site identification above and beyond routine or standard signage.

Vermilion County Alcohol and Drug Policy--Revised January 2020

It is the goal of the county to foster a work environment free from the mind altering effects of drugs and alcoholic beverages. Use of alcohol and drugs which could alter employee's judgment and resulting in increased risks workplace injuries and faulty decision making is prohibited. This includes working while under the effects of legal marijuana usage. This policy does not prevent department heads or elected office holders from additional restrictions on drug and/or alcohol use.

The county may conduct unannounced inspections for controlled substances, marijuana or alcohol of any office county property. All personal property which may be on county premises; employees shall cooperate with such inspection or be subject to discipline including termination.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession or prescribed medications, including medicinal cannabis. Employees must, however, consult with their doctors about the medications' effects on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor.

Any employee who violates the drug policy is subject to discipline and/or termination.

DRUG TESTING:

The county retains the right to require the following tests.

Pre-employment:

Applicants must pass upon request a drug test upon acceptance of an offer of employment and before beginning work. Positions governed by the Department of Transportation and other federally regulated (49 CFR 40.151(e)), safety-sensitive positions will require applicants to test negative for illegal substances as well as cannabis. A positive test for cannabis that would result in the County losing a federal or state contract will result in disqualification of further employment consideration. Refusal to submit to testing will result in disqualification of further employment consideration.

Reasonable Suspicion:

Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession or impairment. Management must use the Reasonable Suspicion Observation Checklist to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs, alcohol or legal substances that are adversely affecting the employee's ability to safely and effectively perform their job duties.

Examples include:

- Specific personal and articulable observations concerning the appearance, behavior, speech or performance of the employee; or
- Violation of a safety rule, or other unsafe work incident which, after further investigation of the employee's behavior, leads the supervisor(s)/manager(s) to believe the employee's functioning is impaired;
- Admission of use of alcohol and/or drugs;
- Observation or reports of observation of the employee using alcohol or drugs; or
- Other physical, circumstantial, or contemporaneous indicators of impairment.

When reasonable suspicion testing is warranted, both management and HR will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours.

Refusal to cooperate by an employee will be treated as a positive drug test result and will result in immediate termination of employment.

If discipline results due to the suspicion that the employee is under the influence or impaired by cannabis, the County will afford the employee a reasonable opportunity to contest the basis of the determination.

Testing Procedure:

Testing will include the following substances or their metabolites:

- Marijuana
- Cocaine
- Opioids
- Phencyclidine (PCP)
- Amphetamines
- Alcohol and/or
- Any other controlled substance under the Controlled Substances Act of 1970.

Safeguards and Confidentiality: The drug screen analysis is accomplished through split urinalysis testing. Alcohol testing may be through breath testing. Test results under this Policy shall be handled to reasonably ensure privacy, minimize intrusion, establish proper chain of custody, and maintain confidentiality. If the employee elects to have someone other than Vermilion County's selected provider administer the drug test it will be at the employee's expense. If the employee is to take the test off-site, under no circumstances will the employee be allowed to drive him or herself to the testing facility. A member of management must transport the employee or arrange for a ride and arrange for the employee to be transported home.

Sample Taken: At the time the sample is taken the employee will be asked to empty their pockets go to the restroom provide a sample and a temperature will be taken of the sample before it is taken to the drug testing lab and secured. All samples will be tested pursuant to lab protocol and all information will remain confidential.

Results:

1. **Positive:** If the results exceed the permitted levels for any of the five drugs tested or if the breath alcohol test comes back positive, a second confirmatory test will be performed. The employee is prohibited from performing any duties if the initial test is positive, and while the confirmatory testing is being performed. Only specimens that are confirmed positive on the second (confirmatory) test are reported to the employer for review and analysis. The employer will contact the employee personally, in the case of a positive result. The employer has the responsibility of reporting to the Human Resources Director whether the test results are positive or negative.

2. If applicable an applicant or employee who does not pass a drug test may request that the original sample be analyzed again at the individual's expense by a government certified laboratory. All requests for an independent analysis must be made in writing to the testing facility and Human Resources within 72 business hours of notification of a confirmed positive test result.

In the event the applicant or employee is unable to successfully produce a sample for testing, the applicant or employee will be required to re-test.

3. **Negative:** If the results of the initial test are negative, the testing laboratory will report the results to the employer retained by the testing company. The employer or the testing laboratory reports the negative results to Human Resources Director. In this instance, no additional tests on the specimen will be done.

Definitions:

"Company premises" includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by Vermilion County, or any site on which the County is conducting business, regardless of whether such location is owned or operated by the County.

"Controlled Substance" is a substance which is defined as a controlled substance in the Illinois Controlled Substance Act (720 ILCS 570/1 et seq).

"Refuse to cooperate" means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

"Under the influence of alcohol" means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

Approved by the Executive/Legislation Committee on 01/09/2020

Larry Baughn Jr. Chairman	Y	N	A
Craig Golden	Y	N	A
Steve Fourez	Y	N	A
Kevin Green	Y	N	A
Crisi Walls	Y	N	A
Greg Thatcher	Y	N	A
Becky Stark	Y	N	A

APPROVED BY FINANCE/PERSONNEL:

Date 02/03/20

Steven Fourez Chairman	Y	N	A
Wesley Bieritz	Y	N	A
Robert Boyd	Y	N	A
Breannah Haton	Y	N	A
Becky Stark	Y	N	A
Crisi Walls	Y	N	A
Bruce Stark	Y	N	A
Adam Hart	Y	N	A

This Agreement is made pursuant to 5 ILCS 220/1 et. seq. and is between Vermilion County, Illinois and other members of the CENTRAL ILLINOIS LAND BANK AUTHORITY and said CENTRAL ILLINOIS LAND BANK AUTHORITY as designated by their signatures below.

RECITALS

Whereas, Vermilion County and other governmental bodies are part of an intergovernmental agreement to operate a land bank for the betterment of the public; and

WHEREAS, the land bank is in need of an Executive Director to manage the program as agreed upon by the participating governmental bodies; and

WHEREAS, the CENTRAL ILLINOIS LAND BANK AUTHORITY itself does not have sufficient funds to fund the employment of an Executive Director but it is anticipated the it will in the near future and it is agreed that Vermilion County as part of its participation with the land bank is able and willing to fund such a position of Executive Director until the land bank is able to fund such a position on its own.

IT IS THEREFORE AGREED BETWEEN ALL GOVERNMENTAL BODIES ASSOCIATED WITH THE CENTRAL ILLINOIS LAND BANK AUTHORITY AND THE CENTRAL ILLINOIS LAND BANK AUTHORITY ITSELF AS FOLLOWS:

1. The Central Illinois Land Bank Authority shall hire an Executive Director who will be an employee of the Central Illinois Land Bank Authority, subject to the direction of the Board of Directors of the said land bank.
2. Vermilion County shall temporarily fund that position and the associated costs of maintaining an employee, including but not limited to payment of employment taxes.
3. The associated governmental bodies who are members of the Central Illinois Land Bank Authority agree to reimburse Vermilion County for all costs of the Executive Directors salary including any associated employment taxes or costs directly attributable to the employment of the Executive Director by authorizing the Central Illinois Land Bank Authority to collect sufficient funds and to use such funds to reimburse the County of Vermilion for such costs as it may expend in supporting the Executive Director of the Central Land Bank Authority on the Vermilion County payroll.
4. It is further agreed that the Executive Director is not an employee of the County but an employee of the Central Illinois Land Bank Authority and that the Central Illinois Land Bank is responsible for any workman's compensation, insurance, or any other claim arising from the employment of the Executive Director and the Central Illinois Land Bank Authority with hold the County of Vermilion harmless from any claim arising from the employment of the Executive Director. Because the Executive Director is not an employee of the County, the Executive Director shall not be entitled to any benefits normally associated with employment with the County of Vermilion including, but not

limited to, health and life insurance, Illinois Municipal Retirement benefits, deferred compensation.

5. This Agreement is made pursuant to ARTICLE IX Section 9.05 of the Intergovernmental Agreement establishing the Central Illinois Land Bank Authority and the powers and authorities enumerated elsewhere in such Intergovernmental Agreement.
6. This Agreement may be revoked by Vermilion County or the CENTRAL ILLINOIS LAND BANK AUTHORITY upon thirty days' notice to each party to this agreement.
7. All terms, powers, and other provisions of the CENTRAL ILLINOIS LAND BANK AUTHORITY Intergovernmental Agreement currently in place and as may herein after be amended, are incorporated herein by reference and made part of this Agreement.

This Intergovernmental Contract and Agreement was Approved by the Corporate Authorities of Vermilion County, Illinois on the _____ day of _____, 20____.

Chairman

Attest:

County Clerk

This Intergovernmental Contract and Agreement was Approved by the CENTRAL ILLINOIS LAND BANK AUTHORITY on the _____ day of _____, 20____

Chairman of the Central Illinois Land Bank Authority

Attest;

Secretary/Treasurer