

**MADISON COUNTY BOARD
Special Board Meeting**

STATE OF ILLINOIS)
) SS
COUNTY OF MADISON)

Proceedings of the County Board of Madison County, Illinois, as the recessed session of said Board held at the Nelson "Nellie" Hagnauer County Board Room #203 in the Administration Building in the City of Edwardsville, in the County and State aforesaid on said Wednesday, March 29, 2023 and held for the transaction of special business.

**WEDNESDAY, MARCH 29, 2023
5:00 PM
SPECIAL SESSION**

The Board met pursuant to recess taken March 22, 2023.

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The meeting was called to order at 5:00 PM by Kurt Prenzler, Chairman of the Board.

The Pledge of Allegiance was said by all.

The Roll Call was called by Linda Andreas, County Clerk, showing the following members present:

PRESENT: Frank Dickerson, Mick Madison, Michael Turner, Michael "Doc" Holliday, Bill Stoutenborough, Robert Pollard, Matt King, Mike Babcock, Terry Eaker, Bob Meyer, Alison Lamothe, Nick Petrillo, Denise Wiehardt, John Janek, Charles "Skip" Schmidt, and Jason Palmero

REMOTE: Stacey Pace, Valerie Doucleff, and Chris Guy

ABSENT: Fred Michael, Bobby Ross, Shawndell Williams, Dalton Gray, Victor Valentine, Ryan Kneedler, and Paul Nicolussi

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Mr. King moved, seconded by Mr. Palmero to allow Ms. Doucleff and Mr. Guy to attend and participate remotely.

VOICE VOTE BY ALL MEMBERS.

Ms. Doucleff and Mr. Guy entered the meeting remotely at 5:02 PM

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ROBERT DORMAN'S ADDRESS TO THE BOARD:

I'll be brief. Thank you for attending tonight's special meeting those of you that made it. I hope you had time to read the two emails I sent this last Sunday. I just submitted them for the record for posterity. I have information for you. On April 19th, 2021, the board of the Madison County Transit, a subsidiary of Madison County Government, entered into a service agreement with a nonprofit agency called Agency for Community Transit for 15 years. The contract was not sent out for bid and has 5 year extensions for perpetuity, that is what is known as an evergreen contract. I am submitting copies of the contract, and a response to a freedom of information request stating it was not bid. It is a 15 year sole source no bid evergreen contract that annually transfers \$25M of taxpayer funds to the Agency for Community Transit. That equates to \$375M during its lifetime before any extension. The contract is problematic because it is a \$375M no bid contract, and because the Automatic Contract Renewal Act (825 ILCS 601/5) specifically excludes public bodies from automatic contract renewals such as this. Thank you.

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DOUG HULME'S ADDRESS TO THE BOARD:

As you all know, interest rates have been going to unprecedented levels over the last few years. As a county that has substantial public funds, that means something to you. Long-term investments, when interest rates go up, if you have long term investments, usually the value of those investments go down. I just got the investment policy from the county treasurer. I could not find it on the website, but I got it from Patrick McRae after sending an email. On March 23, 2020, the treasurer said he put out an investment policy that said he would put out a report to the county board every month on the market value of all your investments. That's my investment too, I'm a tax payer. Every month, the treasurer is supposed to submit a mark to market report and you can read it in the investment policy of the county treasurer. That report is very important because this county has investments in long-term corporate bonds like Credit Suisse, who was just bailed out by UBS. Those investments are under water. If UBS didn't buy Credit Suisse, those bonds could be at jeopardy. It's very important from a financial prospective that your investments are accurately published and put out for the public to see. The market value in this time in day and age with inflation and rising rates is very important that we know the value in those investments. I would ask that the county treasurer fulfill his obligation that he assigned and said he would and provide a mark to market report next month that satisfies what he also said is GASB 31, which is the gain loss on those investments. I encourage you all to read that because it is very important. It's very important that public funds are secure and it's not just about rates, it's a lot more complicated. That's what I wanted to talk to you about, and I hope to see that report next month, and thank you very much for your time.

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Mr. Madison moved, seconded by Mr. Turner to allow Ms. Pace to attend and participate remotely.

VOICE VOTE BY ALL MEMBERS.

Ms. Pace entered the meeting remotely at 5:07 PM.

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Mr. Madison moved, seconded by Mr. Turner to move into Closed Session to discuss pending litigation and settlement of claim pursuant to 5 ILCS 120/2(c)(11) and (12).

The ayes and nays called on the motion to approve resulted in a vote as follows:

AYES: Pace, Dickerson, Madison, Doucleff, Turner, Holliday, Stoutenborough, Pollard, King, Babcock, Eaker, Meyer, Lamothe, Petrillo, Wiehardt, Janek, Schmidt, Guy, and Palmero

NAYS: None

AYES: 19. NAYS: 0. Whereupon the Chairman declared the board move into Closed Session at 5:07 PM.

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The board returned to open session at 5:36 PM.

The following resolution was submitted:

**RESOLUTION AUTHORIZING AND APPROVING SETTLEMENT RESOLVING
U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS
No. 3:21-CV-152 TORT CLAIM FILE # 19-43-016**

WHEREAS, a matter is pending before the U.S. District Court for the Southern District of Illinois bearing a case number of 3:19-CV-00152 and styled *Rana Schmidt, Independent Administrator of the Estate of Elissa A. Lindhorst, Deceased vs. Madison County, Illinois, et al*; and

WHEREAS, following a mediation and settlement conference the parties to the said litigation have agreed to resolve all claims in the aforementioned lawsuit subject to a mutually agreeable settlement agreement; and

WHEREAS, the terms of the settlement provide for the payment of certain funds by Madison County, Illinois to Rana Schmidt in the manner and amounts stated herein, along with additional training to be provided to Madison County Jail officers regarding opioid and other drug intoxication and withdrawal, and which shall be set forth in a settlement agreement to be drafted; and

WHEREAS, Madison County has authorized a Self-Funded Liability Program; and

WHEREAS, a payment procedure exists for losses incurred under the Self-Funded Liability Program; and

WHEREAS, this procedure specifically states that any payment in excess of \$20,000 shall be approved by the County Board; and

WHEREAS, a full and final settlement in the monetary amount of \$3,000,000 for File # 19-43-016 has been negotiated and is in the best interest of the County; and

WHEREAS, Madison County's excess insurance carrier, States Self-Insurers Risk Retention Group, as agreed to immediately contribute \$1,400,000 to the negotiated settlement amount in the matter;

NOW THEREFORE, BE IT RESOLVED that the Madison County Board approves the proposed settlement subject to a mutually agreeable settlement agreement, and further authorizes full and final

settlement payment for File # 19-43-016 in the amount of \$3,000,000.00 from the FY23 Tort Fund budget, and with immediate contribution from the excess insurance carrier as stated herein.

BE IT FURTHER RESOLVED that the Chairman Pro Tem is authorized and directed to sign a settlement agreement, and any other reasonably necessary documentation related thereto, to be prepared and finalized in accordance and consistent with the foregoing to fully and finally resolve the aforementioned litigation on behalf of the Madison County, Illinois.

Passed this 29th day of March, 2023.

s/ Kurt Prenzler
Kurt Prenzler, County Board Chairman

ATTEST

s/ Linda Andreas
Linda Andreas, Madison County Clerk

On the question:

Mr. Holliday: Motion to approve the settlement of the resolution describing the settlement of the litigation entitled Schmidt v. Madison County pending in the Southern District of Illinois for \$3,000,000 and training of jail officers regarding opiate and drug withdrawal, with \$1,400,000 contribution from the County’s excess insurance carrier.

Mr. Holliday moved, seconded by Mr. Turner to approve the resolution as presented.

The ayes and nays called on the motion to approve resulted in a vote as follows:

AYES: Pace, Dickerson, Madison, Doucleff, Turner, Holliday, Stoutenborough, Pollard, King, Babcock, Eaker, Meyer, Lamothe, Petrillo, Wiehardt, Janek, Schmidt, Guy, and Palmero

NAYS: None

AYES: 19. NAYS: 0. Whereupon the Chairman declared the foregoing resolution duly adopted.

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UNFINISHED BUSINESS: - None.

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NEW BUSINESS: - None.

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Mr. Janek moved, seconded by Mr. Meyer at 5:40 PM to recess this special session of the Madison County Board meeting until Wednesday, April 19, 2023. **MOTION CARRIED.**

ATTEST: Linda A. Andreas
County Clerk

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