

**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 in the Administration Building in the City of Edwardsville, in the County and State aforesaid on said Wednesday, July 6, 2022 and held for the transaction of special business.

**WEDNESDAY, JULY 6, 2022  
5:00 PM  
SPECIAL SESSION**

The Board met pursuant to recess taken June 15, 2022.

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The meeting was called to order by Kurt Prenzler, Chairman of the Board.

The Pledge of Allegiance was said by all members of the Board.

The Roll Call was called by Debra Ming-Mendoza, County Clerk, showing the following members present:

PRESENT: Pace, Ross, Madison, Walters, Holliday, Stoutenborough, Malone, Gray, Pollard, Babcock, Hankins, Valentine, Minner, Messner, Wiehardt, Foster, Petrillo, Glasper, Goggin, Guy, Dalton, and Kneedler

REMOTE: Meyer, Doucleff, and King

ABSENT: Kuhn, Eaker, and Harriss

VACANT: District 27

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Mr. Foster moved, seconded by Mr. Malone to allow Mr. Meyer and Mr. King to participate and attend remotely.

**VOICE VOTE BY ALL MEMBERS.**

\*Mr. Meyer and Mr. King entered the meeting remotely.

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**KIRK ALLEN'S ADDRESS TO THE BOARD:**

My name is Kirk Allen. I'm the co-founder of the Edgar County Watchdogs who are local government accountability 501C4. A few years ago, I attempted to speak at your meeting and was met with what I would consider childish attitudes and arguments as to why I was breaking your rules and trying to exercise a statutory right to speak, never mind the fact that those rules at the time violated the law. Rather than listen to the message the board at the time chose to defend the defenseless your public comment policy. I recall one board member making a comment in passing, "who does he think he is?". If that board member is still here, I will tell you who I am. I am the person who tried to prevent you from committing a crime. How many of you are aware of the law says those who violate the Open Meetings Act shall be guilty of a Class C misdemeanor, with the exception of certain training requirements. The reason we came to that meeting was to make the point your public comment policy violated the Open Meetings Act. Instead of listening, you chose to break the law. I'm confident that both our organization and your state's attorney had better things to do than deal with a request for review with the AG over Open Meetings Act situation. Sadly, you violated my right to speak and refuse to even let me explain how you violated it. A state of lawlessness begins with ignoring and trivializing our laws. The legislature felt it necessary to make OMA violations a crime. One would think elected officials who took an oath to uphold our laws would recognize that includes the Open Meetings Act. As some of you may know, the AG found you did in fact violate the law by not allowing me to speak and having a policy that required people to sign up several days in advance. It should not have taken so long to fix something so obviously illegal. One of the biggest complaints we get about this county is your restrictive 15 minute public comment policy. With a three minute limit per person that equates to five people being able to voice their concerns for a county of 264,000+ people. That is disgraceful as the people deserve better. I urge you to expand that time to no less than 30 minutes with the ability to expand it if necessary, so that the people's voices can be heard. We the People means nothing if your rules unreasonably limit their voice. We deal with local governments all over the state and your actions are consistent with what we see way too often. Do as you please rather than what the law says you can do. How many board members have actually read the county code as it relates to your powers and duties? If you've not, you should. Doing so, you would find numerous problems with what you're attempting to do tonight. We are a Dillon's Rule state, learn it. You have three types of powers, those granted and express words, those necessarily or fairly implied in or incidental to the powers expressly granted, and those essential to the declared objects and purposes of the corporation, not simply convenient, but indispensable. With that in mind, if there's any reasonable doubt whether a power has been conferred on a local government, that power has not been conferred. This is the rule of strict construction of local government powers. It's called Dillon's Rule. Step up and do the right thing and simply follow the law. It's the rulebook you agreed to follow. If you cannot do that, please resign. And whoever's behind this meeting tonight, I urge you to withdraw your motion and cancel this.

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**JOHN KRAFT'S ADDRESS TO THE BOARD:**

I'm John Kraft co-founder of the Edgar County Watchdogs and I came here this evening to talk about this meeting and the proposed ordinance. Elected officials should strive to follow established laws and their own ordinances. That is what the electors expect of them. I'm reviewing Madison County ordinances. I found there's a four working day requirement to have an item placed on an agenda that must be delivered to the chairman by noon on the fourth working day prior to the meeting. I think you can all count that didn't happen this time. Also foul language indicating it's a chairman who chooses his chairman pro tem even though there's no such thing, no title in this county. There is no authorization for a chairman pro tem. When reviewing the county's code, I found new authorization for a chairman pro tem for counties under township organization, which means there is no statutory authority for such a position in Madison County. And counties authorize the chairman pro tem for the statute specifically authorizes the pro tem to perform all

the duties of the chairman during his absence or inability that's not Madison County. That's counties under commission form of government. No such language exists in counties under township organization like Madison County. No language exists for a county vice chairman either. I did find the vice chairman term mentioned twice in the county's code and prescribed that the vice chairman's one and only duty was to serve in the place of the chairman at a meeting of the county board in which the chairman is not present. That doesn't mean do have a list of 20 other items that you can dream up. Vice chairman doesn't exist, and he can only take the place of the chairman in a meeting when a chairman is not present. Additionally, your proposed ordinance seeks to grant the board the authority to appoint a chairman pro tem and a vice chairman pro tem, neither of which are authorized for this county. Should you consider granting yourselves the authority to appoint a vice chairman, a plain reading of section 2-1003 of the county's code indicates you lack any appointment or election authority of a vice chairman, because the Madison County Board Chairman is elected by the people and 70,000 of them elected him. Even if you think you can still somehow elect a vice chairman or appoint one, you can only take that action at the first meeting following the election to county board members, that's December. That's not July or August or June. You don't have that power to begin with. You don't have the power to appoint a vice chairman or chairman pro tem. Your Madison County ordinance is correct and that the chairman picks his vice chairman. It actually says chairman pro tem, but that needs to be changed vice chairman should he choose to have one. I urge you to withdraw this proposed order.

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**WANDA CERNY'S ADDRESS TO THE BOARD:**

A snapshot whistleblower uncovers evidence of corruption. County Board prematurely fires whistleblower based on hearsay and over objections by the chairman who wants an independent investigation, more allegations against whistleblower leading to a two year expensive criminal investigation. The result? Cases closed finding no basis for lawsuit for charges against the whistleblower. Whistleblower without his job and his good name, files a lawsuit that is ongoing. The initial evidence of political corruption forgotten. Somehow, this board is laying the blame and expense for this debacle on Chairman Prenzler. You see, those who stand up to do the right thing often stand alone. The crowd takes that opportunity to throw stones. Those on the sidelines, who are eager to identify with a group, decide that if someone's being pelted, they must have done something wrong. So they pick up stones as well. This board wants to divest Prenzler of his power as a way to regain control, but they are forgetting the most important participant in this relationship, the people of this county. This is a constitutional republic where people are sovereign and elected board members are the public servants. Your duty is to carry out the will of the people, not to create your own coup. Twenty years ago, the people won the right over the board to elect the chairman. This change meant that the chairman was answerable to the people and not bound to a self-serving minority of the board, an irresistible maneuver I suppose, since we are witnessing it here tonight. We sovereign people elected Chairman Prenzler in 2016 and in 2020 to carry out all prescribed duties and responsibilities placed under his authority. This board does not have the right to brush the people aside and nullify the effects of our vote for Chairman Prenzler. Prenzler has always stood for the taxpayer. He blew the whistle on Fred Bathon who went to prison. He reformed an investment scheme and saved county money. He led the fight to defeat the sales tax proposal, and he fought to place a referendum on the ballot for the people to have a say about the percentage limit to which they can be taxed. Many other counties have already passed such a referendum, but this board does not want to handicap their abilities to get the most tax revenues that they can. They have opted to deny the people this vote twice. Must one always look for an advantage to extract control? Is that an honorable way to govern? Control should not be the goal. Strategic maneuvering should not be the method. The goal of governance in this republic must always be inclusion of citizens, not exclusion. Transparency of purpose and plan should be the method used. Do not vote for this resolution. Align yourself with your oath to serve the sovereign people.

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**KATHLEEN RAMSEY’S ADDRESS TO THE BOARD:**

Hi, I'm Kathleen Ramsey, a woman. Thank you for letting me speak today. I know, there's a difference between legal and law. I don't understand why I have to be here today. I'm a very busy woman. But when I find that corruption unjust is happening, I do speak my truth. I know that Kurt stands for the men and women of Madison County, and he goes up against the corruption. And he doesn't abide by all of those shareholders that are funding campaigns. Nope, there are at least 12 people here that might be doing that. Correct? That they care about their campaign funds. Yeah, that's what got our country into the mess that it's in today. And we need people in office that are going to do what is right and just for the men and women of this county, and not for what is right for their pocketbook. Now, for my understanding, this all came about because some people can't play nice in the sandbox. So I'm going to be your mom and let you know that the most adult thing to do is to take your child diapers off, excuse the pun, and start playing nice and come up with solutions. If you got a problem with the man, then you sit down and you talk it out. And you find resolutions to solutions. I've been in legal for over 30 years and that's how we do it and I negotiated with all kinds, globally. And I've always been successful in all my negotiations. Maybe you need to hire me to help you negotiate. So I asked the board members, all of you, for evidence on why I'm here today, not one has given me any evidence. See evidence isn't opinion, because opinion matters zero. It's corruption. And I don't really give 2 rats about an opinion. I want evidence. So show me the evidence or you vote no, or you don't even vote and you take this to the ballot. To blame someone publicly with no evidence is called slander with intent to cause harm. That's a trespass on law. To each person, you can be held accounted individually liable. The adult way is to work together. If this is about PTELL putting it on the ballot, I don't know why any one of you, let me remind you really quick here, you're servants to us. Okay? Your servants to us. We're your master, not the shareholders that are campaigning your funds, which should be limited anyway. I don't know why you wouldn't put PTELL on the ballot. But you vote no to illegally, and I'm going repeat that, it's illegal what you're doing. And by the way, proper notice is law. It's been in the law. I mean, I know law very well and you didn't give proper notice, so that's illegal. So we'll look into that, won't we? But transparency is you should be giving us the evidence. And be respectful. Truth is freedom. Truth is freedom.

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**GEORGIA YOST’S ADDRESS TO THE BOARD:**

My name is Georgia Yost, and I live in Wood River. I have lived in Madison County for 59 years and remember the days of the political machine. Those of you who are older remember the names. About 20 years ago, there was a big debate on whether the chairman of the county board should continue to be elected from the board or by the people. The debate took about one to two years and finally decided in 2003 by the voters. By the margin of about four to one they said that they wanted the chairman to be elected. From what I read, the resolution or ordinance or whatever it's called, was given to the chairman Friday at noon before the Fourth of July weekend. Most people haven't seen it or even heard about it. Maybe you've had much longer than I, then I don't know. Maybe you just got it. Have you studied it? Or do you even understand it? I just wanted to say that if you pass the resolution or ordinance or whatever it is, you will undo what the voters decided in 2003, and you're doing this over the Fourth of July weekend. That doesn't even sound right to me. Okay, now I would like to say some words about the property taxes. I pay property taxes. And personally, I would like to vote on the PTELL tax caps. I don't know that much about it, but I can learn. And I think the county board should let us vote on it. And I think most people think like I do, thank you for your time.

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Ms. Pace moved, seconded by Mr. Walters to allow Ms. Doucleff to attend and participate remotely.

**VOICE VOTE BY ALL MEMBERS.**

\*Ms. Doucleff entered the meeting remotely.

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**Mr. Prenzler:** My goal this evening, this is an unusual meeting, and I want to just be clear about what my goal is. My goal is to preside in a fair and orderly way. This evening, I will begin by making several rulings of the chair. And don't worry, you will have an ample opportunity to make motions to appeal these rulings, if you choose. I will begin by reminding you that I am the Chair and I am presiding. Please do not speak out of turn and only when I call on you. I will recognize you to speak, but only if you raise your hand or signal to speak. I will do my best to call on you in order of you're raising your hand. I am asking now everyone in the room, including the gallery to silence your cell phones. Please keep your comments on the subject at hand. Be civil and be professional. And before we begin, I've distributed paper rulings from the chair so that it will be clear to everyone what I'm saying. I'm trying to be polite and put things in writing. Again, in the interest of order, I will begin by ruling this ordinance or resolution out of order because it's lacks proper notice. And if you could show that on the screen, please. So I rule that this is an invalid meeting, because the item or items were not on the agenda within the proper timeframe. In other words, notice is improper according to the county board ordinance 30.02 (G), which requires four working days. Notice was given at noon on Friday, so that's a half working day, Tuesday and Wednesday are two working days, so that's only two and a half working days of notice. Moreover, the agenda was changed after 11 o'clock on Saturday with word resolution changed to ordinance. The notice published in the Edwardsville intelligence or said resolution so you can see the citation there. So I'm making that ruling. And I would invite anyone would like to challenge the ruling of the chair.

**Mr. Babcock:** I would like to make a motion to table this for 30 days so that we can get it right the first time.

**Mr. Prenzler:** Table or postponed to a future date?

**Mr. Babcock:** Postpone to a future date.

**Mr. Prenzler:** If it's postponed, we have to decide on a date.

**Mr. Babcock:** Sorry, table.

**Mr. Prenzler:** Okay, we have a motion to table. Do we have a second?

**Mr. Ross:** Second.

**Mr. Foster:** Excuse me, but what are we tabling? We're tabling the ruling?

**Mr. Babcock:** Table the motion on the board.

**Mr. Malone:** Point of order, can we get a ruling from the State's Attorney's Office?

**Mr. Prenzler:** No, I decide who is speaking here. Let me just clarify, Mr. Babcock, you are tabling my ruling?

**Mr. Babcock:** \*inaudible\* I apologize.

**Mr. Prenzler:** We're not at the point where the motion is being introduced. So right now, we have a ruling. Would anyone like to challenge the ruling of the chair?

**Mr. Malone:** I would like an opinion from the State's Attorney's Office if he agrees with your first statement.

**Mr. Prenzler:** Well, first of all, I want to ask the state's attorney, who do you represent?

**Mr. Haine:** It's my opinion, that my office...

**Mr. Prenzler:** Mr. State's Attorney, who do you represent?

**Mr. Haine:** I represent the county and the people of Madison County.

**Mr. Prenzler:** Do you represent the county board?

**Mr. Haine:** And its officers, but I'm not...

**Mr. Prenzler:** do you represent me?

**Mr. Haine:** Not in your personal capacity, Mr. Chairman.

**Mr. Prenzler:** In my official capacity?

**Mr. Haine:** Can I address...

**Mr. Prenzler:** No, I'm asking the question before we go on, it's very important. Do you represent me in my official capacity?

**Mr. Haine:** This could take a while. So my office has reviewed the procedural...

**Mr. Prenzler:** Mr. Haine, I'm asking you a question.

**Mr. Madison:** Point of order, Mr. Chairman, we have a question put to the State's Attorney. Could you please let him answer?

**Mr. Prenzler:** No. Our state's attorney has to clarify who he represents here. Mr. Haine, you have publicly endorsed this motion or the I'm sorry, this resolution or ordinance, whatever it's called publicly and therefore that is adverse to my official interests. So I will assert right now that you do not represent me. I have asked for independent special representation and I do not have it.

**Mr. Haine:** I understand that your opinion. Mr. Malone, I, my office has reviewed the procedural concerns raised by the chairman. He's raised them to me before. After review of the county's policies and applicable Illinois law. We believe very firmly that the county procedures were followed in calling and noticing this special section and any action that the board takes at this special meeting relating to the purpose listed on the agenda will be valid. As to whether 30.02 (G) was violated, it's our conclusion that an entirely different section of the ordinances applies. Its 30.02 (C), that controls the procedure for special meetings. That part of the ordinance states as follows "special meetings of the board shall be held when requested at least 1/3

of the members of the board. Such requests shall be addressed in writing to the clerk of the board, and shall specify the time place and purpose of the meeting. The clerk shall make such notice to board members and the public, as is required by state statute". What is required by state statute? Two days. It is undisputed that the chairman and the clerk had actual notice and acknowledged receipt of the special session agenda and proposed ordinance last week, which would be approximately five calendar days and two business days prior to this special session. As such, it's my legal opinion that noticed here was entirely procedurally correct. So if there is a motion to challenge the ruling of the chairman on the floor, it's my legal opinion that that motion would be well suited.

**Mr. Prenzler:** Again, I would invite anyone if anyone would like to make a motion to overrule my ruling that this is an invalid meeting because of lack of proper notice.

**Mr. Foster:** So moved.

**Mr. Haine:** It is also very clear as an additional point, Mr. Malone, it's also very clear that invalidity is never recognized or let's say there was a clear violation, which in my legal conclusion, there's not at all. Let's say there was a clear violation of mere procedural rules for the county. It is very clear and undisputed in any legal analysis and any lawyer will tell you that that does not invalidate the actions that the board takes in that meeting.

**Mr. Prenzler:** Thank you, Mr. Haine. I think you're campaigning.

\*inaudible\*

**Mr. Prenzler:** I'm running a fair meeting. I made a ruling. Excuse me, excuse me. I'm inviting the board. The board has the right to challenge my ruling and I'm asking if anyone would like to make a motion to challenge my ruling. I'm trying to be fair to you today.

**Mr. Foster:** Mr. Chairman, I'd like to make the motion to challenge your ruling.

**Mr. Prenzler:** Okay. We have a motion from Mr. Foster to challenge the ruling. Do we have a second?

**Mr. Stoutenborough:** Second.

**Mr. Prenzler:** We have a second from Mr. Stoutenborough. Any discussion?

**Mr. Babcock:** What is the vote? If we're going to vote, what is the vote?

**Mr. Prenzler:** We're about ready to have a roll call vote. So this is Mr. Foster made the motion to appeal my ruling and Mr. Stoutenborough seconded it. So if you're voting yes, that means you agree with appealing the ruling. Okay? You're challenging the ruling. You disagree with the ruling. So roll call.

**Mr. Babcock:** Again, if you vote yes, you're challenging the ruling of four days. So yes is we're not in favor of the meeting? Yes, is we're in favor?

**Mr. Prenzler:** No, I made a ruling that the notice was improper. And so by voting yes, you are overriding my ruling. So by voting yes, you're... You have the right to over my ride my ruling with a two thirds vote.

Mr. Foster moved, seconded by Mr. Stoutenborough to appeal Chairman Prenzler's ruling.

AYES: Pace, Madison, Doucleff, Walters, Holliday, Stoutenborough, Malone, Pollard, King, Hankins, Valentine, Minner, Messner, Wiehardt, Foster, Petrillo, Glasper, Goggin, and Dalton

NAYS: Meyer, Ross, Gray, Babcock, Guy, and Kneedler

AYES: 19. NAYS: 6. Whereupon the Chairman declared the motion to appeal carried.

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**Mr. Prenzler:** I'm going to go to number two. And I just want to rule that I am sending this to the Government Relations Committee based on 30.02 (G) and 30.02 (H). Because particularly, in 30.02 (H), it says new business items shall be referred by the county board chairman to a committee, he or she deems appropriate for consideration. So I feel as though that's what I must do, because I feel that that's what the ordinance instructs me to do. Now, I would again, invite you to overrule that ruling.

**Mr. Malone:** I would like Mr. Haine to chime in on this.

**Mr. Haine:** So...

\*comments from the gallery\*

**Mr. Malone:** No, because he is an attorney and I'm not.

**Mr. Prenzler:** Mr. Malone, I think that's the point, I haven't yet invited Mr. Haine to speak. But I will invite Mr. Haine to speak on that topic.

**Mr. Haine:** Okay. So I think either the board could choose to overrule this ruling. But I think the ruling itself is invalid. The call for special session is not controlled by 30.02 (H), it's controlled by 30.02 (C). And the agenda for the special session was properly noticed stating, quote, the place and purpose of the meeting. So this is not new business. This is rather the sole business that can be conducted at the special meeting. The chairman, frankly, has no powers to unilaterally remove an agenda item from a properly notice special session. It's just an invalid action. So in my opinion, my legal opinion as the parliamentarian of the board, the agenda item is still, despite what the Chairman has just said, properly before this body who may take action upon it upon a motion and a second at any time.

**Mr. Prenzler:** Any further discussion? I'm sorry, do we have a motion to overrule the ruling?

**Mr. Walters:** So moved.

**Mr. Prenzler:** Mr. Walters. Do we have a second?

**Mr. Stoutenborough:** Second.

**Mr. Prenzler:** Second, Mr. Stoutenborough. Any further discussion?

**Mr. Babcock:** Again, the vote is?

**Mr. Prenzler:** Again, to vote yes, you are over ruling my ruling. Roll call.



Mr. Walters moved, seconded by Mr. Stoutenborough to appeal Chairman Prenzler's ruling.

AYES: Pace, Madison, Walters, Holliday, Stoutenborough, Malone, Pollard, King, Hankins, Valentine, Minner, Messner, Wiehardt, Foster, Petrillo, Glasper, Goggin, and Dalton

NAYS: Meyer, Ross, Doucleff, Gray, Babcock, Guy, and Kneedler

AYES: 18. NAYS: 7. Whereupon the Chairman declared the motion to appeal carried.

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**Mr. Prenzler:** So at this point, and I will let the motion come forward on the resolution, but just as going through this and getting this out of the way. And I would invite number three, Chris, if you could put number three up on the on the on the screen for everyone to see. My third ruling is that I'm ruling this new resolution or new ordinance out of order because it violates the Illinois Counties Code section 2-1003. First according to the county code, the term pro tem should be used only by counties under the commission form of government. Counties organized with township government such as Madison County should use the term vice chairman. That said, the only power given to a vice chairman, by state statute, is to act during a meeting when a chairman is absent. In other words, when the chairman is present, the vice chairman has no power. So would anyone like to challenge that ruling? Make a motion to challenge the ruling.

**Ms. Pace:** I would like to hear what Mr. Haine the state's attorney has to say.

**Mr. Prenzler:** Mr. Haine, would you like to weigh in on that?

**Mr. Haine:** Sure, thank you. This is not a ruling of procedure. There's no need for a motion to overrule the ruling. This is a disagreement on a legal conclusion. On the substance of it, that's not a procedural ruling. The chair has no power to make it... Again, the item is properly before the board upon a motion and a second. But let me explain to you why it's an erroneous conclusion. My advice is that this proposed ordinance is fully within the power of the board. This has been my advice to board members for over a year. And this has also been in my advice to the chairman. In fact, I have drafted last March and sent to the chairman a legal memo which I'd like to pass out to remind all the board members of what I told them a year ago and then also the chairman. This legal memo regards the board's authority within board matters in a township form of government. We do not have a county executive form of government, but a township form of government. And in a township form of government, the allocation of powers internal to county administration is up to the board. And there's been a recent court case on this that clarifies the issue very nicely. And it's Haney versus Winnebago County Board. In this case, the court ruled quite recently, just a few years ago that Winnebago County similar to Madison County does not have an executive form of government, which enumerates the statutory instead the county code enumerates the statutory duties of the county board chairman, Winnebago County is a township form of government just like Madison County. Winnebago County also has an at large elected chairman just like Madison County. Nonetheless, the county code vests the great majority of legislative and administrative duties in the county board. Also, as we have previously noted, now I'm quoting the court case however, the County Board has the unfettered discretion to modify the duties of the chairman, except to the extent that those duties are constitutionally enshrined, or provided for by statute, this ordinance does not disturb any statutorily granted powers. In fact, it specifically preserves them. All it does is relates to how the board manages the board's own business internal to county administration, personnel issues, appointments only to board offices, etc. And so in my view, this is more apt for a legal dispute. This is not a procedural motion so there's no need, in my view, to have a motion and a second to challenge a ruling on the floor because there is no procedural ruling. But nonetheless...

**Mr. Prenzler:** There is a ruling.

\*comments from the gallery\*

**Mr. Haine:** ...within the power...fully within the power to do this. It was the appellate court of Illinois Second District in 2020.

\*comments from the gallery\*

**Mr. Holliday:** Mr. Chairman, we should not be answering questions to the public. They should not be speaking. If they keep speaking, they should be removed from the audience.

**Mr. Prenzler:** Okay, lets go now, I'm trying to be fair here this evening. I'm inviting the county board to make a motion to overrule the ruling number three.

**Mr. Haine:** It's my opinion as parliamentarian no such motion is required.

**Mr. Prenzler:** I'm the chairman, I made a ruling. I'm inviting you to overrule the ruling. So would someone like to make a motion to overrule my ruling?

**Mr. Babcock:** Kurt, what's the overruling of the ruling say? Explain that, please.

**Mr. Prenzler:** Maybe we can put number three...

**Mr. Haine:** There is no ruling.

**Mr. Prenzler:** I'm ruling this resolution or ordinance whatever it is out of order because it violates the Illinois Counties Code. I'm trying to be very clear here. I've given everyone a copy of this. So I'm not trying to delay things, if you would like to make a motion to override my ruling, I'm inviting you to make that motion.

**Mr. Holliday:** So moved.

**Mr. Prenzler:** Mr. Holliday makes the motion. And a second?

**Ms. Wiehardt:** Second.

**Mr. Prenzler:** Ms. Wiehardt, second. So we have a motion and a second to overrule my ruling, which is your prerogative. Any discussion? Hearing none, roll call.

Mr. Holliday moved, seconded by Ms. Wiehardt to appeal Chairman Prenzler's ruling.

AYES: Pace, Madison, Walters, Holliday, Stoutenborough, Malone, King, Hankins, Valentine, Minner, Messner, Wiehardt, Foster, Petrillo, Glasper, Goggin, and Dalton

NAYS: Meyer, Ross, Doucleff, Gray, Pollard, Babcock, Guy, and Kneedler

AYES: 17. NAYS: 8. Whereupon the Chairman declared the motion to appeal carried.

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**Mr. Prenzler:** I'm ruling this resolution out of order because it transfers powers and duties away from the elected chairman to the county administrator. And this requires the administrators agreement and the Personnel Committee to change his job description and his compensation, since this would obviously increase his workload. Again, giving this to you in writing so you can understand it. Would anyone like to challenge this ruling?

**Mr. Foster:** I'd like to hear the opinion from the state's attorney on this, please.

**Mr. Prenzler:** Mr. State's Attorney, what's your opinion on this?

**Mr. Haine:** In my legal opinion, this is again, fully within the powers of the board to do. This is an ordinance, and whether or not this county administrator agrees to it, or however the job duties are changed, ordinances change how the county board business is conducted. So again, this is all allowed internal to the county, it's all allowed because the county board is the ultimate authority for how the county administration runs in a township form of government. Does that answer your question?

**Mr. Foster:** Thank you.

**Mr. Prenzler:** Very good. Any other comments? Questions? I entertain a motion to overrule my ruling. Would anyone like to make that motion?

**Mr. Holliday:** So moved.

**Mr. Prenzler:** Mr. Holiday.

**Mr. Madison:** Mr. Chairman?

**Mr. Prenzler:** Yes?

**Mr. Madison:** I came here...

**Mr. Prenzler:** Could we have a second before we discuss?

**Mr. Madison:** I put my name on that letter so we could have a hearing.

**Mr. Prenzler:** Yes.

**Mr. Madison:** Not have a mockery made out of the hearing. When I put my name down, I said I may or may not vote. The way this goes, I may vote against it. I want you all to be aware of that. But I'm not even getting to hear any of the evidence that's being brought.

**Mr. Prenzler:** Well, that'll come after we get these rulings.

**Mr. Madison:** \*inaudible\* And I think the people need to hear what was going to be said in this meeting.

**Mr. Prenzler:** Well, first, Mr. Holiday has a motion. We will get to that.

**Mr. Madison:** I don't think this is a legitimate motion. I'm a chairman of two committees, these aren't...

**Mr. Prenzler:** Well, I made a ruling and I'm inviting the county board to overrule my ruling. And so Mr. Holliday made a motion. Is there a second?

**Mr. Stoutenborough:** Second.

**Mr. Prenzler:** We have a second. Mr. Stoutenborough. And so any further discussion? Hearing none, roll call. This is again, a vote yes is to overrule my ruling. And Mr. Madison, we will get to the resolution on the agenda next.

Mr. Holliday moved, seconded by Mr. Stoutenborough to appeal Chairman Prenzler's ruling.

AYES: Pace, Madison, Doucleff, Walters, Holliday, Stoutenborough, Malone, Pollard, King, Hankins, Valentine, Minner, Messner, Wiehardt, Foster, Petrillo, Glasper, Goggin, and Dalton

NAYS: Meyer, Ross, Gray, Babcock, Guy, and Kneedler

AYES: 19. NAYS: 6. Whereupon the Chairman declared the motion to appeal carried.

\* \* \* \* \*

The following ordinance was submitted:

**AN ORDINANCE TO AMEND  
THE “PERSONNEL POLICIES FOR COUNTY BOARD APPOINTED OFFICIALS AND  
DEPARTMENT HEADS” AND CERTAIN MADISON COUNTY ORDINANCES**

Mr. Chairman and Members of the County Board:

**WHEREAS**, the County Board has lost confidence in its Chairman to advance a fiscally responsible future for the County; and

**WHEREAS**, it is the opinion of the County Board that the Chairman has exhibited chronically inept management, lack of communication or research on important issues relating to lowering property taxes, lack of attention to his job which decreases the quality of services paid for by taxpayers, and multiple disastrous personnel decisions which have cost the County millions of dollars in legal costs and settlements; and

**WHEREAS**, the Chairman, even while delegated significant authority by the County Board, continues to have improper communications with multiple employees terminated by the County Board while these terminated employees are in continual active litigation against the County Board; and

**WHEREAS**, based on the foregoing the County Board believes now is an appropriate time to modify certain Madison County ordinances and policies to ensure County Government is best able to serve the people and taxpayers of Madison County in a fiscally responsible and professional manner; and

**WHEREAS**, a copy of the proposed revisions (in “redline” format) to various parts of the “PERSONNEL POLICIES FOR COUNTY BOARD APPOINTED OFFICIALS AND DEPARTMENT HEADS” and the Madison County Ordinances are provided with this Ordinance as Attachment A and are on file in the offices of the County Board and County Clerk; and

**NOW, THEREFORE, BE IT ORDAINED** by the County Board of Madison County Illinois that the attached amendments to various parts of the “PERSONNEL POLICIES FOR COUNTY BOARD APPOINTED OFFICIALS AND DEPARTMENT HEADS” and the Madison County Ordinances are hereby adopted. All previous handbooks, policies and procedures which address the matters herein are hereby replaced with these proposed revisions to the extent there is a conflict. But, all these changes will automatically “sunset” (revert back to the previous version of the ordinance or policy) on December 1, 2024, unless this “sunset” date is changed or eliminated by further proper action of the County Board.

**FILED**

JUL 01 2022

DEBRA D. MING-MENDOZA  
MADISON COUNTY CLERK

## Attachment A

### Redlines of Proposed Ordinance / Personnel Policy Revisions

#### Proposed revisions to Section I of "PERSONNEL POLICIES FOR COUNTY BOARD APPOINTED OFFICIALS AND DEPARTMENT HEADS"

##### I. APPOINTMENT

- A. All Appointed Officials and Department Heads (as listed in Appendix A) under the jurisdiction of the Madison County Board shall be appointed by resolution of the County Board. Individuals so appointed shall be recommended by the County Board Chairman Pro Tem, in consultation with the committee that has the responsibility of overseeing the operation of that department, if any.
- B. If the position to which an Appointed Official or Department head is appointed has a statutory term, and then the appointment shall be for the appropriate term for that position. If the position does not have a statutory term, then the appointment shall continue until either resignation or dismissal.
- C. Each Appointed Official and Department Head will serve at the pleasure of the Chairman Pro Tem and County Board and may be dismissed by the Chairman Pro Tem and County Board in accordance with conditions set forth in section ten of this policy.

#### Proposed changes to Section X of "PERSONNEL POLICIES FOR COUNTY BOARD APPOINTED OFFICIALS AND DEPARTMENT HEADS"

##### X. TERMINATION

Appointed Officials and Department Heads serve at the pleasure of the Chairman Pro Tem and the County Board and may be terminated by the Chairman Pro Tem and County Board.

In the event the Department Head or Appointed Official is terminated, then thirty (30) days written notice of such termination shall be given. At the end of such thirty (30) days, the County agrees to pay severance benefits of a lump sum cash payment equal to three (3) months' aggregate salary and continue all benefits at the County's expense for that same period of time; PROVIDED, HOWEVER, that in the event Department Head/Appointed Official is terminated because of his/her conviction of any illegal act involving personal gain to the official, or for a felony under Federal or State Law, or a crime of moral turpitude, then, in that event, county shall have no obligation to pay the aggregate severance sum designated in this paragraph, nor to give prior notice of such termination.

In the event Department Head/Appointed Official voluntarily resigns his/her position with the County at any time, then he/she shall give the County thirty (30) days' notice in advance, unless the parties otherwise agree. Voluntary resignation by Department Head/Appointed Official will result in a loss of all severance pay and benefits by the County.

Proposed Revisions to Madison County's Ordinances:

§ 30.01 ORGANIZATION.

(A) Upon this ordinance change taking effect, at the next County Board meeting the County Board shall elect, by simple majority, a member of the Board to serve as the new Chairperson Pro Tem and a different person to serve as Vice Chairperson Pro Tem, both of whose terms shall expire upon the seating of the newly elected board members following the next general election at which County Board members are elected, or earlier if removed as outlined in Paragraph B below.

~~(BA)~~ The Board shall meet at the time prescribed by state statute following the general election at which County Board members are elected to seat the newly elected members. The County Board ~~Chairperson shall appoint then elect by simple majority~~ a member of the Board to serve as Chairperson Pro Tem ~~and a different member of the Board to serve as Vice Chairperson Pro Tem~~ for a term of two years, ~~with the approval of a simple majority of the Board. A Chairperson Pro Tem or Vice Chairperson Pro Tem may be removed, with or without cause, upon a motion adopted by an affirmative vote of two-thirds of the county board. Upon adoption of a motion to remove the Chairperson Pro Tem:~~ (i) the Chairperson Pro Tem position becomes vacant; (ii) the Vice Chairperson Pro Tem immediately assumes the duties of Chairperson Pro Tem; and (iii) a new Chairperson Pro Tem shall be elected at the next regularly scheduled county board meeting. A Chairperson Pro Tem removed maintains his or her status as a member of the county board.

~~(CB)~~ The County Board Chairperson and Board members shall receive such compensation as set by Board resolution as provided by state statute.

~~(DE)~~ Vacancies on the Board or in the position of County Board Chairperson due to resignation or death shall be filled under the procedures prescribed by state statute.

§ 30.04 COUNTY BOARD CHAIRPERSON PRO TEM AND CHAIRPERSON.

(A) The Chairperson Pro Tem and Chairperson shall have no powers or authority within the Jurisdiction of the County Board, beyond those powers required by State Statute, except as outlined in Madison County Ordinances or Policy.

~~(BA)~~ The County Board Chairperson Pro Tem shall appoint the members of the standing and special committees established by Board resolution, with the approval of the Board. The Chairperson Pro Tem shall be an ex officio member of all Board committees. Committee assignments shall remain until the next County Board election and qualification of members, unless changed by action of the Chairperson Pro Tem of the County Board.

~~(CB)~~ The County Board Chairperson Pro Tem shall implement the decisions and policies of the Board. The County Board Chairperson Pro Tem shall appoint the County Administrator, department heads and other officials ~~as required by statute~~under the jurisdiction of the County Board, with approval of the Board.

~~(DE)~~ The County Board Chairperson shall appoint members of public boards, commissions and committees as are required by state statutes, ~~but all such appointments must first be put before the Government Relations Committee for consideration and a recommendation prior to going before the entire Board. Then,~~ these appointments shall be subject to approval by simple majority vote of the Board.

(E) The County Board Chairperson [Pro Tem](#) will work with the County Administrator and County Auditor to prepare a draft county budget for presentation to the Finance and Government Operations Committee for consideration and recommendation to the full Board. In preparing the draft budget, the County Board Chairperson may consult with other Board Committee Chairpersons, elected officeholders and department heads as the Chairperson determines to be appropriate and necessary. The draft budget shall be presented to the Finance and Government Operations Committee by September 15 of each year.

~~—(E) Any ordinance passed, adopted or otherwise enacted by the Board shall be presented to the County Board Chairperson before it becomes effective. If the County Board Chairperson approves such ordinance, resolution or motion, he or she shall sign it and it shall become law on the date prescribed; if not, he or she shall return it to the Board within ten business days with his or her objections and the Board shall proceed to reconsider the matter at its next meeting, to be held within 30 business days of the Board's receipt of the County Board Chairperson's objections. If after such reconsideration a majority of the members of the Board pass such ordinance, it shall become effective on the date prescribed but not earlier than the date of passage following reconsideration. If any ordinance is not returned by the County Board Chairperson to the Board within ten business days after it is presented to him or her, it shall become effective at the end of the tenth day, as per the provisions of 55 ILCS 5/2-1005.~~

(F) The County Board Chairperson Pro Tem may delegate the County Administrator to fulfill any or all of the Chairperson Pro Tem's duties or powers as outlined in Madison County policy or ordinance, but may withdraw this delegation at any time.

#### § 31.15 COUNTY AUDITOR, COUNTY CLERK AND TREASURER.

(A) The County Auditor and County Treasurer shall present financial reports at each Board meeting up to the first day of the month in which the meeting is held showing receipts, disbursements, investments and balances in each of the county budgets and funds.

(B) The County Auditor shall assist and advise the Board in all matters of finance and contracts, and specifically assist and advise the County Board Chairperson [Pro Tem](#) and Government and Finance Operations Committee in the preparation of the annual county budget.

(C) The County Auditor shall audit all financial reports and statements of officeholders and department heads when due, whether made pursuant to state statute or by direction of the County Board Chairperson [Pro Tem](#) and Board.

(D) The County Clerk, as Clerk of the Board, shall keep the county calendar of meetings, post agendas and notify Board members of committee meetings.

(E) The County Clerk shall provide a copy of the proceedings of all regular and special meetings of the Board to each Board member at least five working days before the next regular meeting of the Board.

(F) The County Clerk shall mail the agenda for each regular and special Board meeting, or provide e-mail notification of the agenda's availability on the county's website, not less than three working days prior to the scheduled regular or special Board meeting.

(G) The County Treasurer is authorized to delay the required payment of real estate taxes to provide for installments as follows: 50% of each installment of taxes shall not become delinquent until 60 days



after each installment would otherwise become delinquent under §§ 21-15, 21-20, 21-25 or 21-30 of the Illinois Property Tax Code, 35 ILCS 200/21-40 et seq.

Proposed Changes to Sec. 31.16 of Madison County's Ordinances:

§ 31.16 COUNTY BOARD OFFICE; COUNTY ADMINISTRATOR.

(A) ~~The County Administrator, under the direction of the County Board Chairperson Pro Tem~~ ~~The shall administer the~~ County Board office, ~~which~~ shall assist any County Board member or County Board committee in drafting resolutions and shall provide typing assistance or photocopying service related to Board or committee business.

(B) The County Administrator, under the direction of the County Board Chairperson Pro Tem, shall coordinate and implement the actions of the County Board and shall attend County Board committee meetings as required.

(C) The County Administrator, ~~under the direction of the County Board Chairperson Pro Tem~~, shall ~~act as staff advisor to the County Board Chairperson~~ have authority to direct ~~for~~ the overall management of all departments under the jurisdiction of the Board and shall provide, under the direction of the County Board Chairperson Pro Tem, administration and management oversight to these offices, as well as coordination of operations with elected officeholders.

§ 31.31 AUTHORITY FOR TRAVEL.

(A) *In-county travel.*

(1) All county officials and employees shall be entitled to reimbursement for authorized in-county travel by privately owned conveyance in the furtherance of their duties at the official Internal Revenue Service published rate for each mile traveled.

(2) Authorized in-county travel for County Board members shall be as defined by statute or county ordinance, or shall be as approved by the County ~~Board Chairperson~~ Administrator, but shall not include travel necessary to attend committee or board meetings listed on the official schedule of meetings maintained by the County Clerk's office.

(3) In-county travel for county officials and employees shall be defined by statute or county ordinance, or shall be approved by an appropriate supervisor.

(B) *Out-of-county travel.*

(1) (a) All travel outside the St. Louis metropolitan area shall be approved by the ~~Chairperson of the County Board~~ Administrator for all employees in departments under the Board and by the appropriate county official for employees in other departments prior to the beginning of travel. For the purposes of these regulations, the St. Louis metropolitan area are those counties defined by the United States Office of Management and Budget as being within the St. Louis Metropolitan Statistical Area (MSA).

(b) Requests for approval for travel outside the St. Louis metropolitan area shall be submitted by written memorandum. Approval by the County ~~Board Chairperson~~ Administrator or appropriate county official shall be indicated on a copy for attachment to the travel voucher. No travel voucher will be approved for reimbursement unless accompanied by an approval request.

(2) Trips made outside the county but within the St. Louis metropolitan area require advance oral authorization by the department head for those departments under the County Board or from the appropriate county official for employees in other departments.

§ 31.32 ALLOWABLE TRANSPORTATION EXPENSES.

(A) *General.* Modes of transportation authorized for official travel include automobiles, railroads, airlines, buses, taxicabs and other usual means of conveyance. Transportation may include fares and expenses incidental to transportation such as baggage transfer, official telephone messages in connection with items classed as transportation and reasonable tips.

(B) *Taxicabs and limousines.* Reimbursement for taxicab fares incurred in the efficient and economical pursuit of the county's business will be allowed. All taxicab fares in excess of \$7 must be accompanied by a receipt indicating the amount paid. When transportation by airport limousine is available and convenient, it shall be used in lieu of a taxicab.

(C) *Travel at temporary location.* Where the nature and location of the county business at a temporary location, such as, but not limited to, a convention, seminar and the like, is such that suitable meals cannot be procured there, the expenses of daily travel required to procure meals at the nearest available place will be considered necessary transportation. Also, transportation between place of lodging and place of business (meeting, convention, seminar and the like) will be allowed as a transportation expense. The use of a rental car for this purpose must be approved in advance by the County Board ~~Chairperson~~ Administrator for all employees in departments under the Board or by the appropriate county official for employees in other departments, prior to the beginning of travel.

(D) *Routing of travel.* All travel shall be by the most direct route. Travel by other routes may be allowed when the official necessity therefor is satisfactory established. If an individual, for his or her own convenience, travels by an indirect route, he or she shall bear the extra expense. Reimbursement for expenses will be based only on such charges as would have been incurred by the most direct and economical route.

(E) *Airplane accommodations.* Travel on airplanes shall ordinarily be coach class. Reimbursement for first-class accommodations on commercial air carriers shall be permitted only when:

(1) Regularly scheduled flights between authorized origin and destination points provide only first-class accommodations;

(2) Space is not available in less than first-class accommodations in time to carry out the purpose of travel; and

(3) The ~~Chairperson of the County Board~~ Administrator or the appropriate county official authorizes or approves the use of first-class accommodations as necessary for the conduct of the mission or other extenuating circumstances. Excursion and economy class accommodations should be used whenever warranted.

(F) *Train accommodations.* One standard sleeping car roomette is allowable when overnight travel is involved. When adequate coach accommodations are available, such accommodations are to be used to the maximum extent possible, on the basis of advantage to the county, suitability and convenience to the traveler and nature of the business involved. Otherwise, one seat in a sleeping or parlor car will be allowed.

(G) *Use of privately-owned conveyance.* The use of privately-owned motor vehicles for county business is not permitted for out-of-state travel except when such use is necessary or desirable due to lack of other convenient means of transportation or is otherwise advantageous to the county.

(H) *Use of rental vehicles as the principal mode of transportation.* The use of a rental vehicle for county business travel is permitted only when it can be demonstrated the total rental and fuel costs are advantageous to the county both in terms of the cost being less than the mileage payment if a private vehicle were used and less than public transportation, if a reasonable alternative exists. The use of a rental vehicle shall be approved by the County Board ~~Chairperson~~ Administrator for all employees in departments under the Board, or by the appropriate county official for employees in other departments, prior to the beginning of travel.

(1) *Mileage determinations.* Distances between points traveled will be shown in official highway mileage guides or on official state maps. Substantial deviations from distances shown in the standard highway mileage guides shall be verified.

(1) Where no guides or maps are available, odometer readings may be used.

(2) Travel within, and in the near vicinity of a city may be reported as mileage in and around such city.

(3) When the use of public transportation is a reasonable alternative, the mileage payment shall not exceed the cost of using public transportation. A reasonable alternative exists when the cost of the travel, taking into account both time and costs, would be less if public transportation were used.

(4) Mileage will be payable to only one of two or more individuals traveling in the same vehicle. The names of individuals so traveling shall be stated on the travel voucher.

Mr. Foster moved, seconded by Ms. Wiehardt to approve the Ordinance as presented.

On the question:

**Mr. Gray:** Mr. Chairman, members of the board. Today we consider an amendment to change the structure of how government functions in Madison County. This is in the immediate aftermath of a contentious primary, and days after we all took time to honor our country's independence. The normal process of this board is to send an item to committee to be discussed and deliberated on. The taxpayers then have an opportunity to reach out and let their voice be heard. And then, we bring up the item for a discussion and a vote. This is not an everyday business item for the county board and has not gone through the traditional channels. It's a very serious thing to change the structure of our government, especially when it is being done without the vote of the taxpayers. We must be mindful of the precedent that this sets if we start making laws directed specifically at one individual. As board members, we are obligated to consider both intended and unintended consequences before taking action. I understand emotions are high, but I know I do not believe this is the time or the place for this decision. I will be voting no and I ask that you do the same.

**Mr. Babcock:** I would like to make a motion to table this for 30 days, please.

**Mr. Prenzler:** We have a motion to table. Do we have a second?

**Mr. Madison:** Second.

**Mr. Prenzler:** We have a second to table it for 30 days, so really a motion to postpone for 30 days.

**Mr. Babcock:** Table.

**Mr. Prenzler:** Well to table, okay, a motion to table. Mr. Babcock made a motion, Mr. Madison second. Motion to table. Any discussion? Hearing none, roll call. A motion to table for 30 days. Yes would be in agreement with that. A motion to table for 30 days. No would be in disagreement.

Mr. Babcock moved, seconded by Mr. Madison to table for 30 days.

AYES: Meyer, Ross, Madison, Doucleff, Gray, Babcock, Guy, Dalton, and Kneedler

NAYS: Pace, Walters, Holliday, Stoutenborough, Malone, Pollard, King, Hankins, Valentine, Minner, Messner, Wiehardt, Foster, Petrillo, Glasper, and Goggin

AYES: 9. NAYS: 16. Whereupon the Chairman declared the motion to table failed.

On the question:

**Mr. Guy:** Members of the board and the public, my name is Chris Guy. I'm a Republican from Maryville. I represent Maryville, Collinsville, and Glen Carbon. I'm voting against the ordinance tonight as I support the voters in Madison County that chose to elect a county board chairman. The county board chairman position was created to be a voice and a vote for the taxpayers. It was just less than two years ago that our county board chairman was reelected to a four year term, to a four year term that expires December 2024. There's another election. The taxpayers elected a county board chairman to be their voice and to be their vote. Silencing the voters choice in the middle of his term goes against the wishes of the voters that elected him to serve. This isn't about defending Mr. Prenzler or anybody this is about protecting the chairmanship. The Republicans elected the chairmanship. Think of what Donald Trump would do in this instance. Think

of the decisions that he made that Washington would disagree with. they would have loved to strip his powers. I'll be voting against the ordinance tonight. Thank you.

**Ms. Dalton:** I would just like to say that I'll be voting no, because of the chairmanship, it has been put to the position of the voters that they elected chairman, be it good, bad or indifferent. I've had the wrath of you and some of your people against me when I ran for reelection, but you learn to live with that and you learn to work with people on the other side. I'm a Democrat, I've learned to work with the Republicans and vice versa. You do not strip the voters of their rights to elect the chairman, and that was my biggest concern when I saw this ordinance. Yes, there have been things that have taken place that the voters need to know what has happened. And you are not a saint, you know that yourself, but none of us are, we make mistakes, and we try to rectify those because we serve the people, not our own concerns. So that's all I have to say.

**Mr. Stoutenborough:** If this were a popularity contest, it's obvious what would happen. This should never have happened if we had had cooperation at different levels, responses at different levels. Someone asked for evidence. May I address the chair?

**Mr. Prenzler:** You address the board.

**Mr. Stoutenborough:** Okay. I had a meeting with Mr. Prenzler on June 28<sup>th</sup>. Whether you recall that or not, I guess I can't address you. But every board member was called in. And at that meeting, one of the things that was...

**Mr. Prenzler:** Mr. Stoutenborough, I just have to jump in, I didn't meet you on June 28<sup>th</sup>.

**Mr. Stoutenborough:** Well, I got my email with me that I responded to that meeting on the 29th. And I have had no response to my email. So it was June 28<sup>th</sup>, believe me, June 28, 2021.

**Mr. Prenzler:** Oh, of 2021.

**Mr. Stoutenborough:** Let me proceed with that. During that meeting, you said that you were wanting to direct all of the appointees to these various boards, to rotate the auditors because you felt there was a possibility of the auditors colluding with the different agencies. There was no evidence of that, to my knowledge. But anyway, I know you have the title of CPA behind your name. I have had that also. I practiced 10 years. I don't think you practiced at all as a CPA, you passed a test of which I would congratulate you. The effects of that have been rather far reaching. And first of all, I have no personal vendetta. This meeting is because of performance and the effect and how the voters of Madison County need to know what is going on. I am from the Alton area. First of all, Lewis and Clark is a very major institution in here. Apparently, with that persuasion, there was three new people elected. They're teaming with a conservative member on the board. And that conservative member is now serving as the president of Lewis and Clark. According to newspapers, that person had pleaded guilty to a tax fraud. But that's the newspapers, I have no personal evidence of that. But that was another one of the agencies, they changed from a local CPA firm, to a CPA firm out of the state. In the case of the airport, which is very close to me, that persuasion ended up with their CPAs being changed to another CPA firm out of the county. I don't feel that there is a major collusion that has to be addressed and rotating of auditors. Again, I had 10 years. I audited some major corporations, the farmers around here would even recognize WR Grace, which I had audit of the agricultural division of WR Grace. There is no good reason, excuse me, there are very limited reason for rotating the auditors. The purpose and what my email states here, we should be concerned with the quality of audits, that quality can include rotation within the audit firm. But an audit, which I have conducted many of, I don't know how many you have, but there are things in the audit papers that are carried forward. That makes it an efficient audit. It is not a good idea to rotate auditors without reason, just to say we're rotating auditors. And that rotation is perpetuated by your instructions to the appointees that you have

made. The point is, this could have been avoided with some responses. I didn't get a response to my request here. I hear others say they didn't get responses. As an individual, you have friends and I don't want them to be demeaned by the fact that we disagree with some of your performance items. Apparently the five of the, as I recall from the paper this morning, it said five of the elected top Republicans in the county also supported this resolution. Is that not correct? It was in the papers anyway, and it gave them by name. I don't have them to recite now. I yield with support to those people that are here supporting you as a friend.

\*comments from the gallery\*

**Mr. Prenzler:** Go ahead, Mr. Stoutenborough.

**Mr. Stoutenborough:** Those five people that supported the resolution were also elected by these Madison County voters. So you know, they are supporting it. There's an old expression going back, follow the money. Follow the money that goes back. Follow the money is a very common expression. The purpose of an independent audit is to follow the money to state whether the financial data is accurate. We should be concerned with the quality of audits. I have requested in that memo email to you on the 29th of June, that we should have an audit committee the same as any major corporation. Every major corporation that I dealt with, had an audit committee that did supervision and had functional ties with auditors throughout their organization there. They worked with it. That worked with the internal auditors and external auditors. We've had changes more than the ones I mentioned here. I've mentioned airport. I've mentioned Lewis and Clark. Don't have the name of the other right here in front of me now, but we should not be changing all these people. Yes, you have a powerful voice. And you know, these people have responded to that, and have in my mind changed, and in the minds of the accounting profession, changed how business is conducted at these places. So I have to say that I will have to vote yes for this resolution. I think the person that asked for facts, those are some facts that I have presented. And the other thing in terms of we want to say hearsay. I commonly get responses, they bring matters to your office, but they don't get a response. So no, that's hearsay. But we should have avoided this meeting by having better cooperation. When I first interviewed you, we had a very good interview, I thought it was good for both of us. And I think this could have been avoided. The voters that are here, they say they're not your friends, well, I hope that they are your friends, because everyone needs a friend.

**Mr. Prenzler:** Thank you, Mr. Stoutenborough. For the record, I have never accused anyone of colluding or even suspected collusion. I never gave you instructions on how to vote. but I do favor the rotation of outside auditors. Everyone knows I've always favored that as a policy which, and I won't get into that. But that is true, I do favor the rotation every five or six years of an outside auditor. I do. So any other comments or questions?

**Ms. Wiehardt:** I've heard tonight a few people say that, one of our speakers said that when you stand up for the right thing, sometimes you stand alone, and I couldn't agree more. I want to draw attention there was recently a letter that was written by you sent out about me. It had belittling and false statements, and one that I find most offensive is what you think defines a woman. In your letter, you stated what a woman should be; married. Implying that I am less of a woman because I am not married. This is disturbing, for many reasons. But what I want to point out here tonight, is that I have dedicated 30 plus years to working with women who find themselves in very unfortunate situations. And I find it very disturbing that you feel these are not real women, because they aren't married or they're choosing to leave a relationship. And, Mr. Chairman, I just pray that your daughter never finds herself in one of these situations. Also, I want to add, that I feel the need to defend myself and other women who are maybe divorced or single moms, that we can be successful. I'm successful. I have two very successful daughters, and my ex husband and I co parent very well together. But the job here that the board has is to work together for the better of Madison County. And when you continue to insert your personal thoughts and beliefs into matters, that hinders our ability to move forward. The letter that you sent out is signed Chairman. Thank you.

**Mr. Prenzler:** I do want to respond to that. I do regret that letter. But I'll tell you where it came from. Because I first wrote a letter of endorsement for a gentleman by the name of John Janek. And I said John Janek is what a man should be, married to his wife for 49 years, 4 kids, 12 grandkids. I then continued to use that that template for an endorsement letter.

**Mr. Foster:** Mr. Chairman, are you stating that a man is less of a man because he's not been married to a woman for 49 years? The misogynistic behavior coming from your administration continues relentlessly. Earlier this year, this board had to ward off...

\*comments from the gallery\*

**Mr. Foster:** Excuse me...

**Mr. Prenzler:** I just wanted to explain that I wrote that letter for Mr. Janek first, and I said this is what a man should be, and then I continued to use that template. Ms. Wiehardt, I did not intend to disparage you at all.

**Mr. Foster:** But Mr. Prenzler, what we're trying to explain to you. For two years, we've explained that your misogynistic and homophobic behavior as cost this county millions upon millions of dollars.

**Mr. Prenzler:** Very good. Any other any other comments?

**Mr. Foster:** Mr. Chairman, I'm not finished.

**Mr. Prenzler:** Okay, go ahead, Mr. Foster:

**Mr. Foster:** It's been 10 days since Granite City Steel has announced its closing. While you're campaigning, the rest of us have been meeting with local officials trying to figure out what we're going to do to help the 1000 people who's going to lose their job. We've yet to get a statement from your office. This is another example of how you fail to lead this county going forward. What you've heard tonight is a very small amount of what this board has had to contend with, with your behavior and your actions over the past 36 to 48 months. I am asking for you to call the vote.

**Mr. Prenzler:** Well, let me first ask. Does anyone else have any comments or questions? Yes, Mr. Walters?

**Mr. Walters:** I appreciate all the speakers and everybody being here tonight. A lot of you have made some good comments. And you said that one person particular, I liked what they said, they said that we need to work together. I've been the Pro Tem for five and a half years. I've begged and pleaded with our chairman to talk to these board members. He doesn't do that. Matter of fact, when he first got into office, it was so bad he couldn't get anybody that he wanted passed. So I went in and I said, Mr. Prenzler, please sit down with some of these board members and find out what they're frustrated about. So he did, things started going well. Then he starts appointing people. I said Mr. Prenzler, have you called anybody to try to help get this person appointed? No, it's not my job. I'm sorry, Mr. Prenzler, this never would have happened. I came to you January of last year and begged with you to start calling and talking to the board members. I said, I've heard the rumors about this for more than six months. Please work with us. Help us help you do the right thing. And you chose not to do that. I mean, we talk about fair and you try to run a fair meeting. This is the first time I've ever seen you allow the crowd to ask questions to our state's attorney. That's not fair. That's not what they're there. Matter of fact, they shouldn't be escorted out of here if they're interrupting the meeting. Now, I don't want people tossed out. But if they continue to ask questions improperly, and you don't have them escorted out, you're not running a fair meeting. I'm sorry, Mr. Prenzler, I've defended you

for five and a half years. I've taken bullets. I've been stabbed in the back by people. I've done everything I can to help you. I told you about this. I said, Kurt, we can stop this. Let's get it done. Work with us. And yet, how many board members did you call to talk about this meeting?

**Mr. Prenzler:** I will answer that question.

**Mr. Walters:** That is what I mean. This is something...

**Mr. Prenzler:** I've called many and I've sent emails and text messages.

**Mr. Walters:** Ok, emails and texts, you need to call. Pick up the phone.

**Mr. Prenzler:** I have called many.

**Mr. Walters:** I've sat down with you, and I've expressed to you things that we can do to stop this. Because I've called you or I've come into your office. It's not because you called me. And I think I still consider you a friend. But what we're voting on tonight is because of the lack of your communication skills, and the lack of you working with us as board members, the numerous amounts of people that have filed lawsuits, numerous amounts of people that had to resign because of some things that they did that were so horrendous that I refuse to say, and this is why we're doing it. We're not taking away your powers. We're going to oversee more of what you're doing, because we're sick and tired of the lawsuit after lawsuit after lawsuit. I will help you with PTELL. But this board and prior boards have asked you for information. You give them articles. They ask you specific questions and you don't give them answers. I mean, you talk about back door referendums, and there are a lot and I agree with you on this and some of them like some of the schools but there are school districts in this county that PTELL will not touch. So it sounds great. And it sounds like it's something we should do. But let's get the information out to these board members. If you want to have a vote, then get the information out to the board members. But this tonight is not about PTELL. I had five people call. They said Mr. Prenzler said is about PTELL. I'm like, this has nothing to do with PTELL. This has something to do with the fact that you refuse to work with anybody. I mean, no offense, Mr. Prenzler, I think I probably worked as many hours a week as you do. I think a person that that is paying six figures should be in that office, or they should be going to meetings. They should be in that office from 8:30 to 4:30. If I recall, the two gentlemen that we did let go and the state's attorney or the attorney general did not clear them completely said that they did nothing wrong, that's incorrect. I recall without even telling the board you approved their unemployment benefits without asking anybody on this board. They lost their jobs 26-1 but you went ahead and approved their unemployment without asking. Now, whether they should get it, I'm not saying whether they should or shouldn't have. Nobody on this board or the prior board knew anything about. That's the kind of stuff that we've been telling you. Stop doing this. Call us. Ask us. You may have found that the board might have said, yeah, go ahead and pay them their unemployment benefits. But this is why we need more oversight over you. I've been overlooking you for five and a half years. And I, as matter of fact, I'm more than happy to resign as the pro tem, because I work with you, but when you won't listen to me, the guy that you pick to be your pro tem, I don't know how you think that you're going to work with the rest of this board. I worked with you. And I'm sorry, Mr. Prenzler, I am voting in favor of this. And I'm not voting in favor this because I think everything's going crazy. But what you've done and your lack of inability to talk to anybody on this board, is why I'm voting yes. And to the people that disagree with me, I appreciate your words, and I listened to what you said, but unfortunately, most people here tonight have not been involved in the inner things of what goes on in this county, you haven't seen what we've seen. And if you have, you would want 100% back us on this.

**Mr. Prenzler:** Thank you. Any other comments of questions? Yes, Mr. Madison?



**Mr. Madison:** I mainly have a question. And a lot of things that I've heard in the room tonight, the folks up in the gallery are generally my people too. We fought together on a lot of issues. Here's my problem. As I read our county code, and the state statute on counties like ours, it's not an executive style county. It is a township style county. And the way I read it, the county board chairman is to implement the policies and the votes that the board puts through and to run the day to day of the government operations along with the county administrator. But my problem here is that you seem to view the office as if it is an executive style county office where it is separate from the county board. And in my view, you're supposed to follow the wishes of the county board, not dictate to the county board, just like as if you were a committee chair. You can't rule your committee. They would run rampant over you because they run the committee. I don't see the powers that you believe that you have. And I'd like to ask the state's attorney if he agrees with what I'm saying because we really haven't discussed that to great length.

**Mr. Prenzler:** You know, I think it's rather vague Mr. Madison, in terms of that's getting pretty philosophical.

**Mr. Madison:** I don't think it is vague. We either have an executive style or we have a township style.

**Mr. Prenzler:** We obviously have a township style.

**Mr. Madison:** Are you an ex officio member of committees. Can you sit in on committees and vote to make a quorum?

**Mr. Prenzler:** You know, that's been debated back and forth in the State's Attorney's Office.

**Mr. Madison:** I just read it. You are an ex officio member. You can, and you have.

**Mr. Prenzler:** Yes. When someone is absent, yes.

**Mr. Madison:** If you can do that, that makes you a part of the same branch. We don't have three branches of government in the counties in Illinois, like they do at the federal level. And this is no impeachment by any means. It's that we've had a lot of problems with lawsuits that have that have come back and cost the taxpayers a lot of money. And we view ourselves as fiduciaries responsible for the taxpayer money and not to waste their money, lawsuits are a big costs here. If the folks had any idea, you'd be surprised. But we're trying to limit those things by just discussing this. I don't want to circumvent the will of the voters at all. And I don't view this as doing that, I view this as taking back a little of our own board responsibilities that we had given to the chairman, but we can still do ourselves. So I'd like to hear from the state's attorney to see what his view is, what the chairman's responsibilities are in a township county, or are they similar to an executive.

**Mr. Prenzler:** Mick, I think we have the ordinance which everyone has the ordinances in terms of what the powers and duties of the chairman are. That's clear. I don't think we have time tonight to get into a philosophical discussion.

**Mr. Madison:** I think that's the crux of that the issue.

**Mr. Haine:** I can give him a quick answer.

**Mr. Prenzler:** Mr. Haine, I haven't recognized you. I think that this is a philosophical question. And I don't think it's really...

**Mr. Madison:** It's not philosophical. It's structural.

**Mr. Prenzler:** We obviously have a township form of government with an elected county Chairman. We do not have the county executive form of government.

**Mr. Madison:** We don't have a what form?

**Mr. Prenzler:** We don't have a county executive form of government.

**Mr. Madison:** We do not. But you seem to view yourself as the executive where you can work against the board instead of with the board.

**Mr. Prenzler:** I think that's your opinion.

**Mr. Madison:** That's what I see. I've been here with you for the whole time.

**Mr. Prenzler:** Okay, that's your opinion. Thank you. That's what we're here to do, share opinions and make comments.

\*inaudible\*

**Mr. Babcock:** I want to share something that I wrote up earlier today.

**Mr. Prenzler:** Sure.

**Mr. Babcock:** And I want to share this with everybody. I am in absolute quandary with this situation. I'm addressing the board and I appreciate each and every one of you listening to me. I know we're all in a quandrum, a situation where we're not sure who to believe, what to believe, and how to respond to it. And I also speak at the same time to those that are in the audience. It looks like a split crowd. But I want the public to know the truth based on what I've seen, and what I know. And I think it's important for me to just read it so that you can understand the complexity of this situation. And I'm talking about the voters that are here to support Kurt. And the people that work with Kurt every day that understand the other side. And I don't do this out of any malice, I didn't have a race to run. I don't do this out of anything hurtful to the chairman whatsoever. What I'm sharing with you is information regarding his behavior, sometimes. You can say it's one sided. That's okay. Mr. Chairman, you indicated in your July 5 press release to the media and I quote, and this was just yesterday, by the way, that I got up this morning and read, which just basically inflamed me. Before the recent June 28 primary election, you, Kurt Prenzler, endorsed some Republican candidates for county board. Some of those challengers defeated incumbents, and what is happening here tonight is payback. That was your words, sir. I fully disagree. And here's why I know that that's not true. The county board has been seeking to pass this resolution for a full year that I was aware of, and several board members have asked the other board members not to proceed. I know this, for a fact, because I was one of those members that asked, so that this is not due to any election that took place. The reason we are here tonight is because of the lawsuits we have had against Madison County residents, "the taxpayers" that you referred to them in your press release. Before I go further, I want to say to all those in the audience that I apologize to you, because I told you I wasn't voting for this resolution. The reason was because Kurt was duly elected, and should have that right. However, Kurt has stated in his press release just yesterday that this is due to an election, and that is categorically false. I'm telling you, it's false, because I know that they wanted to do this a year and a half ago, and I'm talking about the board wanted to do this, put this in place a year and a half ago. This is not because of an election where four incumbents lost their seats. This has been an absolute concern for many years, and the full county board knows it, as well as the county wide elected official. The only reason I have changed my mind is because of Kurt's email this morning, which again blamed this on an election. Here are the facts. And I hope you understand what we're dealing with

inside the county. To all you that are mad tonight. Here are the facts of which I know. While being appointed to this position by Kurt, of which I appreciate, and the board on a 24 to four vote in favor of my appointment. I thank Kurt and the board members who voted me in. The issue before us tonight has nothing to do with the word impeachment. In other words, he will still remain and retain his power to appoint board members, as well as appoint others to the board, such as the Madison County Transit. That's just one example. This appointment power has not been removed from Kurt Prenzler. That's a fact. What we're discussing is whether or not the county board will take back some responsibility, mainly hiring, firing, and some other personnel issues that require a very procedure oriented process that truly requires a skill set of trained human resource department personnel. And here's why. When you became treasurer, and I hate even bringing this stuff up, but it's the truth. When you became treasurer, you promised to cut the budget 30% in 30 days. Do you remember that promise?

**Mr. Prenzler:** I do.

**Mr. Babcock:** And in the process of doing so, as part of that pledge, you began to fire employees to cut costs, which in that regard, it's very admirable, everybody would respect that and they'd say you kept your promise. Unfortunately, just so you could fulfill that promise, one of those employees was Linda Dunnagan. Ms. Dunnagan filed a lawsuit under the Americans with Disability Act in federal court. The jury found in Dunnagan's favor and the lawsuit ultimately costs Madison County taxpayers. \$650,000. That's \$650,000 just one lawsuit. When you became County Chairman, you insisted on appointing two individuals as County Administrator and IT director over the objections of many county board members. Later you appointed Kristen Poshard to the position of community development. She too was appointed over the concerns of several county board members. Kristen Poshard was terminated in 2017. She filed a suit in federal court alleging sexual discrimination against one of our board members. We settled that suit last year at the total cost of the county of over \$1.3 million. The process in handling this termination could have resulted in a better outcome if handled properly. Your former Administrator and IT Director were terminated after a special task force investigated them. The county board voted 27 - 1 to terminate their employment. Even though you are only required to vote during a tie breaking vote. You took a very unusual step as County Chairman and insisted that the record show that you would have voted no on their termination. And that's your prerogative. You have the right to do that, sir. Currently, the former Administrator and IT Director are suing the county for wrongful termination that thus far has cost the taxpayers \$125,000 and climbing and climbing with no end in sight. In addition to these costs, they and their families are known associates file Freedom of Information request to nearly every department in the county that requires the massive attention of the Assistant State's Attorneys to respond. After all this, you made a conscious decision to endorse one of those two individuals, which is your prerogative, there's nothing wrong with that for county treasurer, and that's okay. That's your decision. But they're suing the county and we're up to \$125,000 in law fees. Number six, in addition to all these wrongful termination lawsuits we face another suit filed by a former highway engineer that you unfortunately have fired. He is claiming that you fired him over the objections of his supervisor at the recommendation of your former deputy administrator. That wrongful termination suit has cost the county \$87,000 thus far and counting. And might I add, that nothing remotely similar has happened from any of the county wide elected positions in recent history. In other words, we have five, six other county officials that are elected. And there are no lawsuits regarding these individuals, and unfortunately, many regarding yourself. My business has a fiduciary responsibility to my clients to put their best interests ahead of my own. If I violate that responsibility, my license will be revoked. You have put politics ahead a good policy by continually hiring politically connected people. Unfortunately Kurt, the taxpayers whom you claim to represent, have had to pay for these losses with their hard earned money. That cost so far \$2.2 million and rising. All we are seeking to do is mitigate these lawsuits in advanced by taking over hiring and termination of all Madison County employees. To be clear to the public that is here, we are not taking away his power. He will still have the power to chair meetings, submitting an apportionment plans, appointments to Madison County Transit, replacing vacancies of any county wide elected position, appoint to the board of health advisory committee, appointed to the fire protection districts, calling special

meetings, appointments of county board members, his pay stays the same it doesn't change. We as a county board represent the taxpayers when we get sued and do nothing about it. It requires action to fix a problem. This is exactly why we are seeking tonight. This resolution and I say this with huge regret even possible repercussions because of it. But at the end of the day, all we're seeking to do is hire and terminate people inside the county without him doing that so that we can control any future losses regarding this issue.

**Mr. Prenzler:** Thank you, Mr. Babcock. Any other comments or questions before we vote? Hearing none, roll call.

Mr. Foster moved, seconded by Ms. Wiehardt to approve the ordinance.

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

AYES: Pace, Ross, Madison, Doucleff, Walters, Holliday, Stoutenborough, Malone, Pollard, Babcock, Hankins, Valentine, Minner, Messner, Wiehardt, Foster, Petrillo, Glasper, and Goggin

NAYS: Meyer, Gray, King, Guy, Dalton, and Kneedler

AYES: 19. NAYS: 6. Whereupon the Chairman declared the motion to approve carried.

\* \* \* \* \*

Mr. Walters moved, seconded by Mr. Valentine to recess this special session of the Madison County Board meeting until Wednesday, July 20, 2022. **MOTION CARRIED.**

ATTEST: Debbie Ming-Mendoza  
County Clerk

\* \* \* \* \*