

Minutes – Board of Town Trustees
August 18, 2016

STATE OF ILLINOIS
Crawford County
Town of Robinson

THE BOARD OF TRUSTEES met at the Robinson Township Office at 6:00 p.m. August 18, 2016.

The following official business was transacted. The meeting was called to order by Chairman Larry McCoy.

Clerk Vickie Gribben then called the roll.

PRESENT:	Larry McCoy	Township Supervisor
	Vickie Gribben	Township Clerk
	Dave Lachenmayr	Township Highway Commissioner
	Shirley Berry	Township Trustee
	Lori Hodge	Township Trustee
	Pat Richards	Township Trustee
	Greg Wolfe	Township Trustee
ABSENT:	Sue Roberts	Assessor

Persons from the public attending the meeting were as follows: Rod Harmon, Sandy Hyde, Stan Mullins, Becky Taylor, Janie Thackrey, Heath Uppencamp and Matthew Wilson.

Item 3, Pledge of Allegiance.

Under Item 4, Mr. McCoy asked if the trustees had any questions or changes concerning the minutes of the July 21, 2016 regular Monthly Board Meeting. Shirley Berry mentioned that she suggested that audio tapes be used instead of CDs which she said took 35 minutes to burn one. After speaking with Frank McCammon, he showed how to burn an audio disk which can be played on a CD player and a data disk which can be played on an MP3 player or a computer. Time to burn depends on the amount of data but one can be burned in two to three minutes. Clerk Gribben also added that tapes are old style and she has chosen the recorder and the CDs.

Pat Richards had a couple of questions. He told the clerk she did an outstanding job on the minutes and that reviewing them was a lot easier. He said he had spoken with Bryan Smith of TOI concerning a motion that Mr. Richards said was incorrectly reported on page 3 second paragraph of the July 21, 2016 minutes. He further wanted it noted that Mr. Smith told him that all discussion before the motion is voted on becomes part of the motion.

Discussion of how to make a motion followed. Mr. Richards said his motion made at the May meeting was good. He concluded, “Good enough, the minutes are good. I just wanted to bring that forward.”

Mr. McCoy said, “Duly noted. Any other exceptions?”

Mr. Richards said he also observed that there have been a lot of comments from the members of the audience that should not be made until the last five minutes unless they’re asked for comment.

Mr. McCoy noted that at this point in the meeting, that these are other subjects which can be addressed but the only question now is “Are the minutes accurate or not?”

Mr. Richards responded, “Yes.”

Mr. McCoy asked if there were any other issues. Mr. Richards responded, “Handbook.” Mr. Richards said that since the employee handbook was approved on October 21, 2011, two new members were elected to the board. He asked if they had copies of the handbook and if they had approved or signed off on anything. Mr. Wolfe said he had the handbook.

Mr. McCoy again said the board needed to deal with the issue at hand which are the minutes approved as corrected and if so, is there a motion to approve the minutes as corrected. Mr. Richards responded, “I disagree, but go ahead and do what you need to do.” Trustee Wolfe made the motion to approve the minutes as corrected. Mr. McCoy seconded the motion. Motion carried with vote as follows: Lori Hodge-abstain; Larry McCoy-yes; Greg Wolfe-yes; Shirley Berry-yes; Pat Richards-no.

Under Item 5A, the Supervisor’s report, Mr. McCoy referred the board to the handouts noting the balances for the funds, the interest rates on the CDs, and the monies for general assistance cases done through the intergovernmental agreement with the other townships. He brought to the board’s attention that the cemetery licenses have been renewed with the State of Illinois Dept. of Financial and Professional Regulation through August 31, 2020. Also, Mr. Jim Corder of Duncanville came to Robinson Township and asked if Robinson Township would consider taking Duncanville Cemetery under its authority and being responsible for the mowing. The cemetery is still doing a few interments. Mr. McCoy passed a diagram of the cemetery and a listing of the graves there. Lori Hodge asked who maintains it now. Mr. McCoy said Mr. Corder did it for years, but he is in his eighties. Mr. McCoy continued, “I have no objection to keeping the records for them and keeping track of it. In fact, I think it would be a good gesture to the people of Duncanville and the people who go to church there....My recommendation would be to do it.” He ending by suggesting adding the mowing to the contract mower’s work. Ms. Hodge asked if Robinson would maintain them. Mr. McCoy said mainly mowing and trimming, but also do interments which would be paid for just like at the other cemeteries. Mr. Richards asked if Duncanville were in Robinson Township. Mr. McCoy responded “Yes, it just is. The other side is Honey Creek.”

Under Item 5B, Highway Commissioner’s report, Mr. Lachenmayr said the crew has not been able to start the second mowing. The rainfall continues to make things difficult. The crew has been doing a lot of road work, grading the roads, clearing brush, and doing some culvert work. He concluded that it was so wet the crew just can’t get down in the ditches to mow.

Under Item 5C, Assessor’s report, Sue Roberts was absent.

Item 6A, New Business, cemetery employment practices, Robinson New Cemetery. Mr. McCoy said Robert’s Rules of Order states to write the motion, make the motion and second it, then discussion. Pat Richards made the motion. Shirley Berry seconded the motion. Mr. Richards said he had conferred with Mr. Bryan Smith and Mr. Crabtree at TOI, Mr. Uppencamp, Robinson Township’s attorney and Rhonda in HR at TOIRMA. He said he asked them if this was possible, and was told yes it is. He said he was told it had to be put in a written form, adopt it as a policy, and put it in the handbook. He said if some employee contested it, it would go to court and the court will decide right from wrong. He said, “But they said you can do it. We can give Stan the ability to hire and fire, run the cemetery on a daily basis.”

Mr. McCoy asked Mr. Richards if he could go into more detail as to what Mr. Crabtree said. “Did he tell you how to write it?”

Mr. Richards said, “Pretty, close, pretty close. I told him what we’d like to have on there and we went from there and basically said everything I proposed to him. The only thing I didn’t propose to him was uh, uh, day to day operation, amount of money he could spend out there in a day’s period. But other than that, as far as hiring and firing, and he totally agreed with me that that was right. I talked to Rhonda in HR.”

Mr. McCoy, “And what did she say?”

Mr. Richards, “Rhonda said everything we’ve done so far was right as far as what we’d done in the past, hiring and firing, and uh, she would go 100% with Jerry Crabtree and Bryan Smith, and Jerry Crabtree went in and hollered at Jerry, went in and talked to Jerry, er, Bryan Smith, and he came back to the phone and said put the policy in the handbook, make the motion.”

Mr. McCoy said he also talked with Rhonda in HR. Rhonda told Mr. McCoy that she had told Mr. Richards that your legislative organization has one position. Your legal counsel a different position. She further told Mr. Richards the board has to decide which opinion to go with, keeping in mind their justifications for their opinions, because obviously they disagree. Mr. McCoy asked Mr. Richards if he, Mr. Richards, said that Mr. Crabtree said he is not saying it couldn’t be viewed as within the statutes because it’s never been tested.

Mr. Richards said, “Exactly, he said that. But he said you can challenge that.”

Mr. McCoy continued, “The way I understood what you said he said was it hasn’t been challenged, and we would address it if it ever were.”

Mr. Richards responded, “Right.”

Mr. McCoy asked if there were any dissenting opinions. Mr. Wolfe said he opposed the motion. Mr. McCoy said there are places that need clarification. Ms. Hodge asked what needs to be added. Mr. McCoy said he would allow Mr. Wolfe to speak and then he would discuss what he, Mr. McCoy, thought needed correction before a vote was taken.

Mr. Wolfe began, “Of course I was against abdicating our powers to start with to an unelected person. Everybody here is elected. He’s elected to run his people. He’s elected to run his people, and apparently, we’re elected to run the rest, to hire and fire and, and so we’re abdicating one thing there to someone who’s not elected, with very little oversight, and now you’re wanting to give him money, and I know that’s why, we were originally called trustees...not trustees...Mr. McCoy interjected here, “auditors.” Mr. Wolfe resumed, “yeah, auditors, excuse me. And now we’re wanting to let another unelected official spend the money. That’s the thing, I’m, I just don’t understand why you want to do, why you... If you want to abdicate all your authority. Why do we even have a board? Why don’t we just dissolve ourselves and be done with it?”

Ms. Hodge said, “Well, I’m assuming, the way I read it is that, it’s kind of like, in an office situation, you’re given a certain amount of petty cash. You’ve got this much to deal with and if you go, anything goes over that, then you have to be, it has to be approved. So, my understanding is that this dollar

amount is out there for that, so that everything he goes to do, it doesn't have to be approved on a regular basis, is my assumption what that means."

Mr. Wolfe asked where he gets his funds now.

Mr. McCoy stated Mr. Mullins has a credit card with WalMart and, at a later point in the meeting, mentioned accounts at the lumberyards, Rural King, and Tractor Supply.

Mr. McCoy asked if Mr. Wolfe yielded the floor. Mr. Wolfe said he did. Mr. McCoy said he thought what Ms. Hodge was saying is correct, but the key word she used was "I'm assuming" and that is what you don't want to do. Mr. McCoy said, like Mr. Wolfe, he also takes exception to the whole thing for the same reasons Mr. Wolfe does. He continued by stating that the board agreed last meeting to carry out their responsibilities that the state had given them as a board, to oversee and to hire and fire. He concluded with the advice, "Proceed with caution." He reminded them of what the township attorney said last month and also of Sean Richardson's warning concerning the liability.

Discussion and a revision of the motion followed. Mr. Richards wanted the limit of the money the sexton could spend to be \$1000.00. Mr. Wolfe asked why the sexton needed the money if he has a credit card. Mrs. Berry made a suggestion not to exceed \$500.00. Mr. Uppencamp asked if he could ask a question. Clerk Gribben responded, "Not yet." Mr. Richards asked if Mr. Uppencamp had signed in. Mr. McCoy said yes he did and recognized Mr. Uppencamp and yielded the floor to him. Mr. Uppencamp asked if the sexton needed to spend more per day, what happens in that instance. He said that needed to be clarified. Mrs. Berry asked if the \$500.00 were per day or per month. The answer was per day.

Mr. McCoy asked if Mr. Richards had the motion rewritten. Mr. Richards asked Mr. McCoy what his suggestion was. Mr. McCoy said, "The Robinson Township Board gives the Robinson New Cemetery sexton the power to employ or dismiss any person or persons under his supervision. He will also be given the authority to run the cemetery on a day to day basis with the approval to expend funds not to exceed whatever dollar amount." Mrs. Berry asked if the phrase "not to exceed" needed to be put in the motion as the sexton has done the buying and we've never had to question. Ms. Hodge asked if he should be required to come to the board if he spends any amount over \$500.00. Mr. Richards said they were beating it to death and restated the motion as follows, "The Robinson Township Board gives the power to hire and fire and discipline any person or persons, any cemetery worker working under the supervision of the sexton, to the Robinson Township sexton. He will also be given the power to run the cemetery on a day to day basis not to exceed \$500.00. The sexton will give a monthly report to the Robinson Township board during the monthly meeting." Mr. McCoy directed trustee Richards to give the written motion to Clerk Gribben. Mr. Richards asked attorney Heath Uppencamp if he had any problem with the motion as far as the wording goes. Mr. Uppencamp said he did not have a problem with the wording of the motion. He also addressed the conversation he had had with Mr. Richards that Mr. Richards had previously mentioned. He said just to be clear about the conversation, he said he did not disagree with what Mr. Crabtree is saying which is this action has never been challenged. He said he had looked for cases on it and it has never been addressed by a court. He reiterated the statement he made at last month's meeting which is that legally Mr. Uppencamp does not think the law allows that authority to be delegated by the board. "It hasn't been challenged" he concluded, "so we don't know the answer."

Mr. Richards reread the motion but added the beginning words so that it read “Whereas on August 18, 2016, the Robinson Township Board gives the power to hire and fire and discipline any person or persons, any cemetery worker working under the supervision of the sexton, to the Robinson Township sexton. He will also be given the power to run the cemetery on a day to day basis not to exceed \$500.00. The sexton will also give a monthly report to the Robinson Township board during the monthly meeting.” Motion was made by trustee Richards, seconded by trustee Berry. Motion carried with vote as follows: Lori Hodge-yes; Shirley Berry-yes; Greg Wolfe-no; Pat Richards-yes; Larry McCoy-no.

Item 6B – Discussion of Township Attorney. Supervisor McCoy yielded the floor to Mr. Richards. Mr. Richards said that Mr. McCoy had contacted a lawyer Jeff Jurgens concerning writing an anti-nepotism policy. Mr. McCoy said the anti-nepotism policy form is a matter of public record and did not cost anything. Mr. Jurgens had written one and offered to fax it to Mr. McCoy which he then did, but the anti-nepotism policy was not why Mr. McCoy had contacted Mr. Jurgens. Mr. McCoy said he contacted Mr. Jurgens about the ongoing cemetery question of who is going to do hiring and firing. Mr. McCoy had contacted Mr. Uppencamp, Robinson Township’s attorney, who was going on vacation at the time and Mr. Uppencamp agreed it would be prudent to contact Mr. Jurgens who was already very knowledgeable of township law.

The bill presented by Heller, Holmes and Associates for Mr. Uppencamp was then discussed. The amount of the bill was \$1362.50 to come down for the last meeting. Mr. Richards said we have a local attorney one block away who doesn’t charge traveling fees and is willing to take us on. Mr. Richards said in his opinion, “It’d be a lot closer and a lot less expensive....” Clerk Gribben asked who the lawyer was. Mr. Richards said, “Frank Weber.” Mr. McCoy responded by saying that the three times Mr. Uppencamp has been here, he has also been working on other business as well, so the township does not carry the whole cost. “It’s shared and he tries to work it that way.” Mr. McCoy continued, “Unless you’re dissatisfied with his professional abilities and expertise, I think it very inadvisable and very uh, unwise to change horses in the middle of the stream when you’ve had, you’ve had an ongoing case for several years now.”

Mr. Richards said, “Well, we’re not saying the he, the roadship, the road...”

Mr. McCoy, “Yes, I know, I know he can hire, he can hire his own attorney if he wants to. That really doesn’t make a lot of sense though fiscally if money is the issue. If money is the object and that’s the impression I get from your argument.”

Mr. Richards, “Well, that’s Township’s money you know.”

Mr. McCoy, “Well, it’s all tax dollars whether it comes from the Road Commissioner or it comes from ours. It seems to me to make a great deal of common sense that we both use the same attorney, not to have two different attorneys. But that’s my input. Is there further discussion on this?”

Mrs. Berry asked if Mr. Uppencamp stayed overnight and did the township have to pay. Mr. McCoy said no. Mrs. Berry said she was trying to figure out what the \$1000.00 was for. Mr. Uppencamp said he hoped that very rarely would there be meetings where legal issues would come up and his opinion was requested. He did what is called case law research, secondary source research because it was an important question, who has the right to hire and fire, and could get you into trouble down the road. To address the travel issue, Mr. Uppencamp said he didn’t anticipate being here at every meeting. Since

2012, the Township has had one court case. Mr. McCoy said Mr. Uppencamp doesn't cost any more than any local attorney. He said, "To me, he's demonstrated he's very capable and totally trustworthy, and I would certainly argue against changing legal firms especially since we just back in March or April agreed unanimously as far as I recall to retain him again. So, that's all I'll say."

Mr. Uppencamp said, "For fun, I would note I bet my rate's a lot lower than Mr. Weber's."

Mr. McCoy concluded by saying, "Unless there's some great objection to his abilities, I think this is..."

Mr. Richards said, "That's what it is. It's a discussion on the attorney. I'm not saying anything against you. I just wanted a discussion. I knew Frank Weber does basically the same thing."

Mr. McCoy said, "I will point this out to you. Remember that the city has him present at every meeting. The county has the state's attorney at every meeting. We have yet, these are the only two times other than one time I remember when he was here for that hearing that he's been called upon to come down. So again I just think it would be extremely unwise and ill advised to be changing law firms at this point or at this juncture." Supervisor McCoy asked if there were any further discussion or opinions on this subject. There were none.

Item 6C, New Business, Kemper CPA-Audit Report. Mr. McCoy welcomed Mr. Brian Bradbury of Kemper CPA, as Jody Truitt, who was the partner in charge of this year's audit of Robinson Township was unable to be present. Mr. Bradbury told the trustees about some proposed legislation requiring an audit partner to rotate every five years. Mr. Bradbury asked the trustees to turn to the letterhead in the bound report, which is technically what the township is paying Kemper for, a letter in which Kemper concluded with a clean audit opinion, "In our opinion, the financial statements referred to above present fairly, in all material respects, the respective modified cash basis financial position of the governmental activities, each major fund, and the aggregate remaining fund information of Robinson Township, Illinois, as of March 31, 2016..." (Independent Auditor's Report, Page 1). He then referred to page 3 which showed the township as a whole: township's assets as of March 31, 2016- \$4,233,279- and liabilities or total debt of the township-\$363,500. Net position answers the question, "Economically, what's the township worth?" He said it's a little shy of 3.9 million dollars. He said it sounds like a lot, but if you look at it, there's a little over 1 million dollars invested in capital assets, so you can't spend that, and there's 1.7 million restricted for specific purposes. He continued that there's \$1,053,000 that is unrestricted and that the town fund and the road and bridge fund can be spent for any purpose that is necessary.

He went on to page 4 and described it as an income statement that's laid out in a certain way so you can see what each function of government costs. He said he liked to use the transportation and public works as an example. Total expenses, which includes depreciation, are \$610,000 but in the next column are revenues which offset that, charges for services such as doing work for other townships, putting in culverts, and then, operating grants which is motor fuel tax money. Net cost of that function of government is \$526,000 which has to come from general revenues of the township such as from sales tax, tax dollars. The Change in Net Position is the third line from the bottom. "As a whole the township improved by \$478,000 economically," he concluded.

He asked the members to turn to page 6, the Statement of Revenues, Expenditures, and Changes in Fund Balances – Modified Cash Basis, and look at the third line from the bottom. He said the fund balances are what you have available to spend. He said these fund statements are inflows and outflows of

resources. He went through and defined each fund from General, Road and Bridge, Bridge Aid, General Assistance, Other Governmental Funds and Total Governmental Funds. From a cash perspective, the final column is what the township looked like this year – a positive \$543,000.

He said he talked in the past about where you're at resource wise. In the General Fund the balance ending was almost 1.1 million dollars with total expenditures being \$475,820, which leaves 2 years of expenses on hand if this is a typical year. He said that's pretty good shape.

He then went to note 13 on page 17 which concerns Marathon's payment of \$68,365 in lieu of taxes which has been spread across the funds as other income. The note also says "...a second payment in the same amount will be received during the Township's fiscal year 2017."

He then went to page 19 where he discussed the smaller funds of Insurance, IMRF, FICA and Total Nonmajor Governmental Funds. He said the cushion is good in those accounts. Mr. McCoy asked if Mr. Bradbury meant that the tax levy should be reduced in those accounts. Mr. Bradbury said you should consider. He said he'd looked at it in a lot of different ways and can't find a specific statute. The wording is you can't accumulate an excess, but he said he didn't know what that means. There are court cases out there; it just depends. Mr. Bradbury said Kemper's rule of thumb is to keep on hand two times average expenses. When you're working on the levy and need to cut something, this could be the place to do that.

At this point, Mr. Richards asked a question. "If we had an excess of money, and we tried to finance the building out there, and there wasn't the money there to do that, what's the deal?"

Mr. Bradbury responded, "That's, that's because you, you gotta look at each one of these funds as separate buckets. Like the FICA fund that the money that's in there can only be used for social security/Medicare; the IMRF on IMRF. Now, there, I think there's ways to transfer between funds, maybe at an annual meeting, but as long as they're in those funds, you're restricted for that purpose."

He continued, "You gotta talk to TOIRMA about it if you want to transfer funds between. I've only seen it done once, and we checked with TOIRMA and stuff. Um, I think it actually starts with the citizens, I mean, it's at an annual meeting, a citizen has to make it..." "You'd need to talk to a legal counselor. I'm not saying it's right or wrong. I'm just pointing it out, financially the township is in a pretty good position right now as a whole."

Mr. Bradbury went to the loose letters at the back of the bound report. The first concerned internal controls. He said the township has the same two that all but one of his clients have which is a lack of segregation of duties and not currently having a CPA on staff that stays current on governmental disclosures. He added that is what you have Kemper for, but they are external not internal. The second one is the management letter and discusses things that could be improved upon or tweaked. He said there are no comments for the current year. The prior year audit concerned an update on the culvert listing installed and on hand. The letter included an update that a listing has been made and maintained. The recommendation at the end states, "We recommend the Township also report culverts delivered directly from the vendor to a Township road into account in their log of culverts."

Mr. Bradbury said the last letter concerns required communications that we as auditors have to have in dealing with the governing board in performing and completing our audit. The accounting practices used by Robinson Township were not changed during 2016.

“The financial statement disclosures are neutral, consistent, and clear.”

“We encountered no significant difficulties in dealing with management in performing and completing our audit.”

“For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor’s report. We are pleased to report that no such disagreements arose during the course of our audit.”

He concluded, “Lacey does a really good job keeping the books. So, hopefully, that was short enough and yet sufficient. The bottom line is, you know, you’ve got good people doing good work in the office. The books are kept pretty well, clean auditing, and uh, financially, the township’s in pretty good shape.”

Mr. McCoy called for a motion to approve the Audit Report as presented. Lori Hodge made the motion. Shirley Berry seconded. Motion carried with vote as follows: Pat Richards-yes; Lori Hodge-yes; Larry McCoy-yes; Greg Wolfe-yes; Shirley Berry-yes.

Item 7A, Motion to authorize payment of town, general assistance, and payroll bills. Pat Richards moved to approve payment of Town, G.A., and Payroll bills. Lori Hodge seconded the motion. Motion carried with vote as follows: Lori Hodge-yes; Larry McCoy-yes; Greg Wolfe-yes; Shirley Berry-yes; Pat Richards-yes.

Item 7B, Greg Wolfe made a motion to authorize payment of the road district bills. Pat Richards seconded the motion. Motion carried with vote as follows: Larry McCoy-yes; Greg Wolfe-yes; Shirley Berry-yes; Pat Richards-yes; Lori Hodge-yes.

Item 7C: Lori Hodge made a motion, seconded by Greg Wolfe, to authorize pre-approval of payment of Elected Officials for the time period of August 19, 2016 through September 15, 2016. Motion carried with vote as follows: Greg Wolfe-yes; Shirley Berry-yes; Pat Richards-yes; Lori Hodge-yes; Larry McCoy-yes.

Item 7D: Shirley Berry made a motion, seconded by Lori Hodge, to authorize payment of per diem expenses. Motion carried with vote as follows: Shirley Berry-yes; Pat Richards-yes; Lori Hodge-yes; Larry McCoy-yes; Greg Wolfe-yes.

Item 8: Public Comments. There were none.

Item 9: Pat Richards made the motion to adjourn the meeting. Shirley Berry seconded. Motion carried with all in favor voting aye.

Meeting adjourned at 7:11 p.m.

Respectfully submitted,

Vickie Gribben
Township Clerk

Larry McCoy
Township Supervisor