

PROCEEDINGS OF THE COUNTY BOARD

THURSDAY, SEPTEMBER 17, 2009

LOGAN COUNTY COURTHOUSE

LINCOLN, ILLINOIS

The members of the Logan County Board convened in a special adjourned session on the above date in the first floor Courtroom. Chairman, Terry Carlton called the meeting to order at 7:00 pm. The pledge of Allegiance to the American Flag was led by Terry W. Werth.

Members present: Rick Aylesworth; Kevin Bateman; Terry Carlton; Bob Farmer; David Hepler; Gloria Luster; Bill Martin; Pat O'Neill; Chuck Ruben; John Stewart; Terry Werth.

Absent: Jan Schumacher

Guests: Rachel Bunner; Susan Pegram; Brenda Wade; Suzann Maxheimer; Mark Maxheimer; Jeff Short; Carla Bender; Jan Youngquist, LDN reporter.

Chairman Carlton stated the purpose of this meeting is to select an appointment for the Circuit Clerk of Logan County. He asked Carla Bender to attend this meeting and tell everyone what the Circuit Clerk's job and task consists of so that everyone has a good understanding of it.

Carla Bender commented that she enjoyed working with the County Board and that it has been a pleasure and honor to serve Logan County. When she came into this office in 1992, she thought she was prepared as had worked in the Probation office for 4 ½ years. She really didn't have any idea what she had signed up for and over time she got more comfortable with that role. The major duty of the Clerk to the Court is to be the administrative arm of the Circuit Court. Every paper document that is filed, every document entry that's made, everything that has to do with any given case is the responsibility of the Clerk and the Court relies on the Clerk very heavily to make sure that it's done and done correctly. She has a great staff and they do a great job and is very proud of the work they have done over the course of these years. She is responsible for all of those filings, the procedures and the process. They are not attorney's nor is she and therefore, they cannot give legal advice and that is often difficult at the counter. They can only do what the law allows them to do but no more. The financial responsibility of this job is enormous. She handed out a listing of the fines and fees that are dispersed each month. This is just what goes into the General fund on a monthly basis by year. They are audited every year also. She has close to \$90,000 per month that is collected and dispersed. They are very close to a million dollars a year that they are placing into the general fund for the County. This is dependent in large measure on the number of cases that are filed. Then there is the administrative part that the Circuit Clerk Court over these years has done, staff management, hiring responsibility, and the best you can do to delegate the duties evenly. The Statue requires the Clerk to do a number of things, one of those, besides the financial responsibility, is making sure the Judge and the Court are satisfied with the documentation in that file and that we can find those files easily. Besides those responsibilities, there is a budgetary element to you, the County Board. That also is a matter of making sure you don't over spend your budget and she is proud to say that she has not over spent her budget in the 17 years she has been here. She also never had the experience of having audit findings every year. She has to have a deputy in every session of Court. She wants to hear input from anyone if they have concerns or anything relating to her office. The over all impact of the Circuit Clerk's office is one that is not only the Court system but also in other departments of County government and the County Board and to the people of Logan County. To her this job is more an administrator who can listen and try to factor that into the decisions that are made that are for the best interest of the public.

Mr. Ruben stated that down thru the years she has been on top of the new State regulations and that has helped our county a lot, one being that we could go back and turn to the collection agencies. Mrs. Bender stated it is an enormous burden to keep up with all the new laws. She printed out all the new laws and has them in a notebook and that's just this spring session. She was legislative Chairman for the Circuit Clerk's association and took that on. That is the duty of every Circuit Clerk, that person has to maintain and understand the way the legislative process works, be involved in it, track it or new laws passed and if you don't keep up with it and don't implement it, then you are violating the law.

Chairman Carlton stated that next he will ask the candidates to introduce themselves and then he will have them all go outside the room and will bring one in at a time and allow each one five minutes to make their presentation and then a question and answer time. After that, he will ask them to stick around until the presentations are done but to go to other areas until called back in. Each candidate introduced themselves: Rachel Bunner; Brenda Wade and Suzann Maxheimer.

Brenda Wade: She stated that she has lived in Logan County for approximately 36 years. Married with two children. She thinks that one of the most important things in raising her children, she basically has practiced what she has done thru her entire working career and set the example, lead by example and they have been very successful in their lives and she is very proud of them. She assumes that everyone has read her resume so there is a lot of information there. She has spent almost 40 years in telecommunications business, started when she was 16 years old and worked her way up thru every position in the company that was of interest to her. Basically that any position that is on that resume, she did not have the background when she went into the job, but had the drive for success, willing to learn and come out on top. She is proud to have a lot of leadership abilities that she has used and practiced in every job. Those abilities may range from involvement with her teammates, and/or her subordinates for their opinions and the input they give to set personal goals and/or corporate goals, company goals, team goals. If you involve them in the decision making then you also have more motivation and more of an energetic team that is going to be successful. She is very flexible in her approach with people and has dealt with 100 to 125 people at a time in a 6,000 square mile radius for all of State of Illinois. For those people you have to assess their abilities, their qualities, their personalities and know how to deal with each one individually. She thinks in that respect she has proven to be very successful and has been able to accomplish a lot in the very last position she had before she left AT&T. She had recognition from Ed Whitacre which everyone has probably heard of. She is very familiar with working with budgets and the fact that they are cut all the time and you have to stay on target. She would bring leadership, professionalism, tenacity, willing to learn and it sounds exciting. She wasn't willing to re-locate after all the time she spent with the company, to close to her family to do that and was ready to move on and branch out into something new.

Mr. Ruben asked: What will you do if you don't get this appointment and would you still consider running for the election to this position if you don't get the appointment?

Mrs. Wade stated she hadn't thought about this, if she didn't get the appointment. It's a new area for her and sparked her interest when she saw that Carla was leaving and has always been interested in the government and the running of the government and official offices but never had the luxury to spend the time with it. She has pursued other positions that are similar only in the

Spfld. area. As far as running for office, she has never run for office before but it is something she would consider after hearing the explanation of what Mrs. Bender does.

Mr. O'Neill asked about something on her resume regarding that she was area manager when she retired. She stated she was in management. He stated that in her resume she stated that she participated in arbitration cases to resolve conflicts between Union and Management disagreements and asked what her participation was in that. She explained that basically her job was to provide supporting documentation and to testify on behalf of the management side of the company based on what the grievance was at that time, so she gathered data as far back as ten years earlier and compiled it and worked with a lawyer in Hoffman Estates and was a representative and witness for the company.

Suzann Maxheimer: She stated she lived in rural Elkhart with husband Mark. Have been married 22 years and he is the operation manager at Elkhart Grain Co. They also farm for her parents along with owning their own small farm. They have been raising their two children, Jessica and Garrett. Garrett is a freshman at Mt. Pulaski High School and Jessica is a Jr. at Illinois State University majoring in history. Suzann also owns and operates a cow/calf operation consisting of approximately 15 pairs. Her roots go deep in Logan County. You as County Board members have the privilege and responsibility in moving us all into the future, but we must have our history, the knowledge of what is known to rely on. She gave some of her own history, generated only by the voters of Logan County. Her first home was at 911 Pekin St. and she lived there until almost 4 years old. That is the address of the jail. In 1967, the year she was born, her father was serving as the Logan County Sheriff and they all lived in the big brick limestone house above the jail. It is ironic that she has been serving you as deputy Circuit Clerk upstairs in this big limestone building. For the past 10 ½ years she has worked in the Circuit Clerk's office, starting like all the others, learning the ropes of the day to day filing, waiting on the needs of the people at the front desk and becoming familiar with the Judicial system. Before long she was assisting the felony clerk, Cheryl Hedrick and found herself surrounded by a group of very sophisticated and talented people in the third floor Court and she was fascinated. Cheryl was extremely organized, knowledgeable of the law and procedure but best of all, an excellent mentor. Before long Carla gave her the responsibility of clerking for the visiting Judge in the first floor courtroom. It was here that she began familiar in managing the Judges scheduling book. Along with clerking the first floor, she continued her work in assisting with the felonies. In 2002, Cheryl continued on with her career in the State's Attorney's office and Suzann moved up to the third floor Courtroom, clerking for Judge Coogan. Thru the years she has witnessed trials, sentencing hearings, motion hearings and arraignments. Each sentence affects many offices here in the Courthouse, the States Attorney, the Probation and the Sheriff. The detailed management of the Court files is very essential, not just for the Court, but for all the parties involved. We must maintain the responsibility here in the Circuit Clerk's office. Carla has set the example for all of us to follow and she and the other ladies have worked hard and devoted their careers to this task. She firmly believes they will continue to achieve. She believes that standing here before you, that she has the strength needed to carry the office forward. The relationship of her colleagues in this building will see to it and she is asking for the appointment of Clerk of the Circuit Court of Logan County, knowing full well the responsibilities and the utmost importance the office holds.

Mr. Ruben asked her what she would do if she doesn't get the appointment and as a follow up, would she still consider running for election to this position? She stated, yes, she is going to

continue and has picked up her Circuit Clerk's packet from the County Clerk's office with petitions and will move forward in that direction.

She stated that if not appointed, she would go right back to clerking felony court.

Mr. Bateman stated his question pertains more to management. Are you familiar with and comfortable with making budget cuts when asked by the County Board and do you have any idea's of whether you could maintain the services out of that office without adding anybody since we would be losing one?

Suzann stated she would maintain for a little while, it would take some time to have somebody come in to learn her position in what she does. The only other person in her office who is trained to do that is their accountant and she doesn't think that would be wise to take the account away. She would first meet with the staff, see if there is someone interested in learning some of her responsibilities as well and we would just have to proceed from there. You have to keep the front counter covered at all times. It would be a difficult task but is doable. As far as working with management and being able to see where things can be cut, yes she has. She gave an example of when in the cow/calf business and having to make cuts, it comes down to how many and which ones.

Mr. Hepler stated that he had a tough question but wanted to ask it, the Judges or the impartial experts that the court serves, he believes has endorsed one of the other candidates, and that's been the impression that he had from some of the other conversations and others in here, can you tell us why they are all wrong in endorsing someone else? Suzann stated that was a very tough question as she thought the Judges were going to be fair and impartial and didn't know that they were able to weigh in on that. She believes that through her packet with all the reference letters in it, most of those people in there work all of the Court rooms, both second and third floor. They are part of the reason why she decided to do this because they gave her what she needed to go forward, they said, why aren't you doing this, we feel that you are efficient and knows what goes on and the responsibilities of the job.

Ms. Luster stated she spoke to two of the Judges and that was one of her questions, could Suzann do the job and they did say yes. She didn't speak to all three but did two of them.

Mr. Aylesworth asked, if you think you would have announced that you wanted to be a candidate right away, that the endorsements would have been different? Suzann stated, from the Judges, probably yes.

Ms. Luster stated that she wanted to address something, she knows that's kind of been a question in a lot of peoples' minds, she is telling all today and has been telling it before that she (Ms. Luster) is not going to run for County Board. Changing our minds to her does not seem like something, she doesn't understand what it has to do with anything. Same way when we make a decision at the Board of Whole on Thursday, we can change our mind at the Tuesday meeting.

Suzann stated she full well believes that. This all came to us suddenly, we didn't have very much time to think about it. In her particular spot, the circumstance that led her here was the fact that she has a great family that supports her very strongly and then when she came back to this Courthouse and she saw and heard everybody come to her and say, you need to do this, that's when she went and had a conversation with Carla about it. She doesn't really ever think she changed her mind in a matter of a couple of days, she was unsure of how she truly felt about it and then through her family and the colleagues in this building, she came to the conclusion that this is where she was headed.

Ms. Luster asked Suzann, did all of you know for quite some time prior to us knowing, did you know that she was going to be leaving? Suzann stated no, as soon as Carla found out that she was appointed to the Appellate Court Clerk, she made it very pressing to get all of her staff together. Ms. Luster stated that it's no wonder that someone would not all of a sudden say I'm going to do it, maybe Suzann didn't know at the time and then she thought it over, that's her view of it.

Mr. Martin stated, as you look at the future in the next few years, is there any one thing outstanding that you see as a challenge for the office of the Circuit Clerk? Suzann stated that always maintain on a certain level to a degree, like Carla says, there are always laws changing. Every year we are handed down more and more fines and fees and assessments to overcome and maintain. She looks for that to continue. As far as within the office, we have everyday people come in, that will continue. To keep the staff of what we have, to keep the knowledge of what we have, with all of them combined, she thinks there is 170 years of experience collected with it and thinks they will just continue on serving the people of Logan County.

Mr. O'Neill stated he has seen her resume and that she has a degree and license in Cosmetology, so you went from there to where you are now. He always envy people who are willing to go and move into giant footsteps which is always hard to fill and in this case, Carla, but he also knows that each person who chooses to do this has an opinion or an idea of himself on what they would do different if they are put in that position. So is there anything now that you would do different if you became Circuit Clerk that is not being done now or are you pretty much going to stay the same?

Suzann stated that Carla has done an excellent job in getting the office on the main track and she cannot see changing from it very far.

Rachel Bunner: Rachel stated she is a single mom, born and raised in this area, actually is from the small town of Beason. She has an 18 yr. old daughter who is a freshman at Carbondale, and a son who is 12 and attends Chester East grade school. She stated that on a personal level she wants to tell the board about her personal characteristics since most of them probably don't know her at all. She is a very loyal employee and has been in the Courthouse for almost 12 years. She is very proud to work in the office under Carla's direction, she has been an amazing leader and has learned so much from her and continues to learn from her everyday. She did achieve her degree last year finally, a degree in leadership and management from Lincoln Christian College. Personally she wants everyone to know that she is very approachable and open minded. Her intent in submitting for this position is nothing but the best interest of the office, that is her main concern, maintaining what Carla has beautifully developed over the 17 years that she has been here. The continuity of maintaining what we have going in that office is very important. She knows that the Judges have concerns that that is maintained, not only in her office but the offices that surround their office and also affects the courtrooms. They are very proud of their courtrooms and how they are conducted and they like to know that they have good relationships with the people that are a head of the offices that surround them. That is huge in her eyes in maintaining the continuity that goes on in the Judicial system and thinks that is one of the biggest points. She knows that Carla already has given you the low-down on what her office does. Approximately 11,000 cases go thru there every year and that's a pretty significant number to keep track of.

Rachel stated she probably has been a part of all those papers at some point since she started and those positions. She is assigned to two Judges , one on first floor with juvenile cases and works with traffic, DUI, criminal cases on second floor with Judge Funk. The main point she wants to stress is that she is ready to just roll her sleeves up and just put her best foot forward and just keep maintaining that positive environment that we have going here.

Mr. Ruben asked what will she do if she doesn't get this appointment and also will she still run for election to this position? Rachel stated that is her intent in pursuing this position and is confident that she has the abilities to perform the duties of the position. When she decided to do this and step forward and let the office know that she was putting her name in the hat for this whole thing, she wanted the girls to know that it's just not about her, she told each person in the office that it's about our office. That is still her stance on it.

If she doesn't get the appointment she will just maintain what she's been doing and perform her job to the best of her ability and maintaining the positive connections that she does have within the system.

Mr. Bateman stated his question is more financial, if appointed to this position, since we are currently in budget negotiations, do you think you can maintain the same quality of service out of that office without adding to the staff, do you know if there is a way you can pick up the slack? Rachel said she cannot say what the future would hold, we've not been in a situation where Carla's not with them and just can't predict the future as she stands here today. It might not be something she would know until she would be in that position and then decide with the staff at a whole and determine those things, what is best for the office. She thinks it's important to work with, not only the office, but all the Board members. There may be ideas or suggestions that may be beneficial as far as the economy side of it, the economy right now is in a bad way for everyone. That would be something important to look at.

Mr. Martin stated that if she looks into the future, do you see any major challenges that's going to come to the clerk's office that will have to be dealt with? Rachel stated challenges in general? Everyday they go to work is a challenge and doesn't foresee any major challenges and would put their best foot forward. Everybody in that office is very capable in doing their own individual jobs. The office can almost handle itself, obviously there just needs to be somebody there to just handle the administrative part of Carla's duties and keep the positive flow going.

Mr. O'Neill stated he liked what she said awhile ago, that's it's not about her, it's about the office. To keep the office running smoothly, it's the respect you earn from your employee's, the people you work with and by setting an example, that shows you are a very strong person. Rachel stated that was a good point and in the 12 years she has been there, she has earned the respect of all those people she has worked with including the Judges and the other elected officials. You just don't walk in the door and boom, you are a leader and people are just going to respect you automatically. You build your characteristics over the years with trust and respect and positive communication, it takes a lot of work to maintain those good relationships. She is very proud of that if nothing else to know that she has a lot of support of the good people who work here.

Mr. Bateman wanted to make a comment on what Mr. O'Neill just said to Carla, when the comment was made, it's not about me, it's about the office. The one thing he can say about Carla Bender, it's never been the office, she has run it so flawlessly that this Clerk's office is one of those entity's of government that you never have to think about, you never have to worry about, it's always done correctly, it's a no worry situation, and that's the thing we will miss the most.

Mrs. Bender stated that staff in that office is largely responsible for that.

Mr. Carlton stated that concludes this portion and we have some very good candidates and will make this next part that much harder. Mr. Carlton wanted to entertain a motion to go into Executive Session regarding personnel matters.

A Motion was made by Mr. Martin, seconded by Mr. O'Neill to go into Executive Session Pursuant to 5 ILCS 120/2 © 1 regarding personnel matters. Roll call vote. 11 yes 1 absent. Motion passed. Went in to Executive Session at 7:55 pm.

Out of Executive Session and back into regular session at 8:26 pm.

Mr. Ruben stated as he understands it the Chairman can ask one of the members to make the motion for the Chairman for the appointment and that's the way it's been done in the past. Mr. Hepler, parliamentarian, stated he had asked the County Clerk about this and her opinion was that in this case the Chairman could make a motion. Ms. Litterly stated the reason why, if they would look at the Statue that she provided to them, it clearly says the appointment is by the Chairman with advice and consent of the Board. She and Mr. Hepler discussed this previously. Mr. Ruben stated that appointments in the past, the Chairman has always gone outside, they made clear who their appointment was and asked someone else to carry it. DM. Hepler agreed with Mr. Ruben and likes to see it because if you don't have a motion and a second from the floor, then you won't get anywhere.

A motion was made by Mr. O'Neill, seconded by Mr. Bateman, that we nominate Rachel Bunner for the Circuit Clerk's position. Roll call vote. 5 yes 6 no Motion failed.

Mr. Carlton asked for someone to entertain a motion for Suzann Maxheimer

A motion was made by Mr. Aylesworth, seconded by Mr. Ruben, to nominate Suzann Maxheimer for the Circuit Clerk's position. Roll call vote. 10 yes 1 no Motion passed.

Mr. Carlton stated that we now have an appointment for office of Circuit Clerk of Logan County that will be effective October 1, 2009. Congratulations.

Mrs. Maxheimer "thanked" everyone and stated she is very excited about this appointment and thanked everyone for this opportunity and also wanted to thank everyone for all of their time in this process.

A motion was made by Mr. Farmer, seconded by Mr. Werth, to adjourn the meeting. Motion passed. Meeting ended at 8:30 pm.