

Rock Island County Board Report

District 22

Your update from your county board member.

Spring 2013 Volume 1, Issue 1

Drue Mielke, Rock Island County Board District 22

Updated information at www.DrueMielke.com

CV Polling Place Moved

In the next election on April 9th, Coal Valley voters will now be casting ballots at New Hope Baptist Church, 701 1st Street, Coal Valley. Previously, the polling place was at The Rock reception hall. If you do not receive a new voter's card, please call the Rock Island County Clerk's office at (309) 558-3569.

This move has provided a cost savings to the county as New Hope is not charging for the use of their facility.

Tour of Courthouse shows need for action

Last year I attended the Consolidation Committee meetings that were looking at solutions to problems with the aging courthouse and county office buildings. As a resident, I asked what has been done in the last 20 - 30 years to maintain these buildings in good repair. My answer from a board member was "very little has been done" and the past boards have not addressed maintenance of the courthouse.

Now as a member of the Administration Committee on the Rock Island County Board, I toured the Rock Island County Courthouse on January 25, 2013 and Mr. Jeff Jacobson, Sheriff Maintenance Supervisor, led the tour.

Notable observations and findings include:

Public traffic volume- As civil and traffic cases from auxiliary courtrooms in East Moline, Moline and Milan have been moved back, there is not enough courtroom space and halls are clogged with standing room only at times.

Heating and cooling issues- The Law library has extreme heat of 85° at times. The windows are left open to alleviate heating issue. At the north end of the courthouse indoor temperatures have been recorded as varying between 106° recorded high and 50° low.

Structural issues- I viewed signs of leakage from outside along window in rotunda has caused plaster damage. Masonite ceiling tiles are crumbling and pieces are dropping. A 2008 KJWW Consulting Engineers' study identified the roof to be in poor condition and in need of replacement. The KJWW study can be viewed at www.DrueMielke.com.

Sprinkler system needed- The courthouse lacks a sprinkler system and proper air handling system in case of a fire. The elevator shaft, rotunda and open stairwell all would accelerate a fire by acting as a chimney to draw oxygen to a fire.

Elevator Breakdowns- The courthouse elevator breaks down frequently, not only trapping people inside, but forcing disabled to be physically carried down staircases. Prisoners must use stairs in leg shackles to get to and from court.

Rotunda Safety- The rotunda itself presents a safety and security issue. During my tour of the courthouse I was told that security has had to intervene to prevent people from being pushed over the railing to the floor below. It was suggested netting is needed.

Voters asked to expand Public Building Commission

Voters are being asked to expand the powers of the existing Public Building Commission that was used to build a new jail in 2001, near the courthouse at a cost of \$13,000,000. This construction added jail cells and three new courtrooms. The new jail cells were needed to address a federal lawsuit alleging jail overcrowding.

A referendum is on the April 9th ballot to expand those powers to include all county buildings to enable the county to address the issues with other building such as the Courthouse and County Office Building.

Again the county is faced with new pending litigation. This time the county is being called into question to not be providing adequate courthouse facilities. In response to this, the county board voted January 15th to place on the April 9th ballot, a referendum asking the voters to expand the existing public building commission's scope. **The referendum is worded as follows:**

Shall the County Board of The County of Rock Island be authorized to expand the purpose of The Rock Island County Public Building Commission, Rock Island County, Illinois to include all the powers and authority prescribed by the Public Building Commission Act?

If this referendum is approved, only the elected County Board can tax, the debt is capped at 5% of estimated assessed value (EAV) by statute, which is a cap of about \$120 Million. Money can only be used for public building construction, renovation and maintenance. The County Board's decides how much to spend, what, where, and when to build. Without a signed lease, the Public Building Commission cannot issue bonds.

The decision of expanding the public building commission now lies in the hands of the voters in Rock Island County. Documents relating to this issue can be found on my web site at www.DrueMielke.com.

The next newsletter issue is available online August 1st at DrueMielke.com.

If you would like to receive via email, you may email your request to druemielke@gmail.com

ADA Compliance- Compliance with the American Disabilities Act (ADA) that would allow all residents equal access.

Clearly, the condition of the courthouse needs to be addressed as well as numerous safety issues which, when speaking to Judge Jeffrey O'Connor, he states that the courthouse is unsafe.

72% voted to reduce the county board. Now what?

Can the board be reduced before 2022?

A day after the election, a reporter asked me about the non-binding resolution to decrease the county board member count from 25 to 15. I responded that “we all need to look at the will of the people, and the people clearly spoke that they wanted the board to be 15 members, and I am going to do everything I can do to support that.”

I meant what I said. Respectfully, some Rock Island Board Members believe that the board size can ONLY be changed every 10 years after the census, when redistricting is mandatory and districts are redrawn.

I cannot find any language in the state statute that prohibits changing the board size more often than every 10 years.

I asked to have this issue placed on our first meeting’s agenda, was directed to committee, and this issue was placed on the Governmental Affairs Committee of which I am a member. I was told that we would be presented with Attorney General opinion that states that the board cannot be reduced outside the monetary change every 10 years with the census. The opinions presented were from 1974 and 1976.

My response to what was provided in committee was, “I have read and re-read the state statute that governs the county board reapportionment. This is an opinion. It isn’t law or a court decision.”

In our January’s board meeting I presented information that I believe demands that the county look into this deeper rather than relying on nearly 40-year-old legal opinion. Rock Island State’s Attorney, Mr. John McGehee, said in this meeting that he would be drafting a letter requesting an opinion from our current Attorney General. In February’s meeting, Mr. McGehee stated that he is working with the Attorney General on the form of this question. I have asked that the county board be allowed to review this letter and to approve it before it would be submitted to the attorney general.

As county board members, we all have an obligation because of the referendum, to go as deep into this as we can. In response to this call, I went to Springfield and visited the Illinois State Board of Elections and the Attorney General’s office. It has not been proven to me that the number of county board members can be reduced outside the normal decennial reapportionment that is required by law.

This is based on these points:

1) State statute is silent on this issue.

■ Illinois Statute is silent on whether a reapportionment can be done in between a decennial reapportionment and does not prohibit it. *“The county board shall first determine the size of the county board to be elected.”* (55 ILCS 5/2-3002) (from Ch. 34, par. 2-3002) Sec. 2-3002. *The Illinois State Statute “(55 ILCS 5/Div. 2-3 Reapportionment of County for Election of County Board)*

■ Illinois State Statute states that **the county board determines** the number of county board members.

2) The 1976 Attorney General opinion states that reapportionment can occur outside the decennial plan in some circumstances.

The Attorney General opinion from 1976 at that time found:

■ A referendum to change the method of electing board members to single or multi-member districts can be done between decennial reapportionment.

■ In certain instances, a change in the method of electing county board members would also require a change in the number of county board members.

According to the last line of the 1976 opinion, there are times when the board can be reapportioned between the decennial time periods, via referendum, in limited circumstances. I find that this establishes that a change in the number of county board members indeed can be done between decennial reapportionments.

3) Illinois Constitution gives the county board the power to set the number of board members, by ordinance.

Article 7 Local Government Section 3. County Boards Ilcs Const. Art. 7, § 3 a) A county board shall be elected in each county. The number of members of the county board shall be fixed by ordinance in each county within limitations provided by law.

4) In 1987, the Illinois Supreme Court heard a case where the Peoria League of Women Voters filed a referendum to reduce the Board from 27 to 9.

■ This court never questioned that a board member reduction could not be done in the middle of the decade. Rather, the court questioned the people’s power to change the number, which is determined by the county board by ordinance they draft.

■ The court ruled that the people could not propose a referendum to reduce the number on the board but could determine by referendum the manner they are elected (elected to single or multi-member districts).

5) Information from The Illinois State Board of Elections.

■ I spoke with the Office of General Council at the Illinois State Board of Elections where I was told “that there is nothing in the Election Code of Reapportionment that prohibits reapportionment from being done outside the mandatory reapportionment.” I also spoke with legal counsel for the Illinois State Board of Elections

I have yet to be provided any law, statute, or state code that says that a county board cannot change the number of members in a non-decennial reapportionment.

I will continue to ask the hard questions to assure this issue is answered regarding the advisory referendum where 72% voted in favor of reducing the number of members on the Rock Island County board.

Defending your right to speak to your county board

Last year after announcing I was running for county board, I began attending the Rock Island County Board monthly meetings. I was currently elected on the Coal Valley Village Board and was familiar with the way meetings in Illinois are run and requirements of the Open Meetings Act.

What was striking, was the impression I was left regarding the lack of open and accessible government for Rock Island County residents to address their board.

Rock Island County's rule requires "two working days' notice" prior to a meeting. The rule governing how public comments are to occur is "Any citizen or representative of a group wanting to address the Board shall put their request in writing and submit to the Chairperson of the Board at least **two working days** prior to the regularly scheduled Board meeting..." These rules can be viewed at www.rockislandcounty.org/CountyBoard/Home/

As a benchmark for how other counties are interpreting the Open Meetings Act, I found the following counties have a portion of their meeting identified for public comments where a form is completed by the public just prior to the meeting.

- Whiteside County (Comments from the Public)
- Henry County (Public Comment)
- Peoria County (Citizen's Comments)
- Livingston County (Public Comment)
- DeKalb County (Persons to be heard from the Floor)

You should expect to have the same right to address the county board as you do your city and village boards such as Moline, Rock Island, and Coal Valley and your local school board. The Open Meetings Act applies to all open governmental meetings.

I worked to address this as a resident to ask the Rock Island County Board to make changes that are more in keeping with the Open Meeting Act, which ensures that Illinois residents have access to their government and hold government more accountable.

In light of the Open Meetings Act that all elected officials are trained, I asked the board to consider:

- **Public Comments Section**– The addition of a specific section on the agenda for "Public Comments"
- **Eliminate 2-day rule to address board**– Change the rule to allow residents fill out a form to be given to the chairman up to **5-10 minutes** before the meeting with the requestor's subject, name, address.

My requests were respectfully considered but were denied.

State law maintains that the agenda can be changed up until 2 days prior to a public meeting. Legally, an item could be placed on the agenda, but by the rules the county has established, the people would not be able to speak on that item. I believe that "two working days' notice" is unreasonable and restricts residents' right to comment on an agenda item, if by law, the final agenda does not have

Questions from your neighbors

"If Hope Creek is at or near capacity, why do they continue to advertise the facility?"
~ asked by M.D. from rural Moline, district 22.

A few days after the election in November, I met with Hope Creek's Administrator, Trudy Whittington, and toured the nursing facility in East Moline.

Hope Creek is a newer facility and is in good condition and appearance. During the tour, I posed the question to Ms. Whittington and she stated that "the advertising helps maintain Hope Creek's image and place in the community, and with other nursing choices. "We continue to have a waiting list not only from the word of mouth referrals and care that we give, but also by maintaining that level of marketing."

Please feel free to email me questions at druedarrin@aol.com. I won't use your name but will reply via email and post at DrueMielke.com.

Public Forums Scheduled

At press time, public meetings are being scheduled regarding the referendum question on expanding the Rock Island County Public Building Commission.

Please go to www.DrueMielke.com/events.htm for more date, time, and location information.

April referendum asks "county board member" question again

A second question on the April 9th ballot sets out to ascertain your wishes regarding single member or multi-member county board districts.

The advisory referendum reads "**Shall the County of Rock Island maintain single member districts?**"

Just on the heels of the November advisory referendum that asked voters if they wished to reduce the Rock Island County Board this referendum seeks to ask voters if they would prefer to keep single-member districts. Voters in our district voted 71.6% for 15 members in three multi-board member districts (5 members per district).

The current county board representation is currently one county board member per district. There are questions whether the county board can be reduced prior to 2022. Please see article on the second page of this letter.

to be posted until 48 hours in advance of the meeting.

For that reason, I have asked for A Request for Review with the Public Access Coordinator (PAC) office at the Illinois Attorney General. I expect that the Attorney General's PAC will find in their opinion that two working days' notice **is unreasonable**. I will work with the Governmental Affairs Committee, which I am a member, to provide rules that are in keeping with the Open Meeting Act.

More information on the Open Meetings act can be found online at http://foia.ilattorneygeneral.net/pdf/FAQ_OMA_Government.pdf

Thank you!

Over the last year, I went out to meet everyone in our district- many people whom I represented on the Coal Valley Village Board and many that live in Moline, South Moline Township, and Coal Valley Township.

During the campaign, I have stressed that as an elected official, I represent ALL residents. In my election night speech, I stated that now that the election is over, I become the representative for all, ensuring your voice is heard and voting for the best interests of our district. On the Rock Island County Board I am working for accountability in how our county is run and bringing information to you on issues that affect Rock Island County. In addition, I pledge to continue my mission to protect residents in our community realizing that the most vulnerable of our residents may not have the loudest voice.

There were many issues in this campaign, but the one that stands out from that time is the public's will to decrease the size of the Rock Island County Board. The first thing I did was bring this to the agenda and assure that the county board addresses this and not forget what the people wish. I am working with my fellow members on county board to get the answers.

I also wish to thank everyone for their thoughts, prayers and encouragement. They were very much appreciated and I ask for your prayers and ideas going forward. If you have a question, concern, idea, comment...please share it with me. Call me at (309) 235-7493 or email me at druedarrin@aol.com too. You can also send me a note on Facebook at www.facebook.com/Drue4You.



Ready to serve, *Drue*

Facebook Page: www.facebook.com/FriendsOfDrueMielke

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