

SPECIAL COUNTY BOARD MEETING

Proceedings, transactions and RESOLUTIONS had made and ordered of record of said Board in the County of Grundy and State of Illinois, on the Fifteenth day of March in the year of our Lord Two Thousand Eleven and the Independence of the United States, the Two Hundred and Thirty-fourth.

Morris, Illinois
March 15, 2011

The meeting was called to order at 5:30 P.M. by Chairman Severson followed by the Pledge of Allegiance to the Flag. On roll call, all County Board Members were present except County Board Members Halpin, Iverson, Poole and Throneburg.

There were no changes to the prepared agenda.

The following persons spoke in support of the appointment of Johnathan M. Bates as the Grundy County State's Attorney: Arthur Hornsby and Mike Serena. The following persons spoke against the appointment of Mr. Bates: Vicki Geiger and Mary Mathewson.

Chairman Severson is submitting the name of Johnathan Bates for Grundy County State's Attorney for confirmation by the County Board. He said that he is doing so based the recommendation from the Grundy County Democratic Central Committee and the favorable reviews that he has received from various colleagues in the court system and citizens, both Democrat and Republican. He knows that Mr. Bates is honest, honorable and qualified to hold the position based on his interview with him. While some of the opposition questioned the time line and how Mr. Bates was chosen, he said the County Board Chairman had absolutely nothing to do with the process that was in place at the Democratic Central Committee. He noted that he would be lying if he did not acknowledge an underlying concern in the community of the intertwining of the hierarchy of the Courthouse in the county. He said he did his research on the third degree with judicial code which does not mention cousins and he also looked at case law. He concluded he could not not appoint Mr. Bates because he was born into an over achieving family. He is therefore nominating Johnathan Bates and giving the Board the opportunity to weigh in on it. He invited Mr. Bates to come up and address the Board.

Johnathan Bates read his biography at the request of County Board Member Roth. He appreciates the time taken by the County Board as well as the public comments. He is not ashamed of his family and is also proud of his eleven years in private practice. Roth asked him to explain the perceived conflict where there is a case in which he had an acquaintance or relationship and how it would work. Mr. Bates said he would not be able to use any information gained from a previous client and the remedy under the Illinois Rules of Judicial Professional Conduct for attorneys would require him to screen himself from that case, he would give that case to an assistant and give notice to the other government body. The County would not need a special prosecutor. In the interest where he had a private client the Appellate Prosecutor would handle the case. He noted that the County already has a contract with the Appellate Prosecutor's office. County Board Member Rasmussen asked about his application process to the Democratic Central Committee and if he was asked to pursue it. He was told he had heard it on the news and contacted the Central Committee about receiving an application. Rasmussen asked if he was comfortable in this position, because he (Rasmussen) would not be, given the perception of the community. Mr. Bates said that he is very comfortable, considering the rules and because the Judges in Grundy County are beyond reproach and take their ethics very seriously. Rasmussen said he has great respect for all the Judges, but feels the waters are muddied because of all the relationships. County Board Member Welter asked Mr. Bates to state his relationship to Judge Lance Peterson and if they had ever lived in the same household. Mr. Bates answered that they were first cousins and had never lived in the same household. County Board Member Ly noted that while Mr. Bates had attended school in North Carolina and Michigan, he had returned home to practice law and asked him why that was. Mr. Bates responded that he feels Grundy County is a safe community that is very family oriented. County Board Member Dyer asked if Mr. Bates would continue programs initiated by Sheldon Sobol and asked if he would institute additional services. Mr. Bates commented that he definitely would and feels that his background in municipal law will help him in that regard. County Board Member Roth asked about the relationship to Asst. Susan Bates and was told by Mr. Bates that they were not related. Roth asked if he saw his job as a prosecutor to seek justice or gain convictions. Mr. Bates said that they go hand in hand and noted that there is more to the job, like advising the County Board and working on civil matters for them. He is looking forward to every aspect of the job. County Board Member Balkema wanted to know his overall vision for the County in the next five or 10 years. Mr. Bates said he will continue to strive to keep this a safe community by working with law enforcement and feels his background in municipal law will help him. Balkema asked him to explain how it would work with his previous government body relationships and the fact he would have to recuse himself. Bates said there is a great staff at the State's Attorney's office and if an assistant state's attorney would normally handle a contract, then they would continue to do so. If need be, he would screen himself from a case, and would not hesitate to do so.

County Board Chairman Severson noted the various relationships have already been disclosed and that even if something fell under the third degree, it does not mean Mr. Bates could not be State's Attorney. He said the County pays a flat retainer fee to the Appellate Prosecutor's office. He presented the Resolution appointing Johnathan Bates as Grundy County State's Attorney and called for a motion and a second.

RESOLUTION: APPOINTING JOHNATHAN M. BATES - GRUNDY COUNTY STATE'S ATTORNEY.

A RESOLUTION appointing Johnathan M. Bates as Grundy County State's Attorney was submitted to the Board by County Board Chairman Severson. It was MOVED by County Board Member Galloway and SECONDED by County Board Member Steele that said RESOLUTION be adopted as submitted and made a matter of record.

County Board Member Welter said Mr. Bates is a fine man, well respected by the legal community and he is not questioning his qualifications, however, he feels Judge Lance Peterson's impartially might be questioned in cases from the State's Attorney's office. He feels tens of thousands of dollars could be spent on a case only to have a defendant raise the relationship issue on appeal in an attempt to get a new trial. He talked about taxpayer money being at stake and as well as

safety, and the whole legal system would be in question. He would be voting no, because it would be unethical. Chairman Severson in answer to accusations that he was friends and classmates with the Judges and Mr. Bates, noted that they are a lot younger than he and that he did not go to school with them, he attended Minooka High School.

On roll call said MOTION PREVAILED by the following vote: Ayes, County Board Members Gill, Joyce, Ly, Steele, Wagner, Almer, Boggs, Galloway and Severson. Nays, County Board Members Rasmussen, Roth, Welter, Balkema and Dyer. Total Ayes, 9. Nays, 5. Absent, County Board Members Halpin, Iverson, Poole and Throneburg. MOTION CARRIED. Said RESOLUTION is as follows:

RESOLUTION NO.: 2011-019

RESOLUTION APPOINTING JOHNATHAN M. BATES AS GRUNDY COUNTY STATE'S ATTORNEY

WHEREAS, Sheldon R. Sobol has tendered his resignation as the Grundy County State's Attorney, effective March 7, 2011, and

WHEREAS, the Office of the State's Attorney was declared vacant on March 8, 2011 at the regular board meeting by the Grundy County Board, and

WHEREAS, notice was sent to both the Democratic Central Committee and Republican Central Committee declaring a vacancy for the Office of the State's Attorney, and

WHEREAS, the Democratic Central Committee has recommended to the Grundy County Board Chairman the appointment of Johnathan M. Bates as the Grundy County State's Attorney, and

WHEREAS, the Grundy County Board Chairman has recommended to the County Board for their advise and consent the appointment of Johnathan M. Bates as the Grundy County State's Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF GRUNDY COUNTY that Johnathan M. Bates be appointed to serve as the Grundy County State's Attorney to fill the unexpired term of Sheldon R. Sobol, that expires on December 1, 2012.

PASSED, ADOPTED AND ENACTED this 15th day of March, 2011.

ATTEST:

Lana J. Phillips
County Clerk

Ron Severson
Board Chairman

Judge Robert Marsaglia swore in Johnathan M. Bates as Grundy County State's Attorney at 6:20 P.M.

MOTION ADJOURNMENT.

It was MOVED by County Board Member Gill and SECONDED by County Board Member Almer that the Board vote the usual mileage and per diem and adjourn at 6:21 P.M. to Tuesday, April 12, 2011 at 5:30 P.M. for the next regularly scheduled County Board Meeting. MOTION CARRIED.

LANA J. PHILLIPS
CLERK