

The February 26, 2019 meeting of the Honorable Clay County Board was called to order at 6:00 p.m. by Sheriff Andy Myers.

The Pledge to the flag was led by Sheriff Myers.

The blessing was led by Chairman Rinehart.

The roll was called:

Present: Ted Whitehead, Chairman, Shannon French, Jeremy Wildbur, John Weidner, Terry Hronec, John Bayler, Joe Gilliland, Mary McCollough.

Absent: Brad Harris, Joe Goodman, Janice Brooks, Chris Rinehart, David Johnson and Barb McGrew.

Chairman Whitehead acknowledged guests and there were no agenda changes.

Chairman Whitehead read a Declaration & Notice of Vacancy for the office of State's Attorney.

#### DECLARATION AND NOTICE OF VACANCY IN OFFICE

In accordance with the provisions of Chapter 10, Act 5, Section 25-11 of the Illinois Compiled Statutes, the County Board of Clay County, Illinois, a county which is not a home rule unit, hereby declares that a vacancy exists in the office of Clay County State's Attorney, due to the resignation of Joel Powless, effective February 28, 2019.

The County Clerk is hereby directed to give a written notice to the county central committee of each established political party of such vacancy by providing each committee with a copy of this Declaration and Notice of Vacancy in Office.

Notice is hereby further given that such vacancy shall be filled within 60 days by appointment of the Chairman of the County Board with the advice of the County Board, in accordance with the statutory requirements.

Dated this 19 day of February, 2019.

Board of Clay County, Illinois

By: Ted Whitehead  
Chairman

A test: Brenda Britton  
Brenda Britton, Clay County Clerk

Whitehead noted that we have received a letter from the Chief Judge from Fourth Judicial Circuit requesting that we fill the State's Attorney vacancy.

Additionally, Chairman Whitehead stated that per 10 ILCS 5/25-11: The appointee shall be a member of the same political party as the person he succeeds was at the time of his election and shall be otherwise eligible to serve.

Motion by Mary McCollough, seconded by John Bayler, to go to closed session for the following purpose: The selection of a person to fill a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public body is given power to remove the occupant under law or ordinance (5 ILCS 120/2 © (3); Time 6:02 p.m. Motion Carried, Voice Action.

Motion by Joe Gilliland, seconded by Jeremy Wildbur, to return to open session. Time: 6:11 p.m. Motion Carried, Voice Action.

Upon return to open session, Chairman Whitehead made a recommendation to appoint Andrew T. Koester as State's Attorney.

Motion by Shannon French, seconded by Terry Hronec, to ratify the Chairman's appointment of Andrew Koester as State's Attorney, effective March 1, 2019. Motion Carried, Voice Action.

Motion by Jeremy Wildbur, seconded by Terry Hronec, to adopt the following Resolution: Appointment of Clay County State's Attorney. Motion Carried, Voice Action.

RESOLUTION

(APPOINTMENT OF CLAY COUNTY STATE'S ATTORNEY)

WHEREAS, in the case of a vacancy of more than one (1) year occurring in any County in the office of State's Attorney, it becomes necessary for the transaction of the public business that some competent attorney act as State's Attorney in accordance with the provisions of Chapter 55, Act 5, Section 3-9008 of the Illinois Compiled Statutes; and,

WHEREAS, Joel J. C. Powless, the duly elected and now acting Clay County State's Attorney; and,

WHEREAS, Joel J. C. Powless was elected as a Republican candidate pursuant to the laws of the State of Illinois, and he has now tendered his resignation from the office, effective February 28, 2019, leaving twenty-one (21) months of his current term of office unexpired; and,

WHEREAS, pursuant to 55 ILCS 5/3-9008(b), the Circuit Judges of the Fourth Judicial Circuit have requested that the Clay County Board fill the vacancy of the office of the Clay County State's Attorney as provided by law; and,

WHEREAS, Chapter 10, Section 5, Section 25-11 of the Illinois Election Code provides that when a vacancy in office is declared, the vacancy shall be filled by appointment by the Chairman of the County Board, with the advice and consent of the County Board members; and,

WHEREAS, in accordance with the provisions of 10 ILCS 5/25-11, notice was provided to the Central Committee of the Republican Party in Clay County, Illinois, giving the party an opportunity to submit the name of a nominee for appointment to office during the unexpired term of Joel J. C. Powless; and,

WHEREAS, after due deliberation and consideration, Clay County Board Chairman Ted Whitehead, with the advice and consent of the Clay County Board, has determined that Andrew T. Koester is a competent, licensed attorney and meets the requirements for filling the office of Clay County State's Attorney beginning March 1, 2019.

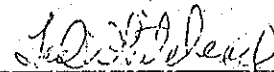
NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF CLAY COUNTY, MISSOURI, AS FOLLOWS:

A. Ted Whitehead, Chairman of the Clay County Board, with the advice and consent of the Clay County Board, does hereby appoint Andrew T. Koester to fill the vacancy in office of Clay County State's Attorney, to serve in that capacity beginning at 12:00 a.m. on March 1, 2019, and throughout the unexpired term of Joe J. C. Powless ending on November 30, 2020 at 11:59 p.m.;


B. The Board hereby directs that a copy of this Resolution be delivered to the office of the Chief Judge for the Fourth Judicial Circuit, Judge Kimberly Koester.

DATE this 26<sup>th</sup> day of February, 2019.

APPROVED:

  
TED WHITEHEAD, CHAIRMAN

ATTEST:

  
BRENDA EMMITSON, CLERK

Chairman Whitehead congratulated Koester on the appointment, with Koester thanking the board and stating he plans on working hard and serving the public.

On behalf of the County Board, Whitehead offered congratulations to Joel Powless on his appointment as Clay County Resident Judge.

Chairman Whitehead noted both Powless and Koester will be officially sworn in March 1, 2010 4:00 p.m.

Motion by Mary McCollough, seconded by John Weidner, to adjourn. Time 5:15 p.m. Motion Carried, Voice Action.