

CHAMPAIGN COUNTY BOARD
COMMITTEE MINUTES

POLICY, PERSONNEL, & APPOINTMENTS COMMITTEE

Wednesday, August 9, 2006

Brookens Administrative Center, Lyle Shields Meeting Room

1776 E. Washington St., Urbana

7:00 p.m.

MEMBERS PRESENT: Beckett, Betz (Chair), Fabri, Feinen, Knott, Moser, Schroeder, Wysocki

MEMBERS ABSENT: Putman

OTHERS PRESENT: Deb Busey (County Administrator of Finance & HR Management), Joe Gordon (Court Services/Probation Director), Ron Gremore (Deputy County Administrator/HR), Susan McGrath (Senior Assistant State's Attorney), Steve O'Connor (County Board Member), Scott Tapley (County Board Member), Steven Anderson, David Bertauski, Stephanie Feraci, Alan Gleghorn, Claudia Lennhoff, Daniel Lewart, Cheri Manrique, Bruce Monaco, John Schmidt, David Short, Michael Smith, Nancy Thompson, Paul Van Pelt, Laura Vossman, Rochelle Weber, Sharon Zhu

CALL TO ORDER

Chair Betz called the meeting to order at 7:03 p.m.

ROLL CALL

The Recording Secretary called the roll. Beckett, Betz, Feinen, Knott, Moser, Schroeder, and Wysocki were present at the time of the roll call. The Chair declared a quorum and proceeded with the meeting.

APPROVAL OF AGENDA/ADDENDUM

Betz requested agenda items VIII A & B be moved to the top of the agenda so Gordon did not have to stay for the entire meeting. The committee concurred.

MOTION by Wysocki to approve the agenda and addendum for the meeting; seconded by Moser.
Motion carried.

APPROVAL OF MINUTES

MOTION by Beckett to approve the regular session minutes of June 7, 2006; seconded by Wysocki.

Schroeder requested the company name AmerenIP be changed to Illinois American Water Company on Page 6.

Motion carried with one alteration to the minutes.

PUBLIC PARTICIPATION

Claudia Lennhoff, Executive Director of Champaign County Health Care Consumers, spoke in opposition to the proposed Christie Clinic outpatient surgery center. She explained the certificate of need process to build an outpatient surgery center.

Fabri entered the meeting at 7:10 p.m.

Lennhoff said there was not a compelling need for the outpatient surgery center and it would result in financial harm to Provena Covenant Medical Center because it would take away outpatient surgeries from Provena. She said Provena needed to keep its revenue-producing ventures so it can fund its money-losing ventures. Lennhoff spoke about the reasons for Provena's financial difficulties. She wants to have two non-profit hospitals in the community.

Betz requested the Board members present move to the front row of desks so standing members of the audience could sit in the back rows of desks. The Board members obliged.

Bruce Monaco, an orthopedic surgeon at Christie Clinic, spoke in support of the proposed Christie Clinic outpatient surgery center and the need for more surgery options in the community. He stated the Champaign County region does not have enough operating rooms to support the number of surgical procedures the doctors encounter. Dr. Monaco is on staff at Provena and Carle and he cannot get operating time at Carle's main hospital because it is all booked to the doctors who work there the most. He said the new doctor in his practice cannot get time in Provena's operating rooms and has a surgical backlog of two months. Monaco spoke about the limitation of Provena's operating rooms because of their size and age. The outpatient surgery center would likely add four more available operating rooms in the area. Monaco felt this was a drop in the bucket because ten or fifteen more operating rooms are needed.

Stephanie Feraci, Hospital Relations Liaison for Provena Hospital, spoke in opposition of the certificate of need for the ambulatory surgery center because it could take away 5,000 surgeries from Provena and would have a detrimental impact on the hospital. She spoke about the charity care Provena provides each year. She requested the committee defer its judgment to the State Facilities Planning Board.

Alan Gleghorn, Chief Executive Officer of Christie Clinic, had a PowerPoint presentation for the committee. He stated the ambulatory surgery center was a small piece of a possible new major facility located in southwest Champaign. Gleghorn said Christie has worked to develop Champaign County into a cohesive medical community where patients can choose where they go instead of being driven by their health plans. He said a level playing field would ensure providers compete on quality and service. Gleghorn said the ambulatory surgery center would positively impact growth in community by developing a new tax base in the area, freeing up space downtown, adding fifteen-twenty more physicians, facilitating the recruitment and retention of quality physicians with a more efficient environment, and offer additional medical services to the community. He said the recent lawsuit by Personal Care against Provena illustrates the problem of access in the community. New health care facilities help to guarantee access during a changing insurance environment. Gleghorn spoke about the difficulties in scheduling surgeries in the current environment. He stated there is only one true outpatient surgery center in the community, the Carle Center on Mattis Avenue. Danville has three outpatient surgery centers. Bloomington has five outpatient surgery centers. Gleghorn showed data on cost savings to patients by comparing Christie's surgical charges to Provena's. Gleghorn stated Christie values its relationship with Provena. Christie and Provena jointly commissioned a study in 2003 that recommended them joining together for an ambulatory surgery center that would be located on Christie's campus because of their volume. Christie offered Provena the chance to partner with them on the ambulatory surgery center. Gleghorn stated ambulatory surgery center have been added to other communities and did not result in a hospital closing.

David Bertauski, Chief Executive Officer of Provena Covenant Medical Center, said that Provena was offered a 25% share in the ambulatory surgery center and they decided for a not-for-profit organization like Provena to partner with a for-profit organization like Christie at anything less than a simple majority of 51% is very risky. Bertauski said Provena's attorneys have advised them to be careful to not lose their not-for-profit status. Bertauski stated the ambulatory surgery center is not needed and the volume of patients is being cared for at either Provena or Carle. Bertauski said Provena does not have a diversified medical staff like other hospitals and is dependent on Christie Clinic medical staff for patients. An ambulatory surgery center would take away a significant number of surgical cases from Provena. Bertauski stated Provena's operating loss in 2005 was \$10 million and, at six months into 2006, the operating loss is at \$850,000. He talked about the cost of the property taxes the hospital has to pay. He stated Provena needs money-making ventures to provide services where they do not make money. Bertauski requested the committee either support Provena or let it be handled by other entities.

Michael Smith, an OBGYN physician, spoke as a new physician with Christie Clinic. He stated he has been in practice for fifteen years in the military, in Indiana, and in Florida. He has worked in communities with a one hospital system and others with several hospitals. He has privileges with Provena, Carle, and Kirby Hospital in Monticello. He explained the reasons he and his medical practice partners have privileges at Kirby Hospital is because Personal Care will not allow them to perform tubal ligations at Carle and Provena does not allow tubal ligations to be performed at all. Dr. Smith stated a new specialized procedure is being done in his field where a doctor can avoid performing a hysterectomy in patients, but standard of care requires tubal ligation be performed with this procedure. In the current system, this has to be a two-aesthetic procedure. Christie Clinic's proposed ambulatory surgery center, Dr. Smith would be able to perform the procedure on Personal Care Insurance patients with a one-aesthetic procedure. He stated he thinks the competition between Carle and Provena is not harmful and the ambulatory surgery center will not be either.

Nancy Thompson spoke about the recommendation to move the payroll administration to Administrative Services from the Auditor's Office. Thompson stated she is an eleven-year employee of the Auditor's Office and she has always done work related to payroll. She described the work she performs. Thompson said she is a member of AFSCME; therefore the work she described has been done by a union employee. She stated moving the assignment of payroll administration from the Auditor's Office would be taking work away from a union employee and giving it to a non-union employee.

Paul Van Pelt addressed the issue of the possible county-wide smoking ban. Van Pelt owns Club 45 and he felt a smoking ban would hurt his business. He explained he is a non-smoker himself, but recommended those who smoke have access bars and restaurants that allow smoking since it is banned in the Cities of Champaign and Urbana.

Cheri Manrique, Rochelle Weber, and Daniel Lewart spoke in support of a county-wide smoking ban.

Laura Vossman, a resident of the Cherry Hills neighborhood, spoke in support of the County redrawing the boundaries between the City of Champaign Township and Champaign Township. She stated she purchased her house with the understanding that it would be annexed, so Champaign Township has been aware that certain neighborhoods would not be a part of their permanent tax base and they have had time to adjust to the eventual loss of tax revenue. The referendum result has meant some citizens are being unfairly taxed because the property owners that would be affected were outnumbered by unaffected property owners. She said that since Champaign Township is not providing services to the neighborhoods, then the township should be able to tax those properties.

David Short spoke in support of the County redrawing the boundaries between the City of Champaign Township and Champaign Township. He felt he was being taxed unfairly by Champaign Township.

John Schmidt, the Champaign Township Supervisor, addressed the issue of the County Board being asked to redraw the township boundaries. He said any action taken by the County Board to redraw the township boundaries would nullify the vote of the majority of the people. He also said the County should not get involved in an issue between townships. Schmidt stated the City of Champaign Township was responsible for this situation because they entered into it knowing they would be beyond the scope of the threshold the legislation sets concerning annexations. Schmidt then addressed specific comments made by residents who support redrawing the township boundaries. Schmidt did not feel the referendum question was confusing on the ballot. The township mailed information about the referendum to the affected voters prior to the primary election day. Schmidt stated no residents were being doubly taxed. The residents are either paying taxes to the City of Champaign Township or Champaign Township, not both. He said Champaign Township provides exactly the same services the City of Champaign Township would provide to their residents. Regarding statements made by some residents that they are paying taxes to Champaign Township for a road district for which they receive no benefit; Schmidt said the system to pay taxes to maintain rural roadways is the system used throughout Illinois. This system results in townships residents paying for township roads and residents with in city (other than a co-terminus situation) also pay for the city roads. Schmidt pointed out that people who live in a school district pay taxes to the school district even if they do not have children in that school system. Schmidt explained if Champaign Township loses the tax revenue from the 700 property owners who were affected by the referendum, then the township will have to raise the taxes of the other 3,500 Champaign Township property owners in order to have the same level of tax revenue for the township. He requested the County Board not become involved in this issue.

Steven Anderson, an Ironwood Subdivision resident, spoke about the disconnect issue. He stated the township knew agreements were signed with the developers and the city decades ago. He said the Ironwood Subdivision has not received the proper snow removal or street maintenance by Champaign Township.

Sharon Zhu, an Ironwood Subdivision resident, asked the County Board to redraw the township boundaries for tax fairness. She said Champaign Township should not be allowed to assess taxes on roads and bridges that are maintained by the City of Champaign. She felt the referendum question should be restricted to residents of the affected subdivisions.

Betz suggested the committee wait to hear from the township attorneys, Trisha Crowley for the City of Champaign Township and Carl Webber for Champaign Township, until the committee reaches that agenda item. The committee and attorneys agreed.

MONTHLY REPORTS

County Clerk Fees Report

MOTION by Beckett to receive and place on file the County Clerk's Fees Report for June 2006; seconded by Fabri. **Motion carried.**

COUNTY BOARD

Appointments/Reappointments

Cemetery Associations

Mt. Olive Cemetery Association

MOTION by Wysocki to appoint Paul Routh to the Mt. Olive Cemetery Association for a term from 8/22/2006 to 6/30/2012; seconded by Moser. **Motion carried.**

Drainage Districts:

MOTION by Wysocki for an omnibus motion to appoint:

Richard Alexander to the Beaver Lake Drainage District for a term from 9/1/2006 to 8/31/2009,
Delmar Banner to the Conrad & Fisher Drainage District for a term from 9/1/2006 to 8/31/2009,
Paul Berbaum to the Drainage District #2 Town of Scott for a term from 9/1/2006 to 8/31/2009,
Larry Ehmen to the Drainage District #10 Town of Ogden for a term from 9/1/2006 to 8/31/2009,
Charles Breen, Jr. to the Fountain Head Drainage District for a term from 9/1/2006 to 8/31/2009,
Edward Feeney to the Kankakee Drainage District for a term from 9/1/2006 to 8/31/2009,
Rick Wolken to the Longbranch Mutual Drainage District for a term from 9/1/2006 to 8/31/2009,
Beverly Hanks to the Lower Big Slough Drainage District for a term from 9/1/2006 to 8/31/2009,
Francis Ehler to the Lower Big Slough Drainage District for a term from 9/1/2006 to 8/31/2007,
John Nelson to the Nelson-Moore-Fairfield Drainage District for a term from 9/1/2006 to 8/31/2009,
Gerald Henry to the Okaw Drainage District for a term from 9/1/2006 to 8/31/2009,
Leonard Stocks to the Owl Creek Drainage District for a term from 9/1/2006 to 8/31/2009,
Douglas Reinhart to the Pesotum Consolidated Drainage District for a term from 9/1/2006 to 8/31/2009,
Jeffrey Little to the Pesotum Slough Special Drainage District for a term from 9/1/2006 to 8/31/2009,
Glen Reynolds to the Prairie Creek Drainage District for a term from 9/1/2006 to 8/31/2009,
Kevin Wolken to the Raup Drainage District for a term from 9/1/2006 to 8/31/2009,
Reggie Peters to the Salt Fork Drainage District for a term from 9/1/2006 to 8/31/2009,
Steve Day to the Sangamon & Drummer Drainage District for a term from 9/1/2006 to 8/31/2009,
Mervyn Olson to the Silver Creek Drainage District for a term from 9/1/2006 to 8/31/2009,
Glen Lafenhagen to the South Fork Drainage District for a term from 9/1/2006 to 8/31/2009,
Lloyde Esry to the St. Joseph #3 Drainage District for a term from 9/1/2006 to 8/31/2009,
Dale Busboom to the St. Joseph #4 Drainage District for a term from 9/1/2006 to 8/31/2009,
Charles Prather to the St. Joseph #5 Drainage District for a term from 9/1/2006 to 8/31/2009,
Bruce Rape to the St. Joseph #5 Drainage District for a term from 9/1/2006 to 8/31/2008,
Charles Prather to the St. Joseph #6 Drainage District for a term from 9/1/2006 to 8/31/2009,
Max Franks to the Union Drainage District #1 of Philo & Crittenden for a term from 9/1/2006 to 8/31/2009,
Ed Decker to the Union Drainage District #1 of Philo & Urbana for a term from 9/1/2006 to 8/31/2009,
Daniel Mills to the Union Drainage District #2 of St. Joseph & Ogden for a term from 9/1/2006 to 8/31/2009,
Ralph Allen to the Union Drainage District #3 of South Homer & Sidney for a term from 9/1/2006 to 8/31/2009,
Lynn Huls to the Union Drainage District of Stanton & Ogden Townships for a term from 9/1/2006 to 8/31/2009,
Donald Maxwell to the Upper Embarras River Basin Drainage District for a term from 9/1/2006 to 8/31/2009,
Richard Peavler to the West Branch Drainage District for a term from 9/1/2006 to 8/31/2009,
Charles Steffey to the Willow Branch Drainage District for a term from 9/1/2006 to 8/31/2009,
Francis Lafenhagen to the Wrisk Drainage District for a term from 9/1/2006 to 8/31/2009; seconded by Moser.
Motion carried.

Other

Martin Luther King Jr. Committee

MOTION by Wysocki to appoint Jan Anderson and Scott Tapley to the Martin Luther King Jr. Committee; seconded by Schroeder. **Motion carried.**

Betz asked about the size of the committee. Wysocki stated the County has been represented by three Board members in the past. Only two Board members offered to serve, Wysocki is willing to consider any other Board members who would like to join the committee.

County Board

MOTION by Wysocki to appoint C. Pius Weibel to serve as Vice-Chair of the County Facilities Committee for a term from 8/22/2006 to 11/30/2006 in order to fill the position left vacant by the resignation of Larry Sapp; seconded by Fabri.

Beckett, as the County Facilities Committee Chair, said he had asked every Republican on the committee if they would like to be Vice-Chair. All the Republicans declined. Weibel agreed to be Vice-Chair.

Motion carried.

COURT SERVICES/PROBATION

Approval of Reclassification of Assistant Director Position

MOTION by Beckett to approve the reclassification of three Senior Court Services Officer positions to three standard Court Services officer positions; seconded by Moser.

Gordon said this change is an issue of where it is the most beneficial to have personnel placed. It is more beneficial to have an Assistant Superintendent than an Assistant Director.

Motion carried.

Approval of Reclassification of Three Senior Court Services Officers Positions

Gordon said they have been evaluating the operation of the entire department in conjunction with Administrative Office of the Illinois Courts. They have come to realize with the volume of cases the department is handling, it would be best to add more line officers as opposed to supervisory personnel. There are excellent supervisors presently. The increased staff is necessary to keep up with the demands of the courts. This change is in line with the intent of the Administrative Office of the Illinois Courts, who are not funding specialized programs any longer because of the cost involved.

MOTION by Beckett to approve the reclassification of Assistant Director position to Assistant Superintendent position; seconded by Wysocki. **Motion carried.**

ADMINISTRATOR'S REPORT

Vacant Positions Listing

The vacant positions listing was provided for information only.

Approval of Resolution Amending Champaign County Rules and Procedures Regarding the Illinois Freedom of Information Act

McGrath respectfully requested the agenda be reordered to settle the agenda items the public is present for first. Numerous members of the public were present at the meeting. The committee agreed for the Chair to reorder the agenda items at his discretion. Betz stated he had always wanted that kind of power.

MOTION by Fabri to approve Resolution Amending Champaign County Rules and Procedures Regarding the Illinois Freedom of Information Act; seconded by Wysocki.

McGrath explained the resolution is before the committee because the Freedom of Information Act requires local units of government, including the County Board, pass a set of rules and procedures to indicate to the public how they are implementing the Freedom of Information Act requirements. The County Board last passed a resolution as to these requirements in 1986. Since then there have been a number of significant statutory changes to the Freedom of Information Act. This resolution takes into effect the statutory changes and the procedures the County actually follows. Knott has suggested an amendment to the resolution and McGrath said it may be appropriate for the committee to defer this to the September meeting to allow consideration of the amendment. McGrath does think Knott's suggestion should be incorporated into the resolution.

Knott explained his suggestion was that County Board members do not have to file the formal FOIA request to receive information. His amendment stated "Duly elected members of the County Board shall not be required to file a FOIA request as outlined in this policy as it is deemed that all documents held by the County Board Office and any of the appointed officials listed in this policy shall be available for all County Board members who request such items in carrying out their duties as elected County Board members". Knott clarified that he felt County Board members should not have to explain why they are asking for things. It is a mere technicality in his mind.

Fabri asked if there were any substantive changes. McGrath said the substantive changes are to make the policy clearer to the public how the FOIA process works. The old policy does not address some of the ways the County now keeps its information.

Betz asked if the County received FOIA requests daily. McGrath said lately requests are being received on a daily basis. Betz asked if deferring this item created an impediment. McGrath said some of the antiquated procedures are confusing and that was why she was requesting these changes. The County is trying to work through the procedures as best they can. Some department heads also find the procedures unclear and if they do, then the public certainly will.

MOTION by Knott to amend the motion to include his previously read amendment to the resolution; seconded by Feinen.

Fabri asked if the amendment changes the current understanding of FOIA for the County. McGrath said it does not. It clarifies how the policy should read. Fabri and Wysocki agreed to consider the amendment friendly to the original motion.

Motion carried.

Update on the 2006 Employee Recognition Event and Date of Event

Gremore asked for County Board members to volunteer to present awards at the event. He requested the committee select either September 20th or 27th for the date of the Employee Recognition Event. Betz said he preferred September 27th. The committee agreed to set the date of the 2006 Employee Recognition Event for September 27, 2006.

CHAIR'S REPORT

Discussion of County Smoking Ban

Betz asked if the County was mandated to decide this issue. McGrath said it was discretionary. Betz asked if County could only had of option of completely banning smoking or not, or could the County designate smoking areas. McGrath said it is up to the policy body to decide how a smoking ban is implemented. Sangamon County's smoking ordinance states the ban does not apply to hotels with designated smoking rooms, tobacco shops, and makes other exceptions. There are variations to consider.

Beckett said there is a Liquor Advisory Committee which is a stakeholder in this issue and he suggested inviting their participation in the process. He stated he was confused by the list of affected business because some of the establishments are located within incorporated villages, such as the Philo Tavern. Betz said the legislation gives the County the authority over incorporated areas. McGrath explained the bill specifically says the County has the authority to ban smoking in any place that is not within the boundaries of any municipality and that does not include villages.

MOTION by Beckett to refer this to the Liquor Advisory Committee; seconded by Knott.

Betz said the Liquor Advisory Committee should be allowed to have a say, but they should not be allowed to decide policy. Betz also thought the Liquor Advisory Committee was not a functioning committee at this time. He encouraged liquor license holders and other stakeholders come and express their opinions to the Policy, Personnel, & Appointments Committee.

Fabri asked if the County could pass a ban and allow individual business licenses for tobacco as is done with liquor. McGrath does not think this legislation allows licensure.

Schroeder said he is a member of the Liquor Advisory Committee and he does not have a problem with this item being referred to that committee. He asked McGrath if the County could enact a smoking ban but not institute fines. McGrath said it is up to the County to decide the enforcement mechanism. Schroeder followed up by asking if the County needed to designate someone for enforcement. McGrath said the County has the power to designate enforcement. Enforcement power has gone to the health departments in all jurisdictions that have passed a ban.

Beckett said he made the motion because Nancy Greenwalt, County Board member and Chair of the Liquor Advisory Committee asked him to do it. Betz said he has also spoken to Greenwalt during which she told Betz she did not want this issue. Fabri suggested setting a date to take action on a smoking ban to allow both sides the opportunity to be heard. Beckett and Knott agreed to consider it as a friendly amendment to the motion. Wysocki said the Liquor Advisory Committee meets on an as needed basis and she does not think they have met for some time. There are openings on the committee and it has been very difficult to get participation from the bar owners. Wysocki said the Liquor Advisory Committee would realistically need two to three months to become organized and for new members to be appointed by the County Board. Beckett asked if the Liquor Advisory Committee truly existed. Wysocki said there is a committee in name only at the present time.

Beckett withdrew his motion and Knott agreed as the seconder. Wysocki said, based on the experience of putting the Liquor Ordinance together, the Liquor Advisory Committee works best when they have a document in front of them to which they can respond. It would be asking a great deal of this committee to develop an ordinance. She recommended the Policy, Personnel, & Appointments Committee develop an ordinance and get feedback from the Liquor Advisory Committee. Moser said he wanted to see the effect on the Cities of Urbana and Champaign when they enact their smoking bans. He is concerned bar patrons will visit establishments outside of the cities and will become a hazard by driving home while intoxicated. Beckett suggested forming a smoking subcommittee. The committee continued to discuss its options.

MOTION by Beckett to take no action on this issue tonight; seconded by Knott.

Beckett said he was not previously aware that the County had authority over the villages and he would like more information. He said the committee needed to hear from those who will be affected by a County smoking ban. Knott asked McGrath if the villages were aware the County can take action to ban smoking that would affect them. Betz suggested this item can be placed on a later agenda when legal counsel has had the chance to research some of the questions raised.

Motion carried.

LEGISLATIVE REPORT

There was no legislative report.

OTHER BUSINESS

Approval of Public Aid Appeals Committee Rules

MOTION by Wysocki to defer this item to the September agenda; seconded by Fabri. **Motion carried.**

Assignment of Payroll Administration – Discussion

Beckett stated this item was on the April agenda and he undertook to work with the Auditor's Office and Administrative Services to determine what the disagreements were over the recommended change. Beckett also spoke with Karl Drake, the County's outside auditor, to hear his concerns. There were several meetings involving participants from the Auditor's Office, Administrative Services, IT Department, and Drake. Beckett submitted a memo that is in the agenda packet. A letter from Drake is also included in the agenda packet reversing his prior position. Beckett stated, in his opinion, the auditing objections raised by the Auditor's Office do not appear to be well founded. This is a policy of whether or not payroll administration should be a part of Administrative Services. He believed moving payroll administration to Administrative Services was the intention when the County Board decided to implement the Kronos System. He understood the intention was to bring all human resource functions within Administrative Services with the implementation of the Kronos System and the creation of the Deputy Administrator/HR position. Beckett said it was not good to allow an elected official to have oversight for payroll administration. The Auditor's Office can function if the payroll administration is moved to Administrative Services. Drake's memo agrees it is a policy decision. Because the Auditor expressed concerns about being able to staff his office during vacations, Beckett suggested a part-time accountant position be added to the Auditor's Office. Beckett felt this needed to be addressed by the Auditor, who was not present at the meeting. Beckett said Drake is willing to attend a committee meeting, but he wanted the committee to be aware the County has to pay Drake to attend a meeting. Beckett said Leann Robeck, the payroll administrator, agreed with the move to Administrative Services.

Fabri asked if a position would be eliminated in Administrative Services in order to add a part-time accountant position to the Auditor's Office. Beckett said he does not think there is a need for an additional part-time accountant position in the Auditor's Office because the change involves moving one employee from the Auditor's Office to Administrative Services. He only suggested the part-time position because the Auditor was concerned about coverage in his office. Busey explained payroll administration is a full-time position which would be moved with all of the responsibilities of that position to Administrative Services.

Fabri asked about the contact issue raised by AFSCME during Public Participation. Beckett said he did not see the grounds for it because this issue involves moving a non-bargaining position from one department to another. Busey said the bargaining contract would preclude the County Board from reassigning work if it resulted in the elimination of a bargaining unit position. She stated this action would not result in the elimination of a bargaining unit position. Fabri asked if the reassignment would take work away from a bargaining unit position. Busey stated it was arguable whether some of this work should have been done by a bargaining unit employee. If payroll administration remains in the Auditor's Office, that issue might be addressed with the Auditor.

Betz asked when it would be reasonable to take action on this issue. Busey said they embarked on this discussion with the Auditor's Office in January and would prefer action on this item in September so it would go into effect on December 1st at the beginning of the next fiscal year. It would be extremely advantageous for the decisions with regard to this issue to be made in September in order to appropriately prepare the FY2007 Budget. Betz said he wanted this item on the September agenda for action, unless there were any objections. No objections were raised. Beckett asked if the committee wished to have Drake present at the September meeting. The committee agreed Drake's memos were sufficient.

Certificate of Need for Christie Clinic

MOTION by Beckett that the County take no position on Certificate of Need for Christie Clinic; seconded by Knott.

Beckett explained the reason for his motion was that, after listening to the impressive level of public comment, he felt this is an issue for the Health Facilities Planning Board and is it not within the County Board's

jurisdiction. Moser encouraged the two hospitals to work together. Feinen stated she would abstain from the vote because she performs legal work for Provena. Betz ordered a roll call vote.

Motion carried. Beckett, Fabri, Knott, Moser, Schroeder, Wysocki, and Betz voted in favor of the motion. Feinen abstained.

Betz declared a two minute break in order for some of the public to exit and for the removal of equipment used in the Power Point presentation during Public Participation.

Request for Alteration of City of Champaign Township and Champaign Township Boundary Lines
Presentation By Trisha Crowley on Behalf of City of Champaign Township

Crowley wished to emphasize three points: 1. why are the city and some citizens asking the County Board to redraw the township boundary lines, 2. does the County Board have the authority to take action, and 3. what interest does the County Board have in this issue. To the first point, Crowley said whenever she speaks with citizens in the affected area the issues they talk about are fairness and double taxation. Crowley said while the citizens are not technically being double taxed, they feel like that is happening. The citizens in the affected areas are paying more to be in the City of Champaign, but they are not receiving more services than other city residents, and they feel it is unfair. The City of Champaign is asking the County Board for intervention because the city officials feel they need to respond to the fairness argument the residents have presented. Crowley reviewed Champaign Township's 2006 Annual Report. Champaign Township has expended approximately \$1 million in the last fiscal year. The township has about \$1 million in the bank, with debts of approximately \$26,000. This is a positive financial position for the township. Champaign Township has a higher EAV than any other township in Champaign County except for the City of Champaign Township and Cunningham Township, while having a geographic area that is about half the size of most other townships. Champaign Township's EAV will remain the third highest in the County even if the boundary lines are redrawn as requested. Champaign Township would remain financially viable and would have ten years of payment from the City of Champaign while they would adjust to the potentially smaller revenue, geographic area, and responsibilities. Crowley stated her opinion that redrawing the township boundary lines will not be economically harmful to Champaign Township.

On the second point of whether the County Board has the authority to take action, there are several different opinions from different lawyers. Crowley suggested the County Board take the position that gives them the most authority to act, given that there are reasonable grounds for supporting both positions.

On the third point of why the County Board should take action, Crowley said Champaign Township has suggested referring this matter to the Attorney General's Office. Referral to the Attorney General's Office would likely result in the delay of another year during which the affected homeowners will continue to pay higher taxes. Even if the Attorney General's Office gives an opinion that favors Champaign Township, the City of Champaign Township and the affected residents would continue to ask the County Board to take action. Therefore, the County would be in the same position a year later. In response to the earlier question raised by Betz of why the County Board should risk a lawsuit by becoming involved in this issue when they have nothing to gain, Crowley maintained the County Board is only body that can exercise discretion by statute and will this discretion comes the responsibility to make a decision.

Beckett asked Crowley to reply to the charge that the City of Champaign Township caused this problem because they annexed more than 1% of the EAV. Crowley said the township considered annexing sequentially bit by bit, which would have avoided this situation. But they decided not to follow that method out of a sense of fairness to the neighbors in the area. All the neighbors in the area were under an annexation agreement and were required to annex. The City of Champaign felt the only way to treat the neighbors fairly was to annex all the properties in the same tax year so all the neighbors were in the same tax situation.

Beckett stated he intended all of his questions to be policy-based; he was not trying to argue the fine points of law. The other argument he has heard from Champaign Township make is that the voters have spoken through a referendum and it must mean something for the legislature to grant the power of referendum. Crowley compared the referendum to using a hammer when a knife could be used. The referendum is all or nothing and the County Board has the ability to react to the current circumstances and facts. Beckett noted it would a significant decision to ignore the voters' decision. Crowley stated voters have approached her saying they did not understand the referendum question. Efforts were made prior to the primary election to explain the referendum question to voters. She pointed out the referendum involved two townships, but only one township's citizens had the opportunity to vote on the referendum. Beckett observed that 45% of the voters understood the referendum question enough to vote against it and these voters would be the individuals who are now requesting the County Board redraw the township boundaries. It appeared they were simply outnumbered by the voters who did not want the townships changed.

Moser voiced his concerns about the City of Champaign Township's long range plans for annexing properties will leave the Champaign Township in pieces or not in existence within ten to fifteen years. Crowley said Champaign Township will always exist because a part of the township is within the Village of Savoy and the City of Champaign has a boundary agreement with Savoy. She does not anticipate that the city will annex another 1% of the total EAV in the foreseeable future.

Presentation by Carl Webber on Behalf of Champaign Township

Webber asked, in response to Crowley's statements, how the County would respond if someone said they wanted to take away 25% of the County's income next year. Webber said the issue was whether the County Board has the authority to become involved. Webber said the City of Champaign took approximately 25% of the rural township within a year and the voters determined the properties should not be added to the city township. He said the fact the City of Champaign considered whether to annex all the properties at once or in sections indicates the city's concerns about the legal underpinning of this issue. Webber said both sides mailed information on the issue to the voters, so if the referendum question was not clear, then it was not for lack of trying. Webber stated this is not a situation of double taxation, though admittedly the properties in question will pay more in taxes. The property owners in question will retain the availability of township roads, township general assistance, the township assessing service, and the general administration of the township. Webber said the law was prepared by the General Assembly to encourage townships to build and maintain roads near a city without fear the area would be annexed by the city after the township had invested a great deal of money in the area's roads. A substantial change in the EAV results in a serious financial effect upon the township. Webber showed the committee a graph of the tax rate of Champaign Township and how it has dropped because they have been trying to save money. He explained the tax rate in Champaign Township will climb to maintain the current level of revenue. The General Assembly intended to slow the annexation process to give the adjacent townships time to adjust. Webber said it was a legal issue and the statute says the issue can be settled by a referendum and it has been. Webber said Champaign Township is willing to participate in presenting this issue to the Attorney General. It might take a year to get a response, but that should seem a pittance in comparison to the time it would take to settle this issue in court.

Beckett asked Webber to respond to the Ironwood residents who have said they are paying taxes to Champaign Township without receiving services from the township. Webber said the residents are receiving the same services a township participant would receive, except for the streets within the annexed area, which are maintained by the City of Champaign. Beckett asked if it was fair since Webber presented an argument that Champaign Township needed the tax revenue but the City of Champaign was paying the cost of road maintenance in the annexed areas. Webber said the legislature has walked that fine line, they want the townships to build roads but they do not want to ruin the townships' financial status. Webber said the issue concerns 25% of Champaign Township's EAV.

Beckett inquired about the previous incident in 2002 when the County Board voted to override the results of a referendum. Webber said that case involved only a few parcels and the township decided not to take it to court. Beckett said he remembered the County being sued over that issue. Webber said township decided not to appeal the decision.

Tapley asked if he was correct in assuming that Champaign Township's tax rate would increase at the rate shown on Webber's graph only if the township continued to spend at the exact same rate even though it is not providing service to the same amount of territory. Webber said one has to make assumptions in drafting a graph, but Champaign Township's point was to show that their financial situation would worsen after the ten years payments from the City of Champaign Township would end. Webber said he asked the township road commissioners and the township supervisor to give him their best guess as to what the numbers would be and then he developed the graph. Webber was willing to sit down and discuss the numbers. He said another problem was the township would get smaller and their tax rate would have to increase.

Tapley said he was concerned about the tax rate on the graph increasing while Champaign Township was receiving payments from the City of Champaign Township. He was also concerned about Champaign Township stockpiling money. Tapley said he did not believe the tax caps would allow the rate to increase at that rate. Webber admitted he did not take the tax cap into consideration, but it would only mean the township would not have the money and the services would go to heck.

Betz asked about the effect of a decision from the Attorney General's Office. Webber said the Attorney General would issue a legal opinion and would not be binding. A court decision would finalize the matter.

Knott had a question about McGrath's memo. Betz asked if McGrath had objection to her memo being discussed. McGrath said no.

MOTION by Knott to make McGrath's memo public and distribute it to the press; seconded by Fabri. **Motion carried.** McGrath's memo was made public.

Knott asked if the residents in the affected areas could hold their own referendum. He asked McGrath to do further research into that issue.

Fabri asked, if the County Board takes no action, could the City of Champaign Township annex the same areas again in segments of less than 1% of the EAV. Webber said he would have to think about that question because a referendum was already held. Crowley said the City of Champaign Township could not annex the area again. Fabri asked, if the County Board does not act on this issue, then the affected properties could not be moved into the City of Champaign Township. Crowley confirmed that was correct.

Tapley asked if the Champaign Township voters could put a referendum on the ballot to allow the disconnection or just disconnect the properties without a referendum if an entirely new Township Board was elected. Webber said it could be a possibility; he would like some time to consider it before answering.

Opinion From the Champaign County State's Attorney

McGrath said the committee could not take action on this item this evening because it is not listed on the agenda for committee action. She said the committee will need to decide if they would like it on a subsequent agenda for action. McGrath said the primary questions have been addressed by the attorneys representing the townships and she will focus on the questions raised by committee members. Regarding Beckett's question about whether the County Board took action to alter township boundaries before and if the same issues were raised in 2001-2002, McGrath reviewed the memorandum submitted to the County Board in 2002 from all the interested parties and the State's Attorney. The memorandum showed the issues addressed by the township attorneys this evening were raised in 2001-2002. The County Board considered those issues and

decided to take action to alter the township boundaries after a referendum had occurred and disconnection had failed. The township boundaries altered in 2002 were for the Baytown Apartments, which had an assessed value of \$5,334,560. The same issues of economic hardship that were argued by the parties tonight were raised in 2001-2002. A court case was brought by Champaign Township that ultimately went to the appellate court, in order to decide whether the City of Champaign had the legal authority to take annexation action at all. The appellate court determined the City of Champaign had authority even though the city and township lines were not coterminous at that time. The case did not address the issue of a failed referendum. The legislature has never changed the legislation that gives the County Board the authority to redraw township lines. McGrath explained further issues from the previous court case. The court specifically said one of legislative purposes was to reduce the number of city and township officials providing overlapping services and this is one of the policy issues addressed by the County Board in considering whether the townships boundaries should be altered. McGrath said it is a policy argument and the court prefers the policy argument be made by the policy body to which these decisions are designated. McGrath said a public hearing is required before the vote on the ultimate resolution. The Attorney General issued an opinion in 2001 prior to the County Board's vote on the township boundaries and the appellate court's decision. The Attorney General's opinion is an advisory opinion by another attorney. It does not give a final or clear authority on the issue at hand, nor are the parties on either side prohibited from seeking action in court. McGrath said the County Board needed to decide if they wanted to wait to receive an opinion from the Attorney General or proceed with action. In McGrath's opinion, the County Board has the authority given to them by the statute. She does want to look at the question Knott has raised about the Township of Bloomington case.

Betz said the alteration of township boundary lines was on the agenda with proper public notice. He asked McGrath and Beckett, as the County Board Parliamentarian, if a motion could be made directing a resolution be drafted to either become involved in the issue or not. Beckett said the committee could do as Betz suggested. He also stated the word discussion was not included in this agenda item and without a designation on the agenda that the item is for discussion, the committee can take action. Betz said he originally viewed this item as a potential action item because the words "Committee & County Board Action" are listed directed above the agenda item. McGrath said she is still struggling with the issue of how the agendas can properly reflect that the committee is taking action on certain items. McGrath advised caution and suggested the committee direct a resolution be drafted and the County Board could take action on it at the special meeting in August. Beckett said the agenda item was not ambiguous and noted that other agenda items are designated as discussion items with the word "discussion". Busey stated, as a point of clarification, that motions are made at the committee level and resolutions are then prepared and presented to the County Board that reflect the actions. Resolutions do not need to be prepared prior to the committee meetings.

MOTION by Fabri that the County Board support the City of Champaign's position; seconded by Feinen.

Fabri said the biggest issue for him was the referendum. A specific group of voters were selected to vote on the disconnection issue and it was not just the 700 properties in question, but also the voters in the rural township who had something to lose. Fabri said the voters whose property bills were directly affected by the referendum were simply outnumbered by those voters whose economic interests were in favor of keeping those properties in Champaign Township. Fabri said the referendum did not consider the City of Champaign Township residents whose tax bills are indirectly affected the same way the tax bills of the majority of Champaign Townships residents, who were allowed to vote on the referendum issue, are indirectly affected. It did not seem fair to him for the decision to be made by one group and not the other.

Tapley said, for only the third time in nine years, he completely agreed with everything Fabri said on an issue. He said it was a matter of fairness. He is an Ironwood resident and is directly affected by the referendum. He said the owners of the 700 affected properties are paying into an entity that no longer provides services to them. He stated those being unfairly taxed are outnumbered by those benefiting from the tax revenue gained from them.

Beckett spoke about the mechanism of annexation and that some of these issues remain unclear. He intends to vote in favor of the motion because it is important and does need to be resolved. Ultimately, the County Board has a responsibility to look for the greater good of the community. The consolidation of local government is an important issue for Champaign County. He concluded that this is a legal issue that will require resolution.

Betz agreed this is a legal issue and will be settled by a lawsuit. The County has nothing financial at stake in this township issue. He concurred that the consolidation of local government and intergovernmental cooperation is important. Betz ordered a roll call vote.

Beckett requested a clarification of the motion other than just supporting the City of Champaign. He recommended approval of the alteration to the City of Champaign Township and Champaign Township boundary lines. Betz said he did consider that the motion. Fabri and Feinen agreed with the language.

Motion carried with a vote of 6 to 2. Beckett, Betz, Fabri, Feinen, Moser, and Schroeder voted in favor of the motion. Moser and Wysocki voted against the motion.

Ordinance Extending the Expiration Date of the Cable Television Franchise Agreement Authorizing the Operation of a Cable Television System for Mediacom Illinois LLC

McGrath explained the franchise agreement expired on July 31, 2006. The ordinance gives the County the time to draft the new franchise agreement and bring it before the committee, likely in October.

MOTION by Wysocki to approve Ordinance Extending the Expiration Date of the Cable Television Franchise Agreement Authorizing the Operation of a Cable Television System for Mediacom Illinois LLC; seconded by Fabri. **Motion carried.**

DESIGNATION OF ITEMS TO BE PLACED ON COUNTY BOARD CONSENT AGENDA

The Chair designated agenda items VII A 1-36, VIII A & B, IX B, and XII E for the consent agenda.

ADJOURNMENT

Meeting was adjourned at 10:24 p.m.

Respectfully submitted,

Kat Bork
Recording Secretary

Secy's note: The minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.