

**CHAMPAIGN COUNTY BOARD  
COMMITTEE OF THE WHOLE MINUTES**

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**Justice & Social Services/Finance/Policy, Personnel, & Appointments**

**Tuesday, December 13, 2011**

**Lyle Shields Meeting Room, Brookens Administrative Center**

**1776 E. Washington St., Urbana, Illinois**

**MEMBERS PRESENT:** Christopher Alix, Carol Ammons, Jan Anderson, Ron Bensyl, Thomas Betz, Lloyd Carter, Lorraine Cowart, Aaron Esry, Stephanie Holderfield, Stan James, John Jay, Brad Jones, Alan Kurtz, Gary Maxwell, Brendan McGinty, Diane Michaels, Alan Nudo, Steve O'Connor, Patti Petrie, James Quisenberry, Michael Richards, Giraldo Rosales, Jonathan Schroeder, C. Pius Weibel

**MEMBERS ABSENT:** Astrid Berkson, Ralph Langenheim, Steve Moser

**OTHERS PRESENT:** Deb Busey (County Administrator), Gordy Hulten (County Clerk), Stan Jenkins (Supervisor of Assessments), Alan Reinhart (Facilities Director), Kay Rhodes (Administrative Assistant), Amanda Tucker (Human Resources Generalist), Dan Welch (Treasurer)

**CALL TO ORDER**

Weibel called the meeting to order at 6:04 p.m.

**ROLL CALL**

Rhodes called the roll. Alix, Ammons, Anderson, Bensyl, Betz, Carter, Cowart, Esry, Holderfield, James, Jay, Jones, Kurtz, Maxwell, McGinty, Michaels, Nudo, O'Connor, Petrie, Quisenberry, Rosales, Schroeder, and Weibel were present at the time of roll call, establishing the presence of a quorum. Weibel said Berkson, Langenheim, and Moser had notified him they would not be present at the meeting.

**APPROVAL OF MINUTES**

**MOTION** by James to approve the November 8, 2011 Committee of the Whole minutes; seconded by Betz. **Motion carried with unanimous support.**

**APPROVAL OF AGENDA/ADDENDA**

**MOTION** by Kurtz to approve the agenda as amended; seconded by Rosales. Weibel stated item VIII-E1 would be removed from the agenda at the request of Ammons. **Motion carried with unanimous support.**

## **PUBLIC PARTICIPATION**

Jill Capes, a representative of the Champaign-Urbana Immigration Forum, spoke about the Federal Secure Communities Program in Champaign-Urbana. Capes said the intent of the program was to identify and report criminal aliens. She said this program does not work because 70% of the detainees are not criminals. Capes invited everyone to read the Champaign-Urbana Immigration Forum report.

Ricardo Diaz also represented the C-U Immigration Forum and spoke about the Secure Communities Program. Diaz said the federal program began in August and citizens were not made aware of it. The C-U Immigration Forum was created because of concerned citizens in the community. Diaz explained their report contains a summary of information obtained through FOIA requests.

Richards entered the meeting at 6:13 p.m.

Derek Winstanley spoke about the risks associated with the proposed construction of the chemical waste landfill in Clinton for PCB disposal. Winstanley explained the current Clinton landfill accepts PCBs with a concentration of up to 50 parts per million and the proposed landfill will accept concentrations greater than 50 parts per million. The current maximum for contamination of drinking water as stated by the EPA is 0.5 parts per billion. Winstanley said this is much less, than the concentration accepted by the landfill. He said the U.S. Congress banned the use of PCBs in 1979. Winstanley explained the permit approval for the Clinton Landfill falls under the jurisdiction of the Toxic Substances Control Act of 1976. Winstanley said the Mahomet Aquifer sits under the proposed chemical waste disposal site of the Clinton Landfill. Winstanley stated there is a very high risk of contamination to the ground water supply used throughout East Central Illinois.

## **COMMUNICATIONS**

James spoke about Joe Brown, former Champaign County Sheriff, and former Rantoul Mayor.

## **FINANCE**

Budget Amendments/Transfers

### **Budget Amendment #11-00058**

**MOTION** by Jones to recommend approval to County Board of Budget Amendment #11-00058 for Fund/Dept: 080 General Corporate-042 Coroner with increased appropriations of \$312 with increased revenue of \$312; seconded by Ammons. **Motion carried with unanimous support.**

### **Budget Amendment #11-00060**

**MOTION** by Kurtz to recommend approval to County Board of Budget Amendment #11-00060 for Fund/Dept: 092 Law Library-074 Law Library with increased appropriations of \$2,616 and no increased revenue: from Fund Balance; seconded by Rosales. **Motion carried with unanimous support.**

Budget Amendment #11-00061

**MOTION** by Anderson to recommend approval to County Board of Budget Amendment #11-00061 for Fund/Dept: 080 General Corporate-020 Auditor with increased appropriations of \$5,500 and no increased revenue: from Fund Balance; seconded by Petrie. **Motion carried.**

Budget Amendment #11-00062

**MOTION** by Holderfield to recommend approval to County Board of Budget Amendment #11-00062 for Fund/Dept: 621 States Attorney Drug Forfeitures-041 States Attorney with increased appropriations of \$38,100 and increased revenue of \$28,000; seconded by Bensyl. Ammons asked why the appropriation amount did not match the revenue amount. Busey explained this was a drug asset forfeiture fund for the States Attorney. They take the revenues from this fund and transfer them to General Corporate and they did not transfer as much last year. This allows them to increase the transfer for FY2011. **Motion carried.**

Budget Amendment #11-00064

**MOTION** by James to recommend approval to County Board of Budget Amendment #11-00064 for Fund/Dept: 080 General Corporate-043 Emergency Management Agency with increased appropriations of \$12,413 and no increased revenue: from Fund Balance; seconded by Ammons. **Motion carried with unanimous support.**

Budget Transfer #11-00018

**MOTION** by Kurtz to recommend approval to County Board of Budget Transfer #11-00018 for Fund/Dept: 092 Law Library-074 Law Library for a total amount of \$121; seconded by Holderfield. **Motion carried with unanimous support.**

Budget Transfer #11-00019

**MOTION** by Esry to recommend approval to County Board of Budget Transfer #11-00019 for Fund/Dept: 080 General Corporate-031 Circuit Court for a total of amount of \$15,000; seconded by Bensyl. Michaels asked if this equipment would coordinate with the new sound system. Busey assured her they would work. **Motion carried with unanimous support.**

Budget Transfer #11-00020

**MOTION** by Schroeder to recommend approval to County Board of Budget Transfer #11-00020 for Fund/Dept: 614 Recorders Automation Fund-023 Recorder for a total of amount of \$378; seconded by Ammons. **Motion carried with unanimous support.**

Budget Transfer #12-00001

**MOTION** by Jones to recommend approval to County Board of Budget Transfer #12-00001 for Fund/Dept: 080 General Corporate-036 Public Defender for a total of amount of \$29,700; seconded by Ammons. Betz abstained due to a conflict of interest. **Motion carried with unanimous support.**

Budget Amendment #12-00001

**MOTION** by Maxwell to recommend approval to County Board of Budget Amendment #12-00001 for Fund/Dept: 106 Public Safety Sales Tax Fund-013 Debt Service with increased appropriations of \$230,000 and no increased revenue: from Fund Balance; seconded by Weibel. **Motion carried with unanimous support.**

Budget Amendment #12-00002

**MOTION** by Kurtz to recommend approval to County Board of Budget Amendment #12-00002 for Fund/Dept: 685 Drug Courts Program-053 Mental Health Board for increased appropriations of \$100,000 and increased revenue of \$100,000; seconded by Anderson. **Motion carried with unanimous support.**

Sheriff

Extension of Contract to Provide Special Police Services for the Village of Savoy  
Amendment to Aramark Agreement for Inmate Food Services

**MOTION** by O'Connor to approve the Extension of Contract to Provide Special Police Services for the Village of Savoy; seconded by Jay. **Motion carried with unanimous support.**

**MOTION** by Holderfield to approve an Amendment to the Aramark Agreement for Inmate Food Services: seconded by O'Connor. Ammons asked what the financial impact of the amendment to the agreement would be. Busey would provide this information at the County Board meeting. **Motion carried.**

State's Attorney

Designation of the Office of the State's Attorneys Appellate Prosecutor as Agent  
Litigation Assistance Agreement  
Renewal of Victim Advocacy Grant

**MOTION** by James to approve authorization to designate the office of the State's Attorneys Appellate Prosecutor as Agent; seconded by O'Connor. Busey stated the cost of services has changed from \$27,000 to \$30,000 due to the increased population of Champaign County. **Motion carried with unanimous support.**

**MOTION** by James to approve the Litigation Assistance Agreement; seconded by Holderfield. **Motion carried with unanimous support.**

**MOTION** by Ammons to approve the renewal of the Victim Advocacy Grant for FY2012; seconded by Cowart. **Motion carried with unanimous support.**

Facilities Director

Request Waiver to Hiring Freeze

**MOTION** by James to approve the waiver to the hiring freeze for a Maintenance Worker position; seconded by Petrie. **Motion carried with unanimous support.**

County Administrator

General Corporate Fund FY2011 Budget Projection Report  
General Corporate Fund Budget Change Report

Busey said the FY2011 projection for the end of year would be a \$500,000 to \$600,000 revenue positive position. Busey said this would place the fund balance at ten percent and there were no changes to the General Corporate Fund report. **MOTION** by Ammons to receive and place the General Corporate Fund FY2011 Budget Projection Report and General Corporate Fund Budget Change Report on file; seconded by Rosales. **Motion carried with unanimous support.**

Auditor

Monthly Report

**MOTION** by Rosales to receive and place on file the November 2011 report; seconded by Cowart. **Motion carried.**

Treasurer

Monthly Report

**MOTION** by Jones to receive and place on file the November 2011 report; seconded by Kurtz. **Motion carried.**

Other Business

Intergovernmental Agreement Regarding the Clinton Landfill Permit

**MOTION** by Kurtz to approve the Intergovernmental Agreement Regarding the Clinton Landfill Permit; seconded by Quisenberry. Weibel abstained due to a conflict of interest. Petrie asked if other communities or counties outside of Champaign County, which also receive drinking water from the Aquifer, were engaged in Clinton Landfill discussions. Joe Hooker, Assistant Attorney for the City of Champaign explained Steve Carter, the City Manager, had taken on the responsibility of contacting other governmental entities, and could not specify. Hooker confirmed that Normal, Savoy, the City of Urbana, and the City of Champaign had all authorized it. The City of Bloomington would place it on their agenda for consideration in January. Hooker said the shared costs would decrease with the increase of participating governmental entities. Petrie asked if there were any potential for additional costs in the future for any reports or experts. Hooker said they would be limited to any expert testimony that had already been given and on record. Petrie asked if the County had the option to limit the time period of commitment. Hooker explained this would depend on what limitations the County set forth in the resolution.

Kurtz read a prepared statement regarding the dangers of PCBs and in support of the Intergovernmental Agreement Regarding the Clinton Landfill Permit and urged others to do so as well because it was their responsibility to protect the citizens of Champaign County. Betz asked if the County would be committed to paying for additional litigation if it were required. Hooker explained there was a possibility for appeal as with any case, but the County could construct the resolution to limit participation and address any concerns. Maxwell asked if there was a commitment deadline because he was concerned other counties had not joined in the effort yet. Hooker said once the decision by the U.S. EPA is made the time limit to file an appeal would be 60 days. They wanted to act quickly once the decision is made. Schroeder asked what experience the chosen attorneys had

in this type of litigation. Hooker explained Albert Ettinger is a sole practitioner who has successfully litigated several cases under the Clean Water Act and represented the Prairie Rivers Network and the Sierra Club. Hooker said David Wentworth had already successfully litigated with this landfill company to stop actions in Peoria.

Hooker stated the Mahomet Valley Water Authority a public body whose purpose is to protect the Mahomet Aquifer, had stated they were in opposition to the landfill and hired an attorney to represent them. The MVWA also hired a consultant who identified several concerns about misrepresentations made by the landfill company in their proposal.

Nudo supported the idea in general, however was concerned about the terms of commitment and costs if the case is appealed. Nudo said there were incorporated areas of the County, which should have some say about it as well. Nudo wanted to meet with all the government entities at once to determine their level of commitment. Nudo said this issue should have gone through Environment & Land Use first and then been presented to Finance. He did not feel it was urgent for the Committee of the Whole to make a decision now without further discussion and study. Alix asked if intergovernmental involvement could result in strengthening the terms of the permit if the EPA approves it. Hooker said there was no way to reduce the risk adequately by redesigning the landfill. Hooker said the permit applicant's proposal was reasonable given today's technology for landfills in general; however, there was nothing that could be done to eliminate the long-term risk.

Alix said he had some experience with PCB contamination and it was his experience that it was much harder to remove contamination from the soil than to keep it out in the first place. Alix added that by the time clean up is needed companies either do not have the funds or they are long gone. Alix stated when compared to the potential loss of millions of dollars in economic loss and clean up costs, \$14,000 was a small amount to pay. Anderson said the Environment & Land Use committee had discussed the landfill and were against it. Anderson felt that Champaign County should take the lead and not wait for participation from other counties.

James did not support the landfill permit, but was concerned about the cost of legal fees because they tend to escalate beyond the initial cost estimate and the taxpayer pays for it. Holderfield asked if other communities had litigated this type of case and won. Winstanley confirmed other communities in the United States had won this type of lawsuit. Kurtz reiterated the risks involved if the permit is approved and his support of the intergovernmental agreement against it. Nudo supported the idea but wanted to see specific language in the resolution outlining the County's commitment and responsibilities. Quisenberry inquired about the cost distribution and if it was based on populations alone. Hooker confirmed population was the basis for the distribution of costs. Quisenberry thought a more equitable distribution might be based on water usage.

**MOTION** by Betz to call the question; seconded by Cowart. Kurtz asked for a roll call vote. **Motion carried 13 to 10** Alix, Anderson, Betz, Cowart, Jay, Jones, Kurtz, Maxwell, McGinty, O'Connor, Quisenberry, Richards, and Rosales voted in favor of the motion and Ammons, Bensyl, Carter, Esry, Holderfield, James, Michaels, Nudo, Petrie, and Schroeder voted against the motion. Weibel abstained due to a conflict of interest.

There was no Chair's report.

Designation of Items to be Placed on County Board Consent Agenda

Items A1, A2, A5-8, A10-11 B1, C1-3, D1

**POLICY, PERSONNEL, & APPOINTMENTS**

Appointments/Reappointments

**MOTION** by Weibel to appoint John Dempsey to the Champaign Southwest MTD Board, Term 1/1/2012-12/31/2016; seconded by Quisenberry. **Motion carried 14 to 10** Carter, Esry, Holderfield, James, Jay, Maxwell, Michaels, Nudo, O'Connor, Petrie, Quisenberry, Weibel, Alix, and Bensyl voted in favor of the motion. Betz, Cowart, Jones, Kurtz, McGinty, Richards, Rosales, Schroeder, Ammons, and Anderson voted against the motion.

**MOTION** by Weibel to appoint Stan Jenkins as the Champaign County Supervisor of Assessments, Term 1/1/2012-11/30/2015; seconded by Kurtz. **Motion carried with unanimous support.**

**MOTION** by Weibel to appoint Deloris Henry and Aillin Dannave to the Champaign County Mental Health Board, Term 1/1/2012-12/31/2015; seconded by Cowart. **Motion carried with unanimous support.**

**MOTION** by Weibel to appoint Mark D. Bialeschki to the Two-Mile Slough Drainage District for an unexpired term ending 8/3/2014; seconded by Schroeder. **Motion carried with unanimous support.**

**MOTION** by Weibel to waive land ownership rule and appoint Steven Maddock to the Willow Branch Drainage District for an unexpired term ending 8/31/2014; seconded by Betz. **Motion carried with unanimous support.**

**MOTION** by Weibel to appoint Minor Jackson, Chris Bruns, and Elaine Palencia to the Rural Transportation Advisory Group, term 12/1/2011-11/30/2013; seconded by James. **Motion carried with unanimous support.**

**MOTION** by Weibel to appoint Giraldo Rosales as County Board Liaison to the ACCESS Initiative Coordinating Council, term 12/20/2011-11/30/2012; seconded by Nudo. Weibel said all reports from Rosales are to go through Richards, Deputy Chair of Justice and Social Services. **Motion carried with unanimous support.**

County Administrator

Recommended Revisions to Personnel Policy

Busey stated the recommended revisions to the Personnel Policy were to bring the policy into compliance with the current EEO legislative and legal guidelines. **MOTION** by Betz to approve the recommended revisions to the Personnel Policy; seconded by Esry. **Motion carried with unanimous support.**

County Clerk

Monthly & Semi-Annual Reports  
Establish Places of Election

**MOTION** by McGinty to receive the November 2011 Fees report and the Semi-Annual report and place on file; seconded by Quisenberry. **Motion carried with unanimous support.**

Bensyl left the meeting at 8:02 p.m.

**MOTION** by Weibel to approve the establishment of places of election: seconded by James. Weibel asked if the County Clerk had any information regarding the number of changes. Hulten explained the number of precincts increased from 117 to 118 due to redistricting and because St. Joseph now has three precincts, an additional polling place was needed. Hulten said a number of changes were also made to existing precinct boundaries, particularly to the outlying areas of the City of Champaign, City of Urbana, Champaign Township, Southwest City of Champaign, Urbana Township, and in Southeast Cunningham Township. Those changes shifted the population boundaries and new polling places were needed. Hulten stated more polling places were also added to handle the anticipated large voter turnout for the upcoming election. He also wanted to break-up some of the consolidated polling places to distribute the voter load. Hulten said they had the ability to run up to 102 polling places in Champaign County. He said this would have a minimum impact on the County Clerk's budget and it would be able to absorb the increased costs. Hulten said new voter registration cards containing all the new information would be distributed in January. **Motion carried with unanimous support.**

Other Business

Resolution Honoring Retired Zoning Board of Appeals Member Melvin Schroeder  
Question to Adopt an "Opt-Out" Program

**MOTION** by Cowart to approve a resolution honoring retired Zoning Board of Appeals member, Melvin Schroeder; seconded by Jay. **Motion carried with unanimous support.**

Weibel said he learned about the Opt-Out Program in October. Weibel learned that the City of Champaign, Savoy, and the City of Urbana had been pursuing this program for some time and planned to have a referendum this spring. Weibel wanted to join with the other entities to place the question on the ballot. Weibel highlighted the benefits of Municipal Electric Aggregation. He explained the law allows entities to combine purchasing power and purchase electricity as a group at the best price. He said it is only available to Ameren customers. Weibel said it is estimated to have a cost savings of up to 30% on electricity charges in the first year. He said once the referendum passed, individuals could opt out at any time. However, they could not opt back in.

**MOTION** by Petrie to approve a resolution authorizing the submission of a public question to adopt and "Opt-Out" program for the supply of electricity to residential and small commercial retail customers; seconded by Richards. Kurtz stated he would abstain from the vote due to a conflict of interest. Richards said this presented a great opportunity for the County. Maxwell asked the County Clerk about any additional costs and the deadline for approval in order to place the question on the ballot. Hulten stated the cut-off to place a question on the ballot was January 3, 2012 for the March primary. Hulten indicated his office would not begin creating ballots until the middle of January and he estimated the cost to be approximately \$10,000. More discussion followed. Ammons



stated she needed to abstain from the vote as well due to a possible conflict of interest. **Motion carried.**

#### Chair's Report

There was no Chair's report.

#### Designation of Items to be Placed on County Board Consent Agenda

Items A2, A3, A5, A6, A7, A8, B2, C3, and D1

### **JUSTICE & SOCIAL SERVICES**

#### Monthly Reports

**OMNIBUS MOTION** by James to receive reports of Animal Control-October 2011, Emergency Management Agency-November 2011, Head Start-November 2011, Public Defender-June 2011 through October 2011, Probation & Court Services-October 2011 and 3<sup>rd</sup> Quarter Juvenile Supervision and place on file; seconded by Jones. Richards explained the Public Defender's office has had issues since the JANO System became operational a little over a year ago. They experienced program and data entry issues in conjunction with one less employee. Richards said the glitches in the system had been addressed so the Public Defender's office should be able to supply their reports more regularly. Petrie asked why the Circuit Clerk and Coroner's reports were not up to date on the website. Busey explained these were elected officials and could be contacted directly regarding any concerns about their reports. Richards agreed. **Motion carried.**

#### Probation & Court Services Acceptance of Grant

**MOTION** by Ammons for approval of application and if awarded, acceptance of grant from the Illinois Criminal Justice Authority; seconded by Anderson. **Motion carried with unanimous support.**

#### Other Business

Ammons said Justice & Social Services should receive reports from ACCESS Initiative. Richards agreed and stated the appointment of Rosales as the County Board Liaison to the ACCESS Initiative Coordinating Council was a good first step in this direction.

#### Chair's Report

There was no Chair's report.

#### Designation of Items to be Placed on County Board Consent Agenda

Item B1

## **OTHER BUSINESS**

Weibel stated the RFP for the Courts sound and video arraignment system did not make the agenda. Busey explained the RFP is ready to be posted and she would like to bring it to the County Board meeting for approval as a committee item. Busey requested this action because they would like to bring a proposed contract to the Committee of the Whole in January and needed to proceed with the RFP as soon as possible to keep the project moving forward.

Alix understood that he and Quisenberry were to be involved in the creation of the RFP and neither he nor Quisenberry were contacted about it. Busey said she would present the RFP to Alix and Quisenberry for review prior to the release.

Nudo requested that the recording secretary change his vote to “yes” regarding the approval of the Intergovernmental Agreement Regarding the Clinton Landfill Permit. Betz said a motion to reconsider was needed from someone on the prevailing side. **MOTION** by Jay to reconsider the question on the approval of the Intergovernmental Agreement Regarding the Clinton Landfill Permit; seconded by Rosales. **Motion carried with unanimous support.**

A second roll call vote was taken for the approval of the Intergovernmental Agreement Regarding the Clinton Landfill Permit. Weibel abstained due to a conflict of interest. **Motion carried with a vote of 16 to 6.** Betz, Carter, Cowart, Holderfield, Jay, Jones, Kurtz, Maxwell, McGinty, Nudo, O’Connor, Quisenberry, Richards, Rosales, Schroeder, and Alix voted in favor of the motion and Esry, James, Michaels, Petrie, Ammons, and Anderson voted against it.

The meeting adjourned at 8:52 p.m.

Respectfully submitted,

Kay Rhodes  
Administrative Assistant

*Please note the minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.*