

CHAMPAIGN COUNTY BOARD COMMITTEE AGENDA

JOINT MEETING OF THE JUSTICE & SOCIAL SERVICES COMMITTEE AND THE POLICY, PERSONNEL, & APPOINTMENTS COMMITTEE

Brookens Administrative Center, Lyle Shields Meeting Room
1776 E. Washington, Urbana
Tuesday, September 11, 2007 – 7:00 p.m.

CHAIRS: Jan Anderson (Justice), Tom Betz (Policy)

MEMBERS: Justice: Carter, Gladney, Hogue, Hunt, James, Putman, Sapp, Tapley
Policy: Gross, Hogue, Hunt, Knott, McGinty, Moser, Putman, Schroeder

<u>ITEM</u>	<u>PAGE NO.</u>
I. <u>CALL TO ORDER</u>	
II. <u>ROLL CALL</u>	
III. <u>APPROVAL OF AGENDA/ADDENDUM</u>	
IV. <u>PUBLIC PARTICIPATION</u>	
V. <u>CHAMPAIGN COUNTY NURSING HOME</u>	
a. Recommendation to Adopt Bylaws Establishing a Governing Board for the Champaign County Nursing Home	1-9
b. Recommendation to Adopt a System of Nursing Home Administrator Employment Through a Management Consulting Service	
VI. <u>OTHER BUSINESS</u>	
VII. <u>ADJOURNMENT</u>	

BYLAWS
OF THE
EXECUTIVE COMMITTEE
CHAMPAIGN COUNTY, ILLINOIS

BYLAWS
OF THE
EXECUTIVE COMMITTEE
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CHAMPAIGN COUNTY, ILLINOIS

INTRODUCTION

The County of Champaign operates a nursing and rehabilitation facility known as Champaign County Nursing Home, hereinafter referred to as "The Home", located in Urbana, Illinois at 500 South Art Bartell Road. The County operates and maintains The Home in accordance with the statutes of the State of Illinois as they pertain to County Homes (Reference Counties Code 55 ILCS 5/1 - 1001 *et seq.* and Nursing Home Care Act 210 ILCS 45/1- 101 *et seq.*). The County of Champaign has elected to carry out its responsibilities for The Home through the Executive Committee. With these Bylaws, the County of Champaign establishes a formal governance process that the Committee, as the Operating Board for The Home, is to follow.

ARTICLE I
NAME AND PURPOSES

The name of the nursing and rehabilitation facility shall be Champaign County Nursing Home. The principal purpose of The Home shall be the offering of skilled nursing, rehabilitation, long-term dementia care, and adult day care.

ARTICLE II
GOVERNING AUTHORITY

Except as set forth in these Bylaws, the authority and ultimate responsibility for the operation of The Home shall rest with the Champaign County Board. Nothing in these Bylaws shall be interpreted to the contrary.

ARTICLE III
OPERATING AUTHORITY

Section I. POWERS

Except as otherwise provided by the Champaign County Board, these Bylaws, or applicable law, the activities and affairs of The Home shall be conducted and all powers shall be exercised by or under the direction of the Executive Committee, hereinafter referred to as the Operating Board and the members of the Operating Board referred to as Directors. It shall be the responsibility of the Operating Board to govern The Home according to all applicable laws and regulations and in such a manner that The Home is self-supporting, operating within its revenues and without County subsidy.

Section 2. NUMBER AND QUALIFICATION

The Operating Board shall consist of seven (7) persons. Directors shall be selected from Champaign County residents who possess the ability to participate effectively in the discharge of the Operating Board's responsibilities. Specific expertise in the health care field, generally, and in long-term care, specifically, is a desirable, but not an exclusive, criterion for qualification as a Director. At least two (2) Directors shall be members of the Champaign County Board.

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The Directors shall be elected by the Champaign County Board in February, except for the filling of vacancies as provided in Section 5 and 6 below.

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Each Director shall hold office for a term of one year. Each Director, including a Director elected to fill a vacancy, shall hold office until expiration of the term for which elected and until a successor has been elected and qualified. Directors may be re-elected to successive terms, provided no Director may serve for more than six (6) consecutive one (1) year terms without being off the Operating Board at least one year.

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Section 4. SPECIAL MEETINGS

Special meetings of the Operating Board for any purpose or purposes may be called at any time by the Chair or by any three (3) Directors.

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Notice of all meetings shall comply with the requirements set forth in Illinois law. Notice of the time and place of all meetings shall be delivered personally or by telephone to each Director or sent by first-class mail or telegram, charges prepaid, addressed to each Director at that Director's address as it is shown on the records of the corporation. In cases where the notice is mailed, it shall be deposited in the United States mail at least seven (7) days before the time of the holding of the meeting. In case the notice is delivered personally, or by telephone or telegram, it shall be delivered personally or by telephone to the telegraph company at least forty-eight (48) hours before the time of the holding of the meeting. Any oral notice given personally or by telephone may be communicated either to the Director or to a person at the office of the Director who the person giving the notice has reason to believe will promptly communicate it to the Director. The notice need not specify the purpose of the meeting nor the place if the meeting is to be held at The Home. The time period for notices of organizational meetings of the Operating Board shall be as stated above, but extended by seven (7) days.

Section 6. QUORUM

A majority of the Operating Board shall constitute a quorum for the transaction of business at any meeting of the Operating Board, but if fewer than a majority thereof are present at the meeting, a majority of the Directors present may adjourn and reconvene the meeting from time to time without further notice.

Section 7. VALIDATION OF MEETING

The transactions of the Operating Board at any meeting, however called or noticed, or wherever held, shall be as valid as though they convened a meeting duly held aftercall and notice if a quorum be present and if, either before or after the meeting, each Director not present signs a written waiver of notice or a consent to the holding of such meeting or an approval of the minutes thereof. All such waivers, consents or approvals shall be filed with The Home records and made a part of the minutes of the meeting.

Section 8. ATTENDANCE AT MEETINGS

Minutes shall be kept of all meetings of the Operating Board with a copy forwarded to the Champaign County Board.

ARTICLE V
OFFICERS

Section 1. OFFICERS

The officers of the Operating Board shall be a Chair and a Vice-Chair.

Section 2. ELECTION OF OFFICERS

The officers of the Operating Board shall be elected annually by the Operating Board at its organizational meeting for a term of one year or until he or she shall resign or shall be removed, or otherwise disqualified to serve, or his or her successor shall be elected and qualified. Elections shall be by written ballot. Officers shall be limited to two (2) consecutive one (1) year terms in the same office.

Section 3. REMOVAL OF OFFICERS

Any officer may be removed either with or without cause by a majority of the Directors then in office at any regular or special meeting of the Operating Board. Should a vacancy occur in any office as a result of death, resignation, removal, disqualification or any other cause, the Operating Board will elect a successor at its next meeting or as soon as practicable thereafter.

Section 4. CHAIR

The Chair shall preside at all meetings of the Board, serve as an ex-officio member of all standing committees, and report annually to the Operating Board and to the Champaign County Board on the current state of The Home and plans for the future. The Chair shall be empowered to call special meetings of the Operating Board as set forth herein, and shall discharge all other duties as may be required by these Bylaws and from time to time as may be assigned by the Operating Board and the Champaign County Board.

Section 5. VICE-CHAIR

In the absence or disability of the Chair, the Vice-Chair shall perform all the duties of the Chair and when so acting shall have all the powers of and be subject to all the restrictions upon the Chair.

Section 6. ADMINISTRATOR

The Administrator, in accordance with Operating Board policy, shall have the general overall supervision of The Home affairs and shall act as the duly authorized representative of the Operating Board in all matters in which the Operating Board has not formally designated some other person to act. The Administrator shall have the right to appoint such subordinate administrative individuals as he/she deems necessary or desirable to insure the efficient conduct of the business and operations of The Home.

If no Operating Officer has been designated, the Administrator shall act as the Operating Officer as hereinafter defined.

Section 7. OPERATING OFFICER

The Operating Officer shall be designated by the Operating Board upon the recommendation of the Administrator. The Operating Officer shall report to and be responsible to the Administrator and shall perform the duties associated with the day-to-day administration of the facilities and shall serve as the Assistant Administrator. In the absence of the Administrator, the Operating Officer shall perform the duties of the Administrator.

ARTICLE VI
COMMITTEES

Section 1. COMMITTEES GENERALLY

Except as otherwise provided by these Bylaws, the Operating Board may, by resolution or resolutions passed by a majority of the Directors thereof, appoint standing or special Committees for any purpose and, if such Committees are comprised solely of Directors, delegate to such Committees any of the powers and authority of the Operating Board, except the power and authority to adopt, amend, or repeal these Bylaws, or such other powers as may be prohibited by law or by these Bylaws. Such Committees shall have power to act only in intervals between meetings of the Operating Board and shall at all times be subject to the control of the Operating Board. The Operating Board, or if the Operating Board does not act, the Committees, shall establish rules and regulations for meetings and shall meet at such times as are deemed necessary, provided the provisions of Section 5, 6, and 7 of Article I V (*Meetings of the Operating Board*) shall apply to Committee meetings. Committees shall keep regular minutes of proceedings and report the same to the Operating Board from time to time as the Operating Board may require. Any Committee not appointed pursuant to the provisions of the first sentence of this Section or composed of persons, one or more of whom are not Directors, may act solely in an advisory capacity to the Operating Board. Except as otherwise provided in these Bylaws, the Chair shall appoint Committee Members and designate the chair of the Committee.

Section 2. NOMINATING COMMITTEE

The Nominating Committee shall consist of at least three (3) persons appointed by the Chair of the Operating Board. This Committee shall have the responsibility of maintaining a roster of qualified persons for recommendation to the Champaign County Board to serve as Directors. In the absence of a Nominating Committee, the Operating Board shall have the responsibility of maintaining a roster of qualified persons for recommendation to the Champaign County Board to serve as Directors.

Section 3. TERM OF OFFICE

The Chair, and each member of any Operating Board committee, shall serve until the next annual election of Directors, and until his or her successor is appointed, or until such committee is sooner terminated, or until he or she is removed, resigns, ceases to be a Director of the Operating Board, or otherwise ceases to qualify as a Chairman or Director, as the case may be, of the Operating Board.

Section 4. VACANCIES

Vacancies on any Committee may be filled for the unexpired portion of the term in the same manner as provided in the case of original appointment.

Section 5. EXPENDITURES

Any expenditure of The Home funds by a Committee shall require prior approval of the Operating Board.

ARTICLE VII
QUALITY OF NURSING & RELATED SERVICES

Section 1. OPERATING BOARD'S RESPONSIBILITY

The Operating Board shall require: (a) that the Nursing Staff prepare and maintain adequate and accurate medical records for all patients, and (b) that the person responsible for each basic and supplemental medical service cause written policies and procedures to be developed and maintained and

that such policies be approved by the Operating Board. The Operating Board shall further require, after considering the recommendations of the Nursing Staff, the conduct of specific review and evaluation activities to assess, preserve, insure, and improve the overall quality and efficiency of patient care at The Home and to assure the provision of a single standard of care for patients with the same diagnosis, which assurance is provided by holding The Home staff accountable for its delegated responsibilities in areas of utilization review, and quality assurance. The Operating Board shall provide whatever administrative assistance is reasonably necessary to support and facilitate the implementation and the ongoing operation of these review and evaluation activities.

Section 2. ACCOUNTABILITY TO OPERATING BOARD

The Home staff shall conduct and be accountable to the Operating Board for conducting activities that contribute to the preservation and improvement of the quality and efficiency of patient care provided in The Home. Without limiting the generality of the foregoing, these activities shall include:

- a) The conduct of periodic meetings at regular intervals to review and evaluate the quality of patient care and the correction of identified problems;
- b) Ongoing monitoring of patient care practices through the defined functions of the Nursing Staff, other professional services and The Home administration;
- c) Review of utilization of The Home's medical resources to provide for their allocation to meet the needs of the patients; and
- d) Such other measures as the Operating Board may, after considering the advice of the Nursing Staff, other professional services and The Home administration, deem necessary for the preservation and improvement of the quality and efficiency of patient care.

Section 3. DOCUMENTATION

The Operating Board shall require, receive, consider and act upon the findings and recommendations emanating from the activities required by Section 2 of this Article. All such findings and recommendations shall be in writing, assigned by the persons responsible for conducting the review activities and supported and accompanied by appropriate documentation upon which the Operating Board can take informed action.

ARTICLE VIII ADJUNCT ORGANIZATIONS

From time to time The Home may establish adjunct organizations, including advisory bodies, foundations, and auxiliaries. Each such group shall establish its own Bylaws and rules and regulations and present them to the Operating Board for approval, and all amendments thereto shall also be subject to the approval of the Operating Board. The Bylaws of the Executive Committee shall prevail and govern over the documents and actions of such adjunct and subordinate groups.

ARTICLE IX INDEMNIFICATION

The County of Champaign shall indemnify its Directors, officers, agents, employees, and appointees who are or were parties or who are threatened to be made parties to any proceeding against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in

connection with such proceeding in accordance with and subject to the limitations prescribed by the Constitution of the State of Illinois of 1970, applicable State law, and the current Champaign County Indemnity Policy, as modified from time to time.

The County of Champaign shall also have the power to maintain/provide insurance on behalf of its Directors, officers, agents, employees, and appointees against any liability asserted against or incurred by them in their capacity as such Director, officer, agent, employee, or appointee arising out of their status as such whether or not the County would have the power to indemnify against such liability.

ARTICLE X

GENERAL PROVISIONS

Section 1. EXECUTION OF CONTRACTS

The Operating Board, except as in these Bylaws or otherwise provided, may authorize an officer or officers, agent or agents, to enter into any contract or execute any instrument in the name of and on behalf of The Home, and such authority may be general or confined to specific instances, and unless so authorized by the Operating Board, no officer, agent or employee shall have any power or authority to bind The Home by any contract or engagement or to pledge its credit or to render it liable for any purpose or in any amount. The execution of any contract is subject to, and bound by, current Champaign County Purchasing Policy.

Section 2. COMPENSATION OF OFFICERS AND DIRECTORS

The members of the Operating Board and the officers shall serve without compensation. The Administrator and operating Officer shall be entitled to receive such compensation for services rendered as determined by the Operating Board from time to time. Directors may be compensated for reasonable expenses incurred in the fulfillment of their responsibilities to The Home.

Section 3. INSPECTION OF RECORDS

The records of The Home are subject to the Freedom of Information Act 5 ILCS 140/1 *et seq.* Consistent with the requirements, rules, and procedures contained in the ILCS FOIA, the books of account of The Home and minutes of proceedings of the Operating Board shall be open pursuant State law. Such inspection may be made in person or by an agent or attorney and shall include the right to make extracts. Demand of inspection other than at a meeting of the Champaign County Board shall be made in writing, addressed to the Chair of the Operating Board.

Section 4. ANNUAL REPORT

The Operating Board shall cause an annual report to be sent to the Champaign County Board no later than 120 days after the close of the fiscal year.

ARTICLE XI
POWERS OF THE CHAMPAIGN COUNTY BOARD

The following powers are reserved exclusively to the Champaign County Board, and any attempted exercise of any such powers by any entity other than the Champaign County Board shall not be valid or of any force or effect whatsoever:

1. To change the mission and purposes of The Home for which it was and is formed and exists,
2. To elect the members of the Operating Board and to remove the same without cause,
3. To amend, alter, modify or repeal these Bylaws,
4. To merge, consolidate, or affiliate The Home with another corporation, organization or program,
5. To dissolve or terminate the existence of The Home and to determine the distribution of assets upon such termination or dissolution,
6. To require a certified audit of The Home at any time and to appoint the fiscal auditor.

ARTICLE XII
ACTION REQUIRING APPROVAL BY THE CHAMPAIGN COUNTY BOARD

Actions initiated by the Operating Board on the following matters can be authorized by and shall be effective only upon the prior written assent of a statutory majority of the Champaign County Board:

1. The acquisition, purchase, sale, lease, transfer or encumbrance of any real estate or of any substantial part of other assets of The Home,
2. Any increment or additions to the capital debt or to renegotiate, modify or otherwise change the existing capital debt obligations of The Home,
3. Any borrowing not indicated in the capital or operating budgets of The Home, and
4. The adoption of the annual operating and capital budgets of The Home or any changes thereto.

ARTICLE XIII
AMENDMENTS AND REVIEW

These Bylaws, or any part thereof, may be amended, modified or repealed, or new Bylaws may be adopted by the vote or written assent of a majority of the Champaign County Board.

**ATTACHMENTS GIVEN
TO THE COMMITTEE
AT THE MEETING**

**JOINT MEETING OF THE
JUSTICE & SOCIAL SERVICES
COMMITTEE & THE POLICY,
PERSONNEL, & APPOINTMENTS
COMMITTEE
SEPTEMBER 11, 2007**

Contents:

1. PowerPoint Presentation by Nursing Home Administrator – Agenda Items V A & B
2. Revised Bylaws of the Executive Committee – Agenda Item V A
3. AFSCME's Memo about the Nursing Home – Public Participation
4. Tony Fabri's Memo about the Nursing Home – Public Participation

Governance and Leadership

Champaign County
Nursing Home

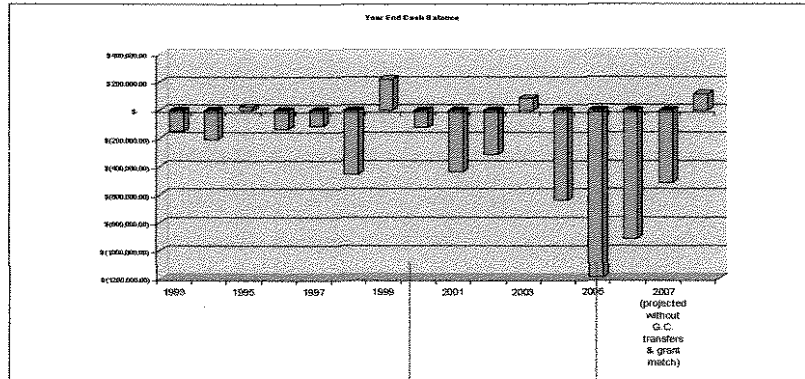
1

Successful Governance Structure

- Support
 - Constant presence
 - Objectivity
 - Industry specific expertise: finance, operations, clinical management
- Stability
 - Internal experts who know the operation
 - Seamless leadership transition
 - Predictable financial results
- Vision, mission
 - Where we are going
 - Why we are going there
- Strategic plans
 - How we will get there

2

CCNH Financial History



Joan Darr

Jeremy Maupin

Andrew Buffenbarger

Stability

- Turnover and regulatory/organizational changes have the greatest impact on stand alone facilities.
- *FY1998*
 - Prospective payment system
 - Caps placed on Medicare payments.
 - Facility lost \$452,000.
- *FY2004 – FY2007*
 - New collective bargaining agreement provided overtime after eight hours and guaranteed wage increases for three years.
 - Facility exhausted its resources, losing \$3 million in three years.

Stability

- *FY2000-FY2002*
 - Transition from Joan Darr to Jeremy Maupin.
 - Subsequent learning curve in stand alone operation.
 - Facility lost \$870,000.
- *FY2005-FY2006*
 - Transition from Jeremy Maupin to Andrew Buffenbarger.
 - Facility lost \$2.1 million.

5

CCNH Problem

- Inconsistent, unpredictable financial performance.
- Inconsistent clinical performance.
- Complete reliance on single figure head – Administrator – for strategy and management.
- No infrastructure to support the business.

6

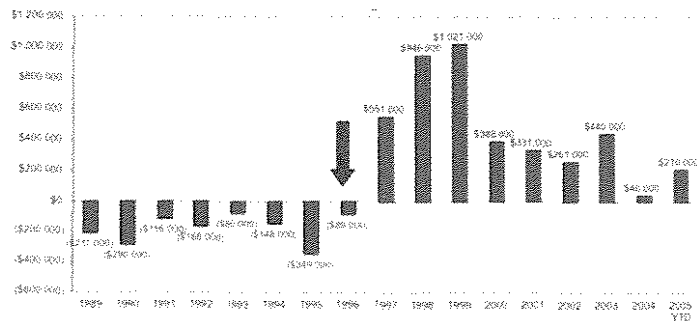
Due Diligence

- Andrew Buffenbarger, CCNH Administrator and Deb Busey, County Co-Administrator found a self-sufficient county nursing home.
- We made an on-site visit, interviewed the Dekalb County Administrator, the Nursing Home Administrator, and toured the facility.
- Andrew interviewed the consulting firm that participates in management of the Dekalb County Home.

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Dekalb County Found Solutions

- Dekalb County Rehab & Nursing Center
- 194-bed skilled nursing facility



8

Highlights

- No subsidies
- Support their own debt
 - Built a new facility in 2000
 - \$4+ million fund balance
 - Fully funded depreciation account
- Care outcomes
 - Outstanding survey history
 - Most recent survey included only two deficiencies (state average is seven)
 - Strong census

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Keys to Success

- Operating Board
 - Use a collection of local healthcare professionals and two Board members to review and guide nursing home operations.
- Management Performance Associates
 - Contract with MPA to provide constant support to facility leadership team.

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Operating Board

- Seven member board
 - Local healthcare professionals & two County Board members. Selected by the Champaign County Board.
 - Review the operations in detail including financial and clinical performance.
 - Set short and long range goals in sync with our mission.

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Operating Board

- Actions requiring County Board approval
 - Acquisition, purchase, sale, lease, transfer, or encumbrance of any real estate of any substantial part of other assets of the Home.
 - Additions or changes to capital debt.
 - Borrowing not indicated in the annual operating budget.
 - Adoption of an annual operating and capital budget.

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Management Performance Associates

- MPA provided the Operational Audit in January, 2007.
- CCNH implemented most of the recommendations. Financial outlook improved dramatically.
- Engaged by Dekalb County in 1997, became the Administrator of record, and stabilized the care and finances within 24 months.

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Management Performance Associates

- Owners Michael Scavotto and Scott Gima.
- Micheal Scavatto, MHA
 - Former hospital administrator.
 - Current instructor for Washington University School of Medicine Graduate Program in Health Administration.
 - Served as Dekalb County Administrator for turnaround and currently participates in the day-to-day operations. Credited with making Dekalb County the premier provider in their area, including building a replacement 194-bed facility. Current Home Manager.
- Scott Gima BSN, MHA
 - Registered Nurse
 - Manager of Monroe County Nursing Home.
 - Planned and led construction of a replacement 211-bed facility.
 - Consistently positive financial and clinical results within 24-months.
 - Manager of Livingston County Nursing Home
 - 122-bed skilled nursing facility

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Solutions

- Revised governance structure
 - Executive Committee
 - Local industry experts
 - Owner/administrator of a non-profit health organization, owner/administrator of a for-profit health organization, banking/finance, and a clinician (nurse or physician).
 - Monthly meetings
 - Review financial and clinical performance.
 - Discuss facility initiatives.
 - Develop long-range operating plans.

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Solutions

- Revised employment agreement
 - Administrator employed through a consulting firm.
 - Same face, same or improved results.
 - Constant access to industry professionals.
 - Insulate the county against Administrator turnover and/or poor performance.

16

Recommendation

- Deb and Andrew recommend adopting the governance structure outlined in slides 15 & 16.
- We are convinced that this structure will secure the long-term viability of the Home while protecting the county from financial exposure related to ownership.

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Notice of all meetings shall comply with the requirements of the Illinois Open Meetings Act. Notice of the time and place of all meetings shall be delivered personally or by telephone to each Director or sent by first-class mail, addressed to each Director at that Director's address as maintained by the County Board Office. In cases where the notice is mailed, it shall be deposited in the United States mail at least seven (7) days before the time of the holding of the meeting. In case the notice is delivered personally, or by telephone or e-mail, it shall be delivered personally or by telephone or e-mail at least forty-eight (48) hours before the time of the holding of the meeting. Any oral notice given personally or by telephone may be communicated either to the Director or to a person at the office of the Director who the person giving the notice has reason to believe will promptly communicate it to the Director. The notice shall be prepared in compliance with the Illinois Open Meetings Act. The time period for notices of organizational meetings of the Operating Board shall be as stated above, but extended by seven (7) days.

Section 6. QUORUM

A majority of the Operating Board shall constitute a quorum for the transaction of business at any meeting of the Operating Board, but if fewer than a majority thereof are present at the meeting, a majority of the Directors present may adjourn and reconvene the meeting, as long as notice of the reconvened meeting is given in compliance with the Illinois Open Meetings Act.

Section 7. ATTENDANCE AT MEETINGS

Minutes shall be kept of all meetings of the Operating Board with a copy forwarded to the Champaign County Board.

ARTICLE V
OFFICERS

Section 1. OFFICERS

The officers of the Operating Board shall be a Chair and a Vice-Chair.

Section 2. ELECTION OF OFFICERS

The officers of the Operating Board shall be elected annually by the Operating Board at its organizational meeting for a term of one year or until he or she shall resign or shall be removed, or

otherwise disqualified to serve, or his or her successor shall be appointed and qualified. Officers shall be limited to two (2) consecutive one (1) year terms in the same office.

Section 3. REMOVAL OF OFFICERS

Any officer may be removed either with or without cause by a majority of the Directors then in office at any regular or special meeting of the Operating Board. Should a vacancy occur in any office as a result of death, resignation, removal, disqualification or any other cause, the Operating Board will elect a successor at its next meeting or as soon as practicable thereafter.

Section 4. CHAIR

The Chair shall preside at all meetings of the Board, serve as an *ex-officio* member of all standing committees, and report annually to the Operating Board and to the Champaign County Board on the current state of The Home and plans for the future. The Chair shall be empowered to call special meetings of the Operating Board as set forth herein, and shall discharge all other duties as may be required by these Bylaws and from time to time as may be assigned by the Operating Board and the Champaign County Board.

Section 5. VICE CHAIR

In the absence or disability of the Chair, the Vice Chair shall perform all the duties of the Chair and when so acting shall have all the powers of and be subject to all the restrictions upon the Chair.

Section 6. ADMINISTRATOR

The Administrator, in accordance with Operating Board policy, shall have the general overall supervision of The Home affairs and shall act as the duly authorized representative of the Operating Board in all matters in which the Operating Board has not formally designated some other person to act. The Administrator shall have the right to appoint such subordinate administrative individuals as he/she deems necessary or desirable to ensure the efficient conduct of the business and operations of The Home.

If no Operating Officer has been designated, the Administrator shall act as the Operating Officer as hereinafter defined.

Section 7. OPERATING OFFICER

The Operating Officer shall be designated by the Operating Board upon the recommendation of the Administrator. The Operating Officer shall report to and be responsible to the Administrator and shall perform the duties associated with the day-to-day administration of the facilities and shall serve as the Assistant Administrator of the Home. In the absence of the Administrator, the Operating Officer shall perform the duties of the Administrator.

ARTICLE VI **COMMITTEES**

Section 1. COMMITTEES GENERALLY

Except as otherwise provided by these Bylaws, the Operating Board may, by resolution or resolutions passed by a majority of the Directors thereof, appoint standing or special Committees for

any purpose and, if such Committees are comprised solely of Directors, delegate to such Committees any of the powers and authority of the Operating Board, except the power and authority to adopt, amend, or repeal these Bylaws, or such other powers as may be prohibited by law or by these Bylaws. Such Committees shall have power to act only in intervals between meetings of the Operating Board and shall at all times be subject to the control of the Operating Board. The Operating Board, or if the Operating Board does not act, the Committees, shall establish rules and regulations for meetings and shall meet at such times as are deemed necessary, provided the provisions of Section 5, 6, and 7 of Article I V (*Meetings of the Operating Board*) shall apply to Committee meetings. Committees shall keep regular minutes of proceedings and report the same to the Operating Board from time to time as the Operating Board may require. Any Committee not appointed pursuant to the provisions of the first sentence of this Section or composed of persons, one or more of whom are not Directors, may act solely in an advisory capacity to the Operating Board. Except as otherwise provided in these Bylaws, the Chair shall appoint Committee Members and designate the chair of the Committee.

Section 2. NOMINATING COMMITTEE

The Nominating Committee shall consist of at least three (3) persons appointed by the Chair of the Operating Board. This Committee shall have the responsibility of maintaining a roster of qualified persons for recommendation to the Champaign County Board to serve as Directors. In the absence of a Nominating Committee, the Operating Board shall have the responsibility of maintaining a roster of qualified persons for recommendation to the Champaign County Board to serve as Directors.

Section 3. TERM OF OFFICE

The Chair, and each member of any Operating Board committee, shall serve until the next annual election of Directors, and until his or her successor is appointed, or until such committee is sooner terminated, or until he or she is removed, resigns, ceases to be a Director of the Operating Board, or otherwise ceases to qualify as a Chairman or Director, as the case may be, of the Operating Board.

Section 4. VACANCIES

Vacancies on any Committee may be filled for the unexpired portion of the term in the same manner as provided in the case of original appointment.

Section 5. EXPENDITURES

Any expenditure of The Home funds by a Committee shall require prior approval of the Operating Board.

ARTICLE VII
QUALITY OF NURSING & RELATED SERVICES

Section 1. OPERATING BOARD'S RESPONSIBILITY

The Operating Board shall require: (a) that the Nursing Staff prepare and maintain adequate and accurate medical records for all patients, and (b) that the person responsible for each basic and supplemental medical service shall cause written policies and procedures to be developed and maintained and that such policies be approved by the Operating Board. The Operating Board shall further require, after considering the recommendations of the Nursing Staff, the conduct of specific review and evaluation activities to assess, preserve, insure, and improve the overall quality and efficiency of patient care at The Home and to assure the provision of a single standard of care for patients with the same diagnosis, which assurance is provided by holding The Home staff accountable for its delegated responsibilities in areas of utilization review, and quality assurance. The Operating

Board shall provide whatever administrative assistance is reasonably necessary to support and facilitate the implementation and the ongoing operation of these review and evaluation activities.

Section 2. ACCOUNTABILITY TO OPERATING BOARD

The Home staff shall conduct and be accountable to the Operating Board for conducting activities that contribute to the preservation and improvement of the quality and efficiency of patient care provided in The Home. Without limiting the generality of the foregoing, these activities shall include:

- a) The conduct of periodic meetings at regular intervals to review and evaluate the quality of patient care and the correction of identified problems;
- b) Ongoing monitoring of patient care practices through the defined functions of the Nursing Staff, other professional services and The Home administration;
- c) Review of utilization of The Home's medical resources to provide for their allocation to meet the needs of the patients; and
- d) Such other measures as the Operating Board may, after considering the advice of the Nursing Staff, other professional services and The Home administration, deem necessary for the preservation and improvement of the quality and efficiency of patient care.

Section 3. DOCUMENTATION

The Operating Board shall require, receive, consider and act upon the findings and recommendations emanating from the activities required by Section 2 of this Article. All such findings and recommendations shall be in writing, assigned by the persons responsible for conducting the review activities and supported and accompanied by appropriate documentation upon which the Operating Board can take informed action.

ARTICLE VIII ADJUNCT ORGANIZATIONS

From time to time The Home may establish adjunct organizations, including advisory bodies, foundations, and auxiliaries. Each such group shall establish its own Bylaws and rules and regulations and present them to the Operating Board for approval, and all amendments thereto shall also be subject to the approval of the Operating Board. The Bylaws of the Executive Committee shall prevail and govern over the documents and actions of such adjunct and subordinate groups.

ARTICLE IX INDEMNIFICATION

The County of Champaign shall indemnify its Directors, officers, agents, employees, and appointees who are or were parties or who are threatened to be made parties to any proceeding against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding in accordance with and subject to the limitations prescribed by the

Constitution of the State of Illinois of 1970, applicable State law, and the current Champaign County Indemnity Policy, as modified from time to time.

The County of Champaign shall also have the power to maintain/provide insurance on behalf of its Directors, officers, agents, employees, and appointees against any liability asserted against or incurred by them in their capacity as such Director, officer, agent, employee, or appointee arising out of their status as such whether or not the County would have the power to indemnify against such liability.

ARTICLE X **GENERAL PROVISIONS**

Section 1. EXECUTION OF CONTRACTS

The Operating Board, except as in these Bylaws or otherwise provided, may authorize an officer or officers, agent or agents, to enter into any contract or execute any instrument in the name of and on behalf of The Home, and such authority may be general or confined to specific instances, and unless so authorized by the Operating Board, no officer, agent or employee shall have any power or authority to bind The Home by any contract or engagement or to pledge its credit or to render it liable for any purpose or in any amount. The execution of any contract is subject to, and bound by, current Champaign County Purchasing Policy.

Section 2. COMPENSATION OF OFFICERS AND DIRECTORS

The members of the Operating Board and the officers shall serve without compensation. The Administrator and Operating Officer shall be entitled to receive such compensation for services rendered as determined by the Operating Board from time to time. Directors may be compensated for reasonable expenses incurred in the fulfillment of their responsibilities to The Home.

Section 3. INSPECTION OF RECORDS

The records of The Home are subject to the Illinois Freedom of Information Act 5 ILCS 140/1 *et seq.* Consistent with the requirements, rules, and procedures contained in the Freedom of Information Act, the books of account of The Home and minutes of proceedings of the Operating Board shall be open pursuant State law and maintained at the Home. Any requests under the Freedom of Information Act are to be made and answered in compliance with County Board Resolution No. 5570 Establishing Champaign County Rules and Procedures regarding the Freedom of Information Act.

Section 4. ANNUAL REPORT

The Operating Board shall cause an annual report to be sent to the Champaign County Board no later than 120 days after the close of the fiscal year.

ARTICLE XI **POWERS OF THE CHAMPAIGN COUNTY BOARD**

The following powers are reserved exclusively to the Champaign County Board, and any attempted exercise of any such powers by any entity other than the Champaign County Board shall not be valid or of any force or effect whatsoever:

1. To change the mission and purposes of The Home for which it was and is formed and exists,
2. To elect the members of the Operating Board and to remove the same without cause,
3. To amend, alter, modify or repeal these Bylaws,
4. To merge, consolidate, or affiliate The Home with another corporation, organization or program,
5. To dissolve or terminate the existence of The Home and to determine the distribution of assets upon such termination or dissolution,
6. To ratify and approve any and all collective bargaining agreements,
7. To require a certified audit of The Home at any time and to appoint the fiscal auditor.

ARTICLE XII
ACTION REQUIRING APPROVAL BY THE CHAMPAIGN COUNTY BOARD

Actions initiated by the Operating Board on the following matters can be authorized by and shall be effective only upon the prior written assent of a statutory majority of the Champaign County Board:

1. The acquisition, purchase, sale, lease, transfer or encumbrance of any real estate or of any substantial part of other assets of The Home,
2. Any increment or additions to the capital debt or to renegotiate, modify or otherwise change the existing capital debt obligations of The Home,
3. Any borrowing not indicated in the capital or operating budgets of The Home, and
4. The adoption of the annual operating and capital budgets of The Home or any changes thereto.

ARTICLE XIII
AMENDMENTS AND REVIEW

These Bylaws, or any part thereof, may be amended, modified or repealed, or new Bylaws may be adopted by the vote or written assent of a majority of the Champaign County Board.

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Secretary
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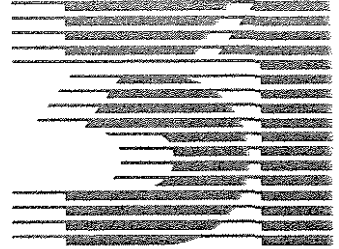
Treasurer
Caryl Wadley-Foy

Executive Board
Gloria Arseneau
Alyce Bond
Randy Dominic
Robert Fanti
David Ford
Richard Heitz
Randy Hellmann
Kenneth Kleinlein
Gary Kroeschel
Troy Milligan
David Morris
Patricia Ousley
Kim Pahlmann
Ralph Portwood
Barb Reardon
Sam Rossi
Edward Schwartz
Denise Slaughter
Russell Stunkel
Raymond Summers
Tom Van den Eeden
Michael Vanover
Laverne Walker
Trudy Williams

Retires President
Doris Clark

Trustees
Hector Cruz
Kathy Lane

American Federation
of State, County and
Municipal Employees,
AFL-CIO



Champaign County Nursing Home

Serious Questions need to be answered about the proposed drastic change

Why is this privatization new structure being rushed through without a real community debate?

Five years ago the public voted to make the care for the elderly and this Nursing Home a public priority. So why is this proposal being rushed through with an unannounced meeting last week and tonight's quickly scheduled agenda? Major changes should be carefully considered, full advertised to the community and not rushed through.

What kind of county do we want?

Care for the elderly and disabled is a special responsibility of government, particularly when residents can't otherwise afford needed care. Turning over this responsibility to a private contractor whose first concern is profit versus people is not what most community members want. Naturally we want efficiency. Naturally we want a well run operation. But we can have that with a public administration. As Enron and countless other examples have shown, there is nothing magic about the private sector that leads it to do things better.

If the nursing home administration gets privatized, will the same rationale be used to privatize the highway department, the state's attorney office, or probation?

Why should we embark on a new plan with unknown consequences when the current plan is working?

In November 2006, the FY 2007 County budget contained a reference to the plan to turn around the financial problems at the Nursing Home. It said, "These initiatives, and the opportunity provided with the move to the new facility in early 2007, are expected to turn the budget deficit years experienced by the Champaign County Nursing Home around.

In May 2007, during bargaining, management gave us a presentation that reviewed management's turn around plan for the Nursing Home. They said that the "End Result- We should be able to break even or come out ahead each year with this arrangement." The financial statement given to the County Board members in September shows a cash surplus in the last quarter of this year. All of which raises the question- why change the current structure.

In September, 2007 County board members were given a PowerPoint presentation with a slide that showed a surplus in FY 2008.

All projections show that the current plan is producing the desired results.

Problems and Solutions- What problems will be solved by the proposed creation of an Operating Board? What problems are at issue?

The problems cited in handout from last week include:

- “Inconsistent, unpredictable, financial performance”
In fact the financial picture has been consistently improving
- “Inconsistent clinical performance”
In fact the clinical performance has been consistently improving.
- “Complete reliance on a single Administrator for strategy and management”
Aren't administrators supposed to be concerned with both strategy and management?
If there is a need for the County to hire an additional person, why set up a Board to do it
- “No infrastructure to support business”
How is an Operating Board going to give more infrastructure than the current County Board and committees?

Problems and Solutions- Expertise

The solutions cited in handout from last week do not match the problems cited above. Of the solutions listed one includes “a revised governance structure” to include an “Executive Committee” with local industry experts to include owners of non-profit and for profit health organizations, bankers and clinicians.

In fact, the County already has expertise – including persons with experience in nursing, finance, business, etc. Who on the current county Boards are they saying is not qualified?

Moreover, since the Operating Board would consist of volunteers, if there were local experts who wanted to weigh in with opinions on any matter, they can still do that on a regular basis through the current processes of Board Committee meetings, etc.

Problems and Solutions- Regular Meetings

The solutions cited in handout from last week do not match the problems cited above. The solutions listed include regular meetings to review performance and discuss initiatives and plans.

This level of democracy already exists in the County committees.

Problems and Solutions- "Revised Employment" for Andrew

The solutions listed include a revised employment agreement- "Administrator employee through a consulting firm" "Same face, same or improved results"; "Constant access to industry professionals"; "Insulate the county against Administrator turnover and/or poor performance".

Andrew Buffenbarger is the current CCNH Administrator.

- *How is it possible for those who are pushing this proposal to say that Andrew will be hired by a company that has not yet been hired by a new Operating Board?*
- *Has a deal been done that the people have not been told about?*
- *Is there intent to avoid the legally required RFP process?*
- *Does the company Management Performance Associates think that it is an unfair insider's track to be the company who gets the contract?*

Last week, those who are pushing this proposal passed out a PowerPoint presentation that showed that when Jeremy Maupin took over as Administrator from Joan Derr- there was a learning curve that cost the County \$870,000 over two years. When Andrew Buffenbarger took over, his learning curve cost the County \$2.1 Million over one year.

If the problem is one of competence, then that problem will not be resolved the "same face".

Learning curves happen in both the public and private sector and no change to an Operating Board or a privately run administration will change that.

The current administrator has a number of social and professional ties/ access to "industry professionals". The current consulting contract with Management Professional Associates is but one small example of that.

Obtaining advice does not require privatization.

Privatization is not required to insulate the County from an Administrator's poor performance. Any system of review and evaluation of performance can accomplish the same task.

Due Diligence still needs to be done

Last week's PowerPoint presentation says that "due diligence" was done when Deb Busey and Andrew Buffenbarger went to visit a DeKalb nursing home. However, real due diligence is a much more rigorous process of analysis than would be the case in a visit and review of a couple of documents. What is required is a thorough and critical analysis- not a review by someone who has apparently already been promised a job with a contractor of the proposed new entity.

Public Accountability – Who would have the power to remove bad Operating Board members?

Once established, only the Operating Board can remove members of the Operating Board. The Council Board will not have that authority. Is that the type of democracy we want?

Public Accountability- Who will watch the money

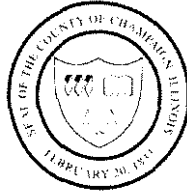
What role will the County Auditor have in reviewing and approving expenditures? It would appear that one of the objectives of the new Operating Board would be to get away from the public oversight of the Auditor. This is not a good government practice and can lead to problems.

Is the aim of this endeavor to attack the union? This company seems to have an ideological bias against workers having unions. In their January 2007 report "Champaign County Nursing Home Operational Audit Report" they used the old tired phrases of the right wing that have nothing to do with reality- "the union protects repeat offenders", "the current union contract is burdensome", etc. They recommended going to outside third parties for legal representation in negotiations despite having competent internal talent that knows the Nursing Home. Now they want to move to Operating Board that will have "more flexibility" in day to day operations.

Will this proposed new management result in fewer workers, greater turn over and turmoil for residents?

In 2004 when Management Performance Associates got a contract to administer the Livingston County Nursing Home, there was significant staff turnover. In the January 2007 Management Performance Associates report for Champaign County, they warn that the facility has to be ready to "work short" when they start to discipline and perhaps drive people out of work as they did in Livingston. Staff turnover will be detrimental to Nursing Home residents who thrive on relationships developed with staff.

TONY FABRI
COUNTY AUDITOR



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OFFICE OF THE AUDITOR
CHAMPAIGN COUNTY, ILLINOIS

TO: Members of the Joint Policy & Justice Committee
FROM: Tony Fabri
DATE: September 11, 2007
RE: Proposed changes in CCNH oversight & administration

MEMORANDUM

The taxpayers of Champaign County have provided the Champaign County Nursing Home (CCNH) with a \$20 million facility, a property tax exemption, and a dedicated tax to subsidize employee pension benefits. The considerable public funds invested in this enterprise – past, present, and future – demand public accountability of CCNH administration.

County Board members are elected by the People to guarantee that accountability, and while there may be advantages to the proposals before you tonight, there are many questions that must be answered to ensure public accountability is not sacrificed. While it may be tempting to shift some responsibilities to another (unelected) board or private corporation, I encourage you to ask the following questions, and demand answers that will protect public accountability:

Oversight

1. Will the Executive Committee be subject to the Illinois Open Meetings Act? Will public minutes be kept? Will deliberations be taped?
2. Why schedule Executive Committee meetings at 7:00am?
3. Will County Auditor's Office continue to audit all invoices & claims for payment generated by CCNH?
4. Will CCNH payroll functions continue to be performed by the County Payroll Administrator?

Operations

1. How exactly will cost savings be realized? In what line items can we expect to see expenditure reductions?

2. Will CCNH have cuts in staffing similar to those at the DeKalb County Nursing Home, after it adopted a Nursing Home Board & private management firm for administration?
3. Will other CCNH positions be privatized, besides the Nursing Home Administrator?
4. Will the County's Living Wage policy continue to apply to CCNH?
5. Will the County's Purchasing & Travel policies continue to apply to CCNH?
6. How much will a private management company annually charge Champaign County taxpayers to provide us the "same face, same or improved results"?

Process

1. Does Illinois law allow a non-home rule county to create a Nursing Home Board that receives a dedicated tax to support IMRF pension benefits?
2. Did the company that did the Nursing Home audit ("Management Performance Associates" of St. Louis, MO) recommend the County hire a private management firm to administer CCNH?
3. Will the County solicit bids to select a private management firm, or will this be a no-bid contract?
4. Has a firm already been selected? If not, how can we be sure Andrew Buffenbarger will be retained as CCNH Administrator?
5. Have all other options not involving reduced public accountability been exhausted? Have all other recommendations in the Nursing Home audit been implemented? Have efforts been made to reduce or eliminate contract nursing, as was done in the past?