

CHAMPAIGN COUNTY BOARD  
**COMMITTEE MINUTES**

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**POLICY, PERSONNEL, & APPOINTMENTS COMMITTEE**

Wednesday, January 7, 2009

Brookens Administrative Center, Lyle Shields Meeting Room

1776 E. Washington St., Urbana

7:00 p.m.

**MEMBERS PRESENT:** Carol Ammons, Matthew Gladney, Kevin Hunt, Greg Knott, Brendan McGinty, Alan Nudo, Jonathan Schroeder, C. Pius Weibel

**MEMBERS ABSENT:** Tom Betz (Chair)

**OTHERS PRESENT:** Kat Bork (Administrative Secretary), Deb Busey (County Administrator of Finance & HR Management), Denny Inman (County Administrator of Facilities & Procurement), Alan Kurtz (County Board Member), Susan McGrath (Senior Assistant State's Attorney), Cameron Moore (RPC Executive Director), Michael Richards (County Board Member), Patricia Avery, Ricky Baldwin, David Brayfield, Randall Cotton, Greg Novak

**CALL TO ORDER**

In the absence of Chair Betz, Vice-Chair Ammons called the meeting to order at 7:00 p.m.

**ROLL CALL**

Bork called the roll. Ammons, Gladney, Hunt, Knott, McGinty, Nudo, Schroeder, and Weibel were present at the time of the roll call.

**APPROVAL OF AGENDA/ADDENDUM**

**MOTION** by Schroeder to approve the agenda and addendum; seconded by Hunt. **Motion carried.**

**APPROVAL OF MINUTES**

**MOTION** by Hunt to approve the Policy, Personnel, & Appointments Committee minutes of November 5, 2008; seconded by Weibel. **Motion carried.**

**PUBLIC PARTICIPATION**

David Brayfield spoke about the Nursing Home Mediation Team, which he claimed previously tried to close down the Champaign County Nursing Home (CCNH). He claimed the Nursing Home Mediation Team has made many false statements and the County was lucky to have

managed to hire Management Performance Associates (MPA) to provide good management of CCNH after the firm's previous advice had not been heeded. Brayfield was against any negotiating team that would get rid of CCNH in any way and if it costs another tax levy or the County has to borrow money, then that is what was owed the community. He commented on the positive reputation of CCNH compared to private nursing homes. He stated his opinion that the County Board can run a nursing home and if the Board had run CCNH properly as most management firms would have then the problems would not have occurred at the Nursing Home. He wanted to remind the committee that Patricia Avery had a balanced budget and borrowed money from the Nursing Home during her tenure as County Board Chair. The Finance Committee had a new Chair in the last four years and Brayfield stated a big part of CCNH's financial problems were that person's fault. He stated they could have rode herd on Andrew Buffenbarger a long time ago. Brayfield said he would do his best to make sure that anyone who votes to get rid of CCNH has to do so in public for reasons they have to state before their constituents. Brayfield said McGinty tried to close CCNH from the time he became Finance Chair and he was told this by Mike Scavatto. He said that he wanted to keep the playing field clear on what the truth is and accused the current County Board Chair of acting like he has a mandate to close CCNH. Brayfield reiterated that he would hold everyone who tries to close CCNH individually accountable.

Randall Cotton spoke about the proposed change to the County Board Rules regarding the Justice & Social Services Committee. It looked to him like the change would remove a level of oversight for CCNH and, with all the problems at CCNH, he did not see how this was a positive change. He spoke about the Nursing Home Board of Directors Bylaws and argued for an additional level of oversight at CCNH.

Ricky Baldwin spoke about oversight at CCNH and people washing their hands of what is going on at CCNH. Most people agree CCNH is a good nursing home. He stated most people do not expect other public services to take in money to pay for their operations, such as the police departments or fire departments, so CCNH should not be expected to do so either. He felt other people in the community would agree they can afford to spend money on CCNH because it is important.

Patricia Avery spoke about the Nursing Home governance. She claimed there was a lot of talk going on in the community about what the County Board was doing in terms of relinquishing its responsibilities over to MPA or another board. Avery said it would be a bad move for the committee to sit in its silo and make a decision to give up power. She spoke about working on the vote yes twice campaign for CCNH and recalled a time when CCNH supported the General Corporate Fund through a crisis. She called the committee members cowardly for bailing out on CCNH when it is in crisis. Avery said CCNH has been a marquee of the community and is well supported by the voters. Avery claimed the committee really wanted to give an advisory board full authority and head towards privatization. She further stated that CCNH should be given back to the voters so they could decide whether CCNH should be private because it was not the County Board's decision to make. Avery stated this would never have happened if she was sitting in that chair and the committee should man up to their responsibilities instead of passing the buck to someone else to bail them out. She stated there have a lot of decisions made by the County Board about CCNH that have caused the County to hemorrhage money, including letting people go.

## **MONTHLY REPORTS**

**MOTION** by Schroeder to receive and placed on file the County Clerk Fees Report for September 2008; seconded by Weibel. **Motion carried.**

## **APPOINTMENTS/REAPPOINTMENTS**

### **Appointment of Doug Bluhm as the Zoning Board of Appeals Chairperson**

**MOTION** by Weibel to appoint Doug Bluhm as the Zoning Board of Appeals Chairperson; seconded by Knott. **Motion carried.**

### **Appointment of Zoning Board of Appeals Member**

**MOTION** by Weibel to appoint Paul Palmgren to the Zoning Board of Appeals for a term from January 23, 2008 to November 30, 2013; seconded by Schroeder.

Weibel said he would have nominated all four candidates if there were four vacancies available. He interviewed all four candidates and described their qualifications and weaknesses to the committee. Palmgren provided solid answers regarding decision-making during the interview and has a background in agriculture. Palmgren is retired, thereby available for meetings, and lives in the center of the other ZBA members to provide a balance to the regional diversity of the members.

**Motion carried.**

### **Appointment of Public Aid Appeals Committee Member**

**MOTION** by Weibel to appoint James Rusk to the Public Aid Appeals Committee for a term from January 23, 2008 to November 30, 2010; seconded by Hunt.

Weibel stated Rusk is the Rantoul Township Supervisor and has public aid experience. The committee members must be township supervisors and it is hard to find willing members.

**Motion carried.**

### **Appointment of Nursing Home Mediation Team**

**MOTION** by McGinty to appoint Steve Beckett as the Democratic representative, Stan James as the Republican representative, Julia Rietz, Dennis Inman, and C. Pius Weibel to the Nursing Home Mediation Team; seconded by Knott.

McGinty clarified that this is an appointment of a mediation team related to the active lawsuits regarding mold and HVAC. The team has nothing to do with a later agenda item. McGinty was the substitute Democratic representative on the team last term and reported the meetings had been productive. McGinty wished to address Brayfield's comments during public participation. He has never spoken to Brayfield, so he does not know why Brayfield would think he knows what McGinty's thoughts or likely actions would be. McGinty received a call from

WCIA earlier today talking about how he is the head of some sort of conspiracy. He was amazed how people who had never asked his opinion thought they knew what he would do. This agenda item shows how misinformed people can be because the mediation team has nothing to do with the management of CCNH operations, which is what Brayfield was talking about. McGinty thought it was irresponsible for anyone to listen to this without fact-checking with knowledgeable people. McGinty was willing to discuss the CCNH with anyone who cared to ask him and reminded people to be careful about talking in absolutes. He asked the people to check the facts before drawing significant conclusions and thanked the committee for their patience.

Weibel explained that the Nursing Home Mediation Team meets on occasion with legal counsel to determine if a decision needs to be presented to the County Board. This team creates more efficiency and prevents many more closed sessions from occurring at County Board meetings to discuss legal issues.

Ammons asked about the process of the mediation team's composition and the team's role. She thought the County Board Chair had the authority to appoint whomever he wanted to the mediation team. Weibel stated team members of each political party were selected from the County Facilities Committee. Ammons asked if it excluded other Board members from the mediation. Weibel answered no, but the team's nature involved facilities. Rietz and Inman were on the team as the State's Attorney and the County Administrator of Facilities & Procurement. Ammons asked what the actual composition of the team was and if another member could be added to the team. McGrath stated the mediation team was a County Board decision from a prior meeting to assist and facilitate ongoing CCNH litigation discussions. The County Board held an informal discussion to determine that there should be a small group to work with the legal litigation team in order to make sure decisions were coming to the full Board when necessary and to provide feedback to the legal litigation team. Weibel added that it was important to have members on the Nursing Home Mediation Team who were on the County Board during the Nursing Home construction when all the events relating to litigation occurred. Ammons ordered a roll call vote.

**Motion carried with a vote of 6 to 2.** Hunt, Knott, McGinty, Nudo, Schroeder, and Weibel voted in favor of the motion. Ammons and Gladney voted against the motion.

#### Appointment of Barbara Wysocki as the County Board Liaison Alternate to the Regional Planning Commission

**MOTION** by Weibel to appoint Barbara Wysocki as the County Board Liaison Alternate to the Regional Planning Commission; seconded by Knott.

Weibel explained the two County Board liaisons to the Regional Planning Commission are Steve Moser and Lorraine Cowart, in addition to Weibel. Moser is often out of town, so Wysocki will attend the RPC meetings and vote when either of the liaisons is absent to enable full County Board representation at RPC meetings. Wysocki works closely with RPC on the Land Resource Management Plan process and she sits on an RPC loan committee. Ammons asked why new County Board members are not asked or chosen to serve as liaisons to outside boards or subcommittees. She asked if Weibel offered the appointment to anyone else. Weibel said he made the selection on his own, which he has the power to do as the County Board Chair. Weibel did ask

Steve Moser if he objected as a Republican to Wysocki, a Democrat, being appointed as the alternate liaison. Moser had no objection to Wysocki's appointment.

**Motion carried with one vote against by Ammons.**

**REGIONAL PLANNING COMMISSION**

**Resolution Amending Resolution No. 4249 Concerning the Champaign County Regional Planning Commission and Permitting Expanded Membership Therein**

**MOTION** by McGinty to approve the Resolution Amending Resolution No. 4249 Concerning the Champaign County Regional Planning Commission and Permitting Expanded Membership Therein; seconded by Weibel.

Moore explained the intent of the amendment was to allow for a broader membership in RPC and more participation by every member. One change was to close the disparity regarding the weighted voting. The amendment was unanimously approved by the RPC Board at its December meeting. RPC cannot implement any change in its bylaws without the County Board's approval.

Schroeder commended the RPC Board and Moore for doing a good job on this amendment. From the County standpoint, any kind of cohesiveness with municipal governments is a must for regional planning commissions. He asked if there had been any discussion on changing the fee structures for smaller municipalities. Moore confirmed there has been some discussion and the commission might be willing to offer trial membership to encourage new members to participant. The RPC's operating budget is \$15 million and the membership fees only generate about \$100,000, so the RPC Board is not dependent on membership fees. He will meet with the St. Joseph Village Board next week. Moore thinks it is important for organizations to periodically review their practices to see what needs to be amended to make the organizations more effective. Schroeder found the incorporation of the Land Resource Management Plan to be a step towards a direly needed comprehensive land use plan for the entire county.

Ammons asked how the fees affect RPC operations. Moore stated RPC constructs a membership budget of \$100,000 each year based on what the members tell staff they would like to work on, so the budget is controlled by those who contribute to it. Richards wanted to know why RPC thinks it will be necessary to close the disparity in the weighted votes. Moore explained it is an attempt to be more democratic in the way RPC operates. The weighted voting process in the bylaws has never been used, so RPC should either change its practices or change the bylaws. The weighted voting only affects the four charter members. The number of representatives will remain the same and the number of votes for charter members will be reduced, but they have more representatives anyway.

**Motion carried.**

**ADMINISTRATOR'S REPORT**

**Vacant Positions Listing**

The vacant positions listing was provided for information only.

### Purchasing Policy Amendment Regarding Conflict of Interest

Busey described an issue, which arose from a recent experience, that was not addressed in the Purchasing Policy about a conflict of interest with regard to purchasing a contract for goods or services by those County employees or officials who are in a position of authority to hire or enter into agreements for goods or services. The recommended amendment to the policy language was provided in the agenda packet.

**MOTION** by McGinty to approve the amendment regarding conflict of interest to the Champaign County Purchasing Policy; seconded by Knott. **Motion carried.**

### LEGISLATIVE REPORT

Weibel reported that he met with Naomi Jakobssen and Michael Frerichs on Monday about the list of potential stimulus projects. They will be pushing through the Chatum bill for Champaign County in early February. The City of Champaign will be sheparding this bill through. Knott noted RPC is coordinating the list of stimulus projects for the County. Ammons asked how the public could submit ideas for stimulus projects. Weibel suggested the ideas be submitted to him or the County Administrators.

### CHAIR'S REPORT

There was no Chair's report.

### OTHER BUSINESS

#### School Facility Sales Tax Referendum

**MOTION** by Weibel to approve the Resolution Placing Retailers Occupation Tax and a Service Occupation Tax on the April 7, 2009 Consolidated Election Ballot; seconded by McGinty.

Gladney asked if any school board representatives could answer if the referendum question was the same one that was defeated at the November election and, if so, why the school boards were brining it back now. Greg Novak of the Champaign Board of Education stated it is the same ballot question. He believed it was back due to the narrow margin which it was defeated. The problems in the school districts are not going away and the school boards want more funding to address infrastructure problems. He felt if the schools wait for Springfield to solve the problem they will be waiting a lot longer. Gladney inquired if the Novak had any theories why the referendum would pass in April after the voters just defeated it in November. Novak answered there was a question of how well the referendum information got out to the community. The areas where the school boards assumed the referendum would be supported because it would provide the most tax relief were the areas that voted against the referendum. Weibel asked if all school districts passed the same resolution. Novak stated the needs of the fourteen schools are different, but all have passed resolutions in support of the referendum.

Kurtz asked if the schools would return the money to the County taxpayers if a large chunk of money is received from the federal government. Novak's personal assumption was that they

would if they are lucky enough to get more federal money. He assumed the County Board would set the tax rate lower than 1% if a stimulus package is received.

Knott expressed his concern with the November referendum that the Stiffel Nicolaus firm, in kind or in fact, spearheaded the campaign when the firm could benefit from the bond sale.

**Motion carried with one vote against by Hunt.**

Proposed County Board Rules Change

**MOTION** by Nudo to approve the proposed changes to the County Board Rules to strike Section D.5.A and F from Rule 16; seconded by Knott.

Nudo stated this change clarifies the language that the County Board has in place for the committee regarding the MPA contractual agreement and the Nursing Home Board of Directors Bylaws. He wanted to make it clear that there was no other motive for the change other than cleaning up the language.

McGinty asked if it was true that the ultimate oversight of CCNH would continue to reside with the County Board. Nudo confirmed it was very true that the County Board would retain all rights of contractual arrangements. He has been a member of the Justice & Social Services Committee for over a year and the committee has received non-actionable items, such as reporting. There was never been any actionable items for daily activities at CCNH during this year.

Ammons pointed out to the committee that what Nudo said was absolutely true. When she was on the Justice & Social Services Committee, there were non-actionable items put on the agenda, which she thought was part of the problem. She believed the Justice & Social Services Committee has the responsibility for CCNH and she did not believe the appointment of Nursing Home Board of Directors usurps that authority. Ammons asked McGrath if she had a written opinion that deals with the issue of legislative responsibility for the CCNH having a board that is not comprised of elected officials. McGrath answered that there have been two memorandums issued. One memorandum concerned how the collective bargaining agreements are affected by the Nursing Home Board of Directors. The second memorandum concerned what the management aspects retained by the County Board are and what actions are required in order for the County Board to have a different operation at CCNH than what is presently in place. In the bylaws that the County Board adopted on January 24, 2008, the language presented to the committee tonight comes from Article 3. However, the bylaws also have two specific requirements. In Article 10, Section 4 the Board of Directors is required to send a quarterly report for their activities to the County Board, which they have been doing. Articles 11 and 12 specify the duties retained by the Count Board as opposed to those duties vested within the Board of Directors. McGrath verified that the County Board Rules change before the committee this evening was to clarify what has been done in practice since the bylaws were adopted on January 24, 2008. The bylaws require that the Board of Directors report directly to the County Board, how the reports are made is specified, and the activities retained and that must be voted on by the County Board are documented. Since that time the County Board members who also serve on the Board of Directors have provided reports to the Justice & Social Services Committee. The rules change is simply codifying what the County Board voted on when it approved the bylaws. Ammons thought that was part of the conflict that exists.

She pointed McGrath to the Illinois Compiled Statute that gives rules from governing a county nursing home. Ammons said several steps have happened prior to her becoming a County Board member that did not follow the process of Section 5-21006 in the statute. Ammons said she was not clear about how the policy change affected the compiled statutes and that the Justice & Social Services Committee did not receive written reports from the County Board members on the Board of Directors. She felt this was a problem in communication. She wanted her concerns to be addressed before the committee moved this item. McGrath stated 55 ILCS 5/5-21006 in combination with 21003 specifically addresses the management of a county nursing home and whether a County Board is allowed to contract for the management of a county nursing home. This issue was specifically addressed in McGrath's memorandum of May 19, 2008 to the County Board. This memorandum was prepared to allow the County Board to consider whether they could contract with MPA for contract management of CCNH. Ammons said the statute required that the contract be bid and claimed the contract was not bid. Busey and McGrath confirmed there was a bid process. Busey stated the bid process was done in October 2007. McGrath further explained there was a section within the Illinois Compiled Statutes (5/5-22002) which allows the County Board to adopt responsible rules and regulations regarding the management control of the home as maybe required to accomplish the purposes of the home that are not in conflict with the Nursing Home Care Act. The County Board also considered this statute when it decided to create the Nursing Home Board of Directors. There are specific duties that the County Board cannot give away to any entity and these are outlined in Sections 11 and 12 of the bylaws. The Board of Directors cannot change the mission and purposes of the home for which it was formed and exists. The County Board can appoint or remove Directors without cause and alter bylaws at any time in wishes to. The Board of Directors does not have the authority to acquire, purchase, sell, transfer, or lease CCNH's real estate or any of its assets. The Board of Directors does not have the right to take on or renegotiate capital debt, borrow money, take over budgeting responsibilities for CCNH, or negotiate or adopt any collective bargaining agreements. This is specifically set forth in the bylaws as required by the statute.

Weibel, in reference to 55 ILCS 5/5-21006, pointed out MPA makes a monthly report to Finance Committee, the Board of Directors makes quarterly reports and an annual report to the County Board. Therefore, the requirements of the statute are being met.

Richards asked why the rules are being changed after a year. Nudo said his suggestion was to clarify and clean up the language actually in place with the MPA agreement and the Nursing Home Board of Directors Bylaws. The current County Board Rules language is contra to actions the County Board has approved. These rules changes are nothing new. Nudo wished to address some of Avery's comments during public participation about manning up to things. The County Board was losing money during Avery's term as the County Board Chair and by the time Nudo joined the Board, CCNH was losing more than \$100,000 each month. In October 2008, CCNH lost \$500, the November 2008 finances were slightly in the black, and December 2008 is projected to be in the black. The CCNH census has increased from 148 to 200. The Medicare revenue is up and therapy is up. Nudo and Anderson report information on CCNH verbally to the Justice & Social Services Committee each month. A County Board member approached Nudo on Monday who brought up the issue of privatization, which was the first time in Nudo's recent conversations with anyone that this issue was raised. By the next day, the head of the union had emailed Nudo about a rumor was being passed around that the County Board was going to privatize CCNH and that a lease was actually in place for privatization. Several of the public participants spoke about

privatization. Nudo was concerned about the actions of County Board members to create problems that are not there and spread false rumors that the public thinks are true. Dr. Charles Lansford, the Nursing Home Board of Directors Chair, and Nudo spent an hour tonight talking to CCNH employees. They do this at least three times a month. Mike Scavatto is available for a half an hour before the Board of Directors meetings to answer questions or speak with anyone, both from the public or the County Board. Nudo noted that the media do not regularly attend committee meetings, but three members of the local media were present at tonight's meeting. He thought someone planted the idea that a smoke-filled backroom decision was being made when it could not be farther from the truth. If a County Board member was doing these kinds of things, Nudo would ask the Chair to censure that person because it is counterproductive to drag CCNH through the mud again. Nudo was willing to man up and he does it by talking with CCNH employees on his own time and attending Board of Directors meetings. He and Lansford distributed information about scholarships that the Board of Directors set up through Parkland College for CCNH employees who want to become nurses. He reported as a member of the Nursing Home Negotiating Team that they are having great negotiations. He urged an end to the rumor and innuendo doing a disservice in CCNH because it is on the right track. He noted that MPA manages other nursing homes in Illinois and wondered why someone would think hiring MPA would be a violation of the Illinois Compiled Statutes when other counties are doing the same thing and the State's Attorney's Office was consulted before the County Board entered into this agreement.

Ammons said there were several things happening since she came on the County Board. She stated they have watched hundreds of thousands of dollars being lost at CCNH and no person has been held accountable for the losses or the decisions that cost the taxpayers. She acknowledged CCNH had millions in deficit before MPA was hired to manage CCNH. Ammons claimed the County Board did not bid out MPA's contract. The consultant agreement from two years prior to the management contract was bid out, not the management contract. Weibel called for a point of order and asked if that was on the agenda. Ammons said Nudo was talking about the management of CCNH. Weibel said Nudo might have been out of order, but he wanted to call a point of order and have discussion on the agenda item which is the rules change. The agenda item was not about the management contract or how it was obtained. Ammons said she was discussing that she believed this action would remove the oversight from the Justice & Social Services Committee and put it solely in the purview of the Board of Directors and it was an action that should not take place. Ammons agreed with Weibel that questions about how this came about are out of order. Weibel stated the County Board initially discussed having the Board of Directors report to the Justice & Social Services Committee when the plan for the Board of Directors was originally developed. It was decided to have the Board of Directors report to full County Board, not just a single committee. Unfortunately the minutes for the County Board meetings are generalized, so Weibel could not find the exact date of this discussion. There was discussion of the effect the Board of Directors would have on the Justice & Social Services Committee, but the County Board decided the reports should be made to all 27 members instead of just 9 committee members. One of CCNH problems for many years has been that it takes money and the Justice & Social Services Committee is not in charge of finances. CCNH was more than what Justice & Social Services Committee could handle because the home involves financial issues and the Finance Committee was left in dark until CCNH came to ask for more money. Weibel thought it was better to have the Board of Directors report to the full County Board where everyone is involved and has oversight. The decision to move the reporting of the Board of Directors to the County Board made by the full County Board, they just forget to update the County Board Rules when this decision took place. The County Board also forgot to

change its rules to reflect the memorandum of understanding with the Mental Health Board about the juvenile delinquency grants and that action was taken three years ago. Weibel confirmed this change does not take any power away because the Justice & Social Services Committee is part of the County Board. Those committee members attend Board meetings and have the same power as any Board member. Ammons ordered a roll call vote. Weibel asked if the vote was on the rules change or calling the question. Ammons confirmed it was on the motion to change the rules.

**Motion carried with a vote of 6 to 2.** Hunt, Knott, McGinty, Nudo, Schroeder, and Weibel voted in favor of the motion. Ammons and Gladney voted against the motion.

### **DESIGNATION OF ITEMS TO BE PLACED ON COUNTY BOARD CONSENT AGENDA**

Agenda items 7A-C, 8A, and 9B were designated for the consent agenda.

### **ADJOURNMENT**

Meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Kat Bork  
Administrative 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.*