

CHAMPAIGN COUNTY BOARD
COMMITTEE MINUTES

POLICY, PERSONNEL, & APPOINTMENTS COMMITTEE

Wednesday, February 4, 2009

Brookens Administrative Center, Lyle Shields Meeting Room

1776 E. Washington St., Urbana

7:00 p.m.

MEMBERS PRESENT: Carol Ammons, Tom Betz (Chair), Matthew Gladney, Kevin Hunt, Greg Knott, Brendan McGinty, Alan Nudo, Jonathan Schroeder, C. Pius Weibel

MEMBERS ABSENT: None

OTHERS PRESENT: Jan Anderson (County Board Member), Kat Bork (Administrative Secretary), Deb Busey (County Administrator of Finance & HR Management), Denny Inman (County Administrator of Facilities & Procurement), James Rusk, Edward Vaughan, Jr.

CALL TO ORDER

Chair Betz called the meeting to order at 7:00 p.m.

ROLL CALL

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

APPROVAL OF AGENDA/ADDENDUM

MOTION by Ammons to approve the agenda; seconded by Knott.

MOTION by Knott to remove agenda item 10A regarding the proposal to change the names of the Upper Salt Fork Drainage District and the Saline Branch Drainage District from the agenda; seconded by Schroeder.

Ammons asked why the motion was made to remove the item. Knott said his feeling was this item is not an issue in which the County Board should involve itself. The issue has very little to do with County business and there are passionate views on both sides. Betz stated the members could address whether or not the question of amendment is procedurally correct, but they could not address the substance of the issue. Ammons asked if the issue could it be moved from an action items to a discussion topic. Betz stated the item could not be discussed if it is removed from agenda. McGinty questioned if this item was one the County Board had to act on as a County Board. Betz said the County Board rarely has to act on anything besides paying the bills. Without getting into the substance of the proposition, Betz explained the County Board does not have the

power to name anything other than its own streets and buildings. Betz ordered a roll call vote and confirmed a vote in favor of the motion would remove item 10A from the agenda.

Motion carried with a vote of 6 to 3. Gladney, Hunt, Knott, McGinty, Nudo, and Schroeder voted in favor of the motion. Ammons, Betz, and Weibel voted against the motion.

Motion carried to approve amended agenda.

APPROVAL OF MINUTES

MOTION by Knott to approve the Policy, Personnel, & Appointments Committee minutes of January 7, 2009; seconded by Hunt.

Ammons asked for the word “herd” to be changed to “heard” on line 59. The committee and Bork confirmed the minutes as written were accurate and use of the phrase “rode herd” was a direct quote.

Motion carried.

PUBLIC PARTICIPATION

James Rusk, the Rantoul Township Supervisor, distributed documents to committee about windmills. He stated a national township supervisors organization listed some of the stimulus package items that would be coming down the road from the Obama administration. Rusk and George Burnison noted several windmill companies want to come into Champaign County now and are being kept out by the County’s zoning ordinance. Burnison thought it would be interesting if they took over the ownership of windmills and sold the energy back to the grid, in turn bringing this money to the County. Rusk envisioned creating an authority that would run the windmills, which would generate revenue from selling energy back to the grid. The authority could then disperse the money however it desired, including dispersing it to taxing bodies like the County or school districts. Rusk indicated the windmills could be paid for by the stimulus package and then be put to work for the County Board. He thought the revenue this could generate could result in lower taxes and increased commerce. Rusk said the revenue generated by selling energy back to the grid would go back to the authority instead of going to a foreign company. Rusk suggested waiting until this idea could be studied before the County Board makes a decision on zoning changes that would allow other windmill companies to come into Champaign County. He asked if there were any questions.

MOTION by Weibel to suspend the rules; seconded by Ammons. **Motion carried.**

Weibel stated that he asked Rusk to attend this meeting because the supervisor could not attend Monday’s ELUC meeting. Weibel explained that one problem with Rusk’s idea is that there are a lot of hands stretching towards the stimulus money and building windmills would be very expensive. The County has the authority to have wind towers on its property, but they cannot legally sell energy to the grid. Rusk agreed they would have to amend state law. Weibel corrected him that the state legislature would have to amend its law. Rusk said he would not want to stand in front of this concept if it was taken to the press and the public. Weibel also noted that townships do

not have home rule authority and would fall under the same situation. A consequence would be the County would have to halt its movement towards zoning changes to allow wind farms in Champaign County. Rusk said they would have to delay for a short time until the County Board had a chance to study this idea. He anticipated this would be a bipartisan effort since the whole state could be opened up to follow the lead of Champaign County because there is so much money involved. Rusk said this revenue would flow forever. Discussion continued over Rusk's concept. Weibel asked if anyone had spoken with the state legislators. Rusk answered no and offered to help other people organize a committee to talk to the legislators. He reiterated what he felt were the positives aspects of the proposal.

Clark Bullard, Cecily Smith, Morris Leighton, and Jerry Watson filled out public participation forms, but declined to address the committee.

APPOINTMENTS/REAPPOINTMENTS

Champaign Southwest Mass Transit District

MOTION by Weibel to appoint Edward Vaughan, Jr. to the Champaign Southwest Mass Transit District for a term from February 20, 2009 to December 31, 2013; seconded by Schroeder.

Nudo said the Champaign Southwest Mass Transit District (CSWMTD) is before the courts to decide whether or not it is viable entity. He felt that issue would be decided by the courts rather than the County Board deciding whether or not to appoint a member. He indicated this followed what the County Board did for Champaign-Urbana Mass Transit District (CUMTD) in appointing members without commenting whether they approved or disapproved of CUMTD. Betz stated the mass transit district appointments have historically not been adopted without fights and discussion by the County Board. The chief issue in almost every appointment over the past decade has been whether or not the appointee is committed to providing the mass transit services adopted by the voters. From Betz's perspective, this is not a question of what the courts decide. Betz stated his problem was that even if the courts agree the district is well drawn, the County Board would have appointed a bunch of people who do not believe in mass transit to a mass transit district board. He could not vote for someone who is not committed to carrying out the mission of the district to which they are appointed, but he believed Vaughan would be appointed. Weibel asked to allow Vaughan the opportunity to speak. Betz stated he would have to suspend the rules.

MOTION by Weibel to suspend the rules to permit Edward Vaughan to address the committee; seconded by Nudo. **Motion carried.**

Edward Vaughan stated it was absolutely incorrect to say that he is opposed to mass transit because he was greatly in favor of proper mass transit, meaning what is needed for the people that need it. The attorney for the CSWMTD Board has advised the members to defer any and all transportation planning until such a time as the viability of their district exists. Vaughan spoke about how CUMTD annexed all the areas that were to be in the CSWMTD three days subsequent to referendum question to create such a district being placed on the ballot. CUMTD maintains a mass transit district could not be formed on property that has already been annexed by another mass transit district. This led to a lawsuit being filed by a citizen and the CSWMTD joined the lawsuit after they were formed. Vaughan explained there is a contention about which mass transit district can claim this area or even if it belongs to both. The properties in the CSWMTD area represent

approximately \$450,000 worth of tax revenue to CUMTD. It was Vaughan's opinion the CUMTD would appeal if they lost the case and he felt certain the CSWMTD will appeal if they lose. He indicated the first court case would certainly trigger a second court case and no one could tell when the legal questions will be resolved.

MOTION by Weibel to suspend the rules to permit questions; seconded by Schroeder.
Motion carried.

McGinty said Vaughan's credentials were great, but he asked if there was ever any intention for CSWMTD to provide mass transit services. He felt the purpose of forming a mass transit district was to provide some form of services. Vaughan said it was not an easy answer to give and the CSWMTD Board has purposely avoided stating any intention one way or another based on their attorney's advice. McGinty said that makes it difficult for County Board members to make any appointments when the entity has no stated intention to provide the service for which it was formed.

Gladney asked Vaughan what the purpose was for creating the CSWMTD. Vaughan explained that he and other residents in the western part of the community had observed huge CUMTD buses running all over town without any passengers. He thought this situation could have been avoided if CUMTD had been more responsive to citizen input about using smaller vehicles. The voters in the southwest Champaign area created the CSWMTD and voted to tax themselves to support the legal efforts to find out if CSWMTD could viably exist.

Betz asked Vaughan to confirm the CSWMTD tax levy raises \$40,000 a year. Vaughan said the actual number was \$39,000 and it was chosen because it is 1/10 of CUMTD's tax. Betz asked how many years the tax has been levied. Vaughan spoke about the timing of CSWMTD's formation starting in 2006. He reiterated the tax was intended to support resolving CSWMTD's legal questions on whether it can exist. He stated any transportation services provided would have to be voted on by the citizens of the area because a mass transit district cannot be run on \$39,000. Any transportation services would require a substantial tax, but Vaughan felt the area's citizens should not have pay both the CUMTD tax and the CSWMTD tax. Betz asked if it was true that after four years the tax levy will be capped under the tax cap law and could not be raised. Vaughan stated he did not know. Betz said he did and after the fourth year the levy cannot be raised, so if the litigation takes two more years then CSWMTD will be capped and at \$39,000. Even if CSWMTD wins its litigation, it will not be able to provide mass transit services without going back to the voters.

Weibel asked if anyone on the CSWMTD Board had surveyed the residents in its area to determine their mass transit needs. Vaughan said that had not been done because it would fall under transportation planning. The CSWMTD Board has passed a resolution deferring transportation planning until such time as the court case is resolved.

Gladney inquired if the purpose of CSWMTD's creation was to provide mass transit services. Vaughan said Gladney would have to ask each voter because he did not know how to answer the question. Gladney pointed out that Vaughan serves on the body which is supposed to represent the voters and he was looking to Vaughan to provide that answer. He wanted to know the purpose of the existence of CSWMTD. Vaughan stated CSWMTD is a mass transit district and it will take action on forming the mass transit that it determines is appropriate at the time it finds out

whether it is a district or not. Vaughan claimed nobody could give an answer to Gladney's question.

Gladney asked to call the question. Betz said the committee would hear from other members waiting to be recognized.

Anderson recalled public comments complaining about mass transit and the big buses. She acknowledged there were smaller buses and asked if CSWMTD considered using smaller vehicles. Vaughan said there has been nothing considered. He pointed out the area is dispute is currently in the CUMTD and the citizen there are paying the CUMTD tax, so they have all of the handicapped transportation that any other citizen of the CUMTD area has. Anderson remembered a woman who claimed services were not being provided because she was in the CSWMTD. Vaughan stated the citizens should have whatever is provided by CUMTD until the district is told to get out of the area. When CUMTD is told to vacate the area, the CSWMTD Board has to make a decision on what they will do very quickly. He thought the CSWMTD Board may choose to start transportation planning when the first court decision is issued. He said he could not speak for the other board members.

Schroeder asked if the CSWMTD area was currently served by CUMTD. Vaughan stated they are not providing any services to the CSWMTD. The area of the CSWMTD was annexed into the CUMTD service area. This area is currently in two mass transit districts and pays taxes to both. He stated CUMTD was providing no services to the CSWMTD. There is language in the local mass transit act that would allow CSWMTD to contract with CUMTD for some form of transportation services. Schroeder asked if that meant there were no services within the CSWMTD boundaries provided by CUMTD. Vaughan said that was 100% incorrect. He said the CUMTD should be providing full services in the CSWMTD area, but he did not know what services CUMTD is providing and said the County Board should ask CUMTD. Schroeder said he could see both sides of the issue. Vaughan anticipated the CSWMTD will ask the County Board to dissolve the board and tax if it is not upheld as its own independent district, but he does not know what the other board members would do. Vaughan thanked the committee for their questions and apologized if he confused them.

MOTION by Weibel to forward the appointment to the County Board without recommendation as a substitute motion; seconded by Nudo.

Betz did not think the motion was in order under Robert's Rules of Order. He said the committee had to vote it up and down as a recommendation. McGinty believed that moving an item to the full Board without a recommendation was an option and asked how it could be done. Betz said the original motion could be withdrawn and Weibel could put the item on the County Board agenda himself. Betz said he was positive the appointee was going to pass this committee. Nudo explained this appointment was brought back up because he heard from an overwhelming majority of constituents who wanted this done. He agreed the issue should go before the courts to determine its validity. The vote taken at the County Board meeting was decided at the Democratic Caucus and the Republican County Board members of District 3 were told just prior to the meeting that the appointment would not pass. If he has known there would be some measure of discontent, then he would have asked Vaughan to come forward sooner. Nudo thought it was fair to his constituents to follow what they would like to see done and have the courts determine whether it is right or wrong. Betz said he understood Nudo's point of view, but they had the votes to recommend Vaughan's appointment to the full Board and he did not see what the problem was.

Weibel withdrew his motion. Betz ordered a roll call vote.

Motion carried with a vote of 5 to 4. Hunt, Knott, Nudo, Schroeder, and Weibel voted in favor of the motion. Ammons, Betz, Gladney, and McGinty voted against the motion.

Champaign-Urbana Mass Transit District

MOTION by Ammons to accept the resignation of Thomas Berns from the Champaign-Urbana Mass Transit District; seconded by Weibel.

McGinty abstained from voting because he has professionally consulted with CUMTD in the past.

Motion carried with one abstention.

Lincoln Exhibits Committee

MOTION by Weibel to appoint Raymond Cunningham to the Lincoln Exhibits Committee for a term from March 1, 2009 to February 19, 2012; seconded by Knott. **Motion carried.**

ADMINISTRATOR'S REPORT

Vacant Positions Listing

The vacant positions listing was provided for information only. Busey stated two of the positions on the list have been filled; the Sheriff's Sergeant in Patrol and the Deputy Sheriff in Corrections. This leaves only four full-time equivalent positions vacant at this time. Gladney asked if the remaining positions could continue to be left vacant as a cost-saving measure. Busey said there would be a recommendation at tomorrow's Finance Committee meeting regarding the FY2009 Budget.

LEGISLATIVE REPORT

There was no legislative report.

CHAIR'S REPORT

There was no Chair's report.

OTHER BUSINESS

Proposal to Change Names of Upper Salt Fork Drainage Ditch & Saline Branch Drainage Ditch

This item was removed from the agenda.

Review of Rules for Placing Items on the Policy, Personnel, & Appointments Agenda Discussion

Betz brings this item up each term because he receives numerous requests from community groups to place items on the Policy, Personnel, & Appointments Committee agenda that do not

directly affect this committee and he keeps them off. He described some of the issues he has kept off the agenda. He asked if committee members wanted to revisit the issue of how items are placed on the committee agenda. Betz and Weibel discuss the issues for each month's agenda and contact the Republicans if needed. Betz said has not tried to block many things from the agenda and suggested the any member can email him, Busey, or Weibel with agenda items. This current process is very informal and if a Board member asks for a county-related agenda item then he does not turn it down. Knott liked using this approach for the next two years. Betz again confirmed that anyone could forcibly put an item on the agenda just by saying "I want it on the agenda" because he does not have a way to keep something off the agenda. Ammons said that Nudo has taught her something about forcing an item on an agenda and asked about the process as times and communities change. For insistence, the nation is facing tough recession times and Ammons felt that means the committee needs to change what it is doing in administration and policy to develop new areas. Betz said a member could ask to have a policy item on an agenda or talk to members about ideas. He acknowledged the County Board has the Administrative Structure Special Committee, Labor Subcommittee, and a rules committee that Ammons is a member of which can all affect change. Betz summarized that he would not put resolutions about non-county items on an agenda when it would be more appropriate for people to individually write their Senators and Congressional representatives. In response to Ammons's comments, Weibel explained the Vaughan's appointment was reconsidered because it was just removed from the December County Board agenda, not voted down by the committee. The Champaign Southwest Mass Transit District appointment was reposted publically and Vaughan reapplied for the position. He was the only applicant. Betz recalled when past County Board Chairs simply kept resubmitting the same appointments after they were defeated at committee meetings. There is nothing is the procedures to stop the Chair from taking this approach. Nudo concurred that nothing was forced onto the agenda; he simply spoke to several people about allowing Vaughan to speak to the committee to understand his position. He agreed with Betz's view about not putting non-county items on the agenda. Ammons stated she was not speaking about Vaughan's appointment. Betz said any member could challenge him about an item and it would have to go on the agenda. Betz would continue the current practice and invited any members to call him if they become uncomfortable.

Discussion of Suggested Rule Change for the County Board Liaisons to Nursing Home Board of Directors to Present a Monthly Report at County Board Meetings

Betz stated this discussion arose from an item that was technically out of order at last month's County Board meeting, but people seemed to appreciate having a short report from the Nudo and Anderson about the Nursing Home Board of Directors. He asked if members wanted to formalize the reporting process.

Anderson has heard from people wanting to know more about the Nursing Home between the Nursing Home Board of Directors quarterly reports. The Nursing Home Board of Directors meetings are open to the public. She and Nudo already share information about the Nursing Home Board of Directors meetings with the Justice & Social Services Committee. The Finance Committee also receives a financial report from the Nursing Home management each month.

Betz noted that the County Board Chair always has discretion in the area of "other business." Weibel could direct a report from the County Board liaisons to the Nursing Home be

placed on the County Board agenda. Betz suggested letting the Chair have discretion with this matter for six months.

Schroeder asked how much detailed information did the County Board want in the report. Anderson found it interesting that there was a great deal of demand for reporting from the Justice & Social Services Committee, but then the committee commented that Anderson gave too much detail when she reported. Gladney found Anderson's report to the Justice & Social Services Committee to be very pertinent. He thought it was better to receive too much information than not enough in this kind of situation.

Ammons asked about the timeframe for forwarding questions to the liaisons. Busey explained the Nursing Home Board of Directors meeting agenda is posted by the Friday of the week of County Board committee meetings. Any Board members can contact Andrew Buffenbarger or Mike Scavatto any time with questions. Scavatto makes himself available from a half hour before meetings to take questions. Betz asked Weibel to liberally construe the County Board rules at meetings to allow Board members to ask the liaisons questions during the meeting. Weibel did not object, but wanted the County Board to realize that some questions could not be answered right away. Betz asked if there was a consensus to have the Chair include this as a monthly agenda item. There were no objections. Weibel advocated listing the item under announcements unless the Board of Directors' quarterly report was being presented at the meeting.

DESIGNATION OF ITEMS TO BE PLACED ON COUNTY BOARD CONSENT AGENDA

Agenda item 6C was designated for the consent agenda.

ADJOURNMENT

Meeting was adjourned at 8:13 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.