

CHAMPAIGN COUNTY, ILLINOIS
COMMITTEE MINUTES

PUBLIC AID APPEALS COMMITTEE

Friday, May 12, 2006

Brookens Administrative Center, Meeting Room 2

1776 E. Washington St., Urbana

9:00 a.m.

MEMBERS PRESENT: Burnison, Schmidt, Starwalt, Stierwalt, Wysocki

MEMBERS ABSENT: None

OTHERS PRESENT: Susan McGrath (Senior Assistant State's Attorney), Tricia Crowley (Attorney for the City of Champaign Township)

CALL TO ORDER

Chair Wysocki called the meeting to order at 9:01 a.m.

ROLL CALL

The Recording Secretary called the roll. Burnison, Schmidt, Starwalt, Stierwalt, and Wysocki were present at the time of the roll call. Wysocki declared a quorum present and proceeded with the meeting.

APPROVAL OF AGENDA/ADDENDUM

MOTION by Burnison to approve the agenda for the meeting; seconded by Schmidt. Motion carried.

APPROVAL OF MINUTES

MOTION by Stierwalt to approve the minutes of April 4, 2006; seconded by Schmidt. Motion carried.

DATE/TIME OF NEXT REGULAR MEETING

The next regular Public Aid Appeals Committee meeting will be held on June 13, 2006 at 9:00 a.m.

PUBLIC PARTICIPATION

There was no public participation.

COMMUNICATIONS

There were no communications for the committee.

PUBLIC AID APPEAL FROM THE CITY OF CHAMPAIGN TOWNSHIP REGARDING APPELLANT #01.3

Crowley was present for the City of Champaign Township. Appellant #01.3 was not present. Crowley submitted a motion to dismiss the appeal pursuant to 305 ILCS 5/11-8. The motion was received and placed into the committee record.

MOTION by Starwalt to grant the motion to dismiss the appeal pursuant to 305 ILCS 5/11-8 filed by the City of Champaign Township; seconded by Burnison. Motion carried.

Receipt of Evidence from Appellant and Township

There was no evidence because the appeal was dismissed.

Closed Session Pursuant to 5 ILCS 120/2(c)(4) to Consider Evidence or Testimony Presented in Open Hearing to This Quasi – Adjudicative Body

There was no closed session because the appeal was dismissed.

Announcement of Decision

Wysocki announced Appellant #01.3's appeal was denied based on the granting of the motion to dismiss.

OLD BUSINESS

Discussion of Potential Changes in the Rules of the Public Aid Appeals Committee, Including Feedback from Township Supervisors

McGrath reported that only Carol Elliott and John Schmidt replied to the committee's request for feedback from township supervisors. Both Elliott and Schmidt suggested changes. McGrath described the suggested changes regarding timing, which were appropriate because of statutory changes since the rules were reviewed. Linda Abernathy also sent McGrath a suggestion to clarifying the purpose of the hearings before the Public Aid Appeals Committee. McGrath thought it was a good suggestion to clarify the purpose of the hearings. McGrath recommended sending a revised draft incorporating the newly suggested changes to the township supervisors and informing them that the committee intends to vote on the final draft of the rules at the June meeting. The committee concurred with the changes recommended by the township supervisors. The committee discussed how to avoid appeals like the one this morning, which was based on a situation that the statute clearly indicated could not be the basis for an appeal. McGrath recommended adding a paragraph that listed the grounds for an appeal. Burnison requested any new drafts be dated for identification purposes. Wysocki asked if language about the regular monthly Public Aid Appeals Committee could be incorporated into the rules. McGrath agreed to do so.

McGrath stated the Public Aid Appeals Committee does not have an assigned parent committee. She recommended the Policy, Personnel, & Appointments Committee be designated as the parent committee. This item will be added to the June Policy, Personnel, & Appointments Committee agenda and then forwarded to the full County Board.

McGrath said Carol Elliott suggested removing the names of appellants from the agendas. The reason for removing the names is the new privacy statute and the agendas must be publicly posted to comply with the Open Meetings Act. Schmidt requested an email be sent to the committee with the name of an appellant since it will not be included on the agenda. A numbering system will be developed for the appellants.

The committee discussed making the timetable more consistent. McGrath stated an appellant was statutorily allowed to have sixty days to initiate an appeal. McGrath will explain this in the letter to the townships. Schmidt asked if there was a way to require the township's informal conference to be completed before a Public Aid Appeals Committee meeting was scheduled to hear the appeal. McGrath has been working on this issue. Unfortunately, the townships do not always have time to hold an informal conference before the regularly scheduled committee meeting. McGrath can suggest this in the rules, but this cannot be mandatory.

The committee discussed lobbying the state to change the length of time a person has to initiate an appeal from sixty days to thirty days. Burnison liked the standardization of forms. McGrath noted that Elliott requested to be allowed to continue using the Cunningham Township forms. The committee agreed with the request as long as the Cunningham forms provided the same content. Elliott also asked McGrath if the hearings should be open to the public. Elliott mentioned the General Assistance Rules call for the hearings to be closed to the public. McGrath said the hearings have always been public and the Open Meetings Act requires the hearings remain open. McGrath asked the committee for their opinion. Burnison said the hearings have always been open as required by the Open Meetings Act, except for the closed sessions to consider evidence and testimony. Schmidt noted that court proceedings are open to the public so there should be no expectation that hearings regarding public aid appeals would be private.

McGrath will change the language in Paragraph 12 on the filing of a written entry of appearance to reflect that the township is automatically represented by legal counsel by statute. McGrath will review Paragraphs 24 and 25 concerning evidence. McGrath preferred the township provide certified copies of the public record in order to ensure they are legitimate public records. A township clerk can notarize public records so it would not cause additional costs to the township. The committee concurred.

Starwalt asked if a husband and wife could represent each other. McGrath said it would depend on whether the appeal defense is the same. This would need to be considered on a case-by-case basis. Appellants would be allowed to bring an interpreter or someone to assist an appellant who is disabled to the hearing. McGrath will research some examples of the type of representation an appellant could have at a hearing. Starwalt said he could envision a situation where an adult child would be representing a parent. Wysocki noted an interpreter may not necessarily be a representative. McGrath will check the statutory administrative rules.

McGrath noted Elliott also requested that Paragraph 4 Item F reflect that the townships have different methods of delivery of services. The date of the change can be different every month. Elliott suggested the rules state the change would occur within twenty-one days of the date of the change or twenty-one days of the date the notice is received.

McGrath will develop a new draft of the rules incorporating the changes and send it to the committee and the township supervisors. May 31st was set as the deadline for any feedback.

NEW BUSINESS

There was no new business.

ADJOURNMENT

MOTION by Schmidt to adjourn; seconded by Burnison. Motion carried. The meeting was adjourned at 9:41 a.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.