

DRAFT
EXECUTIVE COMMITTEE
MINUTES
February 12, 2008

The Executive Committee of the DeKalb County Board met on Tuesday, February 12, 2008 at 7:00p.m. at the Administration Building's Conference Room East. Chairman Ruth Anne Tobias called the meeting to order. Members present were Eileen Dubin, Julia Fauci, Michael Haines, Richard Osborne, Robert Rosemier, Roger Steimel and Pat Vary. Mr. Augsburg, Vice-Chairman of the Highway Committee was invited to sit in for Ms. LaVigne. Others present were Larry Anderson, Sally DeFauw, Vince Faivre, John Hulseberg, Jeffery Metzger, Sr., Paul Stoddard, Anita Turner, and Stephen Walt. Others present were Dennis Whittlesly, Ronald Matekaitis, John Farrell, Steve Ortiz, Rey Kitchkumme, Jordan Gallagher, Kate Schott and Michael Rosetti.

APPROVAL OF THE MINUTES

Mr. Rosemier amended the minutes to reflect the change in location of the January 2008 committee meeting that was held in the Gathertorium.

Moved by Ms. Vary, seconded by Ms. Dubin, and it was carried unanimously to approve the amended minutes from January 2008.

APPROVAL OF THE AGENDA

Chairman Tobias amended the agenda to reflect an item from the Soil and Water Conservation District.

Moved by Ms. Fauci, seconded by Ms. Vary, and it was carried unanimously to approve the amended agenda.

APPOINTMENTS

Metropolitan Planning

Organization:

Ms. Patricia LaVigne
Reappointment for a term of one-year,
until 02/01/2009.

Moved by Ms. Vary, seconded by Mr. Steimel, and it was carried unanimously to forward the appointment to the full board for approval.

Appointments expiring for March 2007:

Workforce Investment Act Board – 2 positions
All of the Fire Districts – 10 positions
Paw Paw Cemetery - 1 position
DeKalb Sanitary District – 1 position

POTAWATOMI TRIBAL AGREEMENT DISCUSSION

Chairman Tobias stated that since we have the tribal members and legal teams present this evening, she wanted to ask any county board members if they had any further questions on the proposed Potawatomi Tribal Agreement?

Mr. Metzger, Sr., said that at the Public Meeting last night on the Potawatomi Tribal Agreement with the County of DeKalb, he was glad to see that it was a somewhat civil meeting. He hopes that after this is all over that the community comes back together. He said that we have relied on our legal team for guidance and felt that there were some more concessions since our last meeting with the township roads had been done. He's not sure if we are at the point right now if there is any more room to do further negotiation?

Mr. Whittesly said that when we start these things and the first goal is to ensure that the County is made whole to prepare for impacts. That is what we tried to do. What we need to do is note that the Tribe is obligated to follow certain Federal laws. For instance, if there is a parking lot with storm water runoff, they will be subject to those rules and regulations. A lot of these environmental issues are not local government's issues because the tribes are obligated to follow Federal laws.

When you say, is there more that we could have done? Said Mr. Whittesly, first we addressed things that we could identify with certainty and then we built in the fund that gives the County some flexibility. That is the \$800,000 a year payment. Then we did something else, as you know its \$800,000 or 2.5%, whichever is greater. That's a rare concession to have a percentage and secondly, it protects the County from whatever may come in the future. That percentage pertains to all of the gaming that would ever occur with the Shabbona Reserve.

If the Governor decides to negotiate a compact with the tribe for Class 3 gaming, that goes beyond bingo. With a Class 3 gaming facility, that is beyond the County's control. So what we did is that we protected the County from any unknown impact with the percentage of gaming revenue.

He feels that yes, we got a fair deal, we got what we should have.

There is a reopener that occurs all the time so the dialogue between the Tribe and County doesn't stop. The agreement protects the County economically.

Mr. Matekaitis, DeKalb County State's Attorney, said that it was our intention to negotiate a conclusion and come to an agreement. He said that it is not a perfect agreement, if we took into consideration every suggestion from last night, we would have any agreement that could not be signed.

Mr. Metzger, Sr., asked if we had a mechanism in place to get back together.

Mr. Bockman said that we have a meet and confer provision. He further explained that he has written these types of agreements for the past 35 years and they work if both parties want them to work. He believes that the agreement will work if it is approved. He further stated to think of this as a constitution. He doesn't think that our constitution defines liberty, but over time we have come to some sort of understanding of what it is and what it isn't. He feels that any good agreement is like that.

Mr. Haines said that in the meetings that we have held over that past few months it occurred to him that the faces that he sees from Shabbona are the same ones over and over again. This is not an outpouring of the good people of Shabbona as it has been represented so often, but the outpouring of a small group of people who live very close to the property who are upset by this change in their living status, and I would be too. But it seems that instead of this being an outpouring of people from Shabbona, what we really have, if we look at it objectively, is a small group of people who have an interest, but a very definite self-interest in their living conditions representing themselves as being a broader group. What we need to look at - is the best interests of the people in the County, including the rest of the people in Shabbona. That is a whole different formula, as a county board member, because it becomes almost impossible for a person to vote against the agreement for the benefit of a small number of landowners. He feels that the Indians are providing more than the usual developers have done.

Ms. Fauci said that she sees this more than just a gambling issue, but we are also going to have some cultural exchange, like stated last night at the public meeting and that it will be a historic moment in the State of Illinois if this does occur. She feels that the agreement does protect the County. She does have one question, though, that if this agreement does get approved are we encouraging the federal government to allow gambling?

Mr. Whittesly, said that as one who has represented tribes, I wish it were so. The answer is that the issue before the National Gaming Commission is a very legally and factual issue. It will be decided by a very professional staff, experienced in these issues, on the merits of the law and facts that have been presented. This is a decision that will be made on the merits of the application. That we have any agreement, frankly unless someone wants to send it to the National Gaming Commission, they won't even know it, because this is not an agreement that goes to them. The answer is no.

Mr. Steimel asked Mr. Haines, about his comment that he made earlier, if you lived in that rural residential community, wouldn't you be a little upset?

Mr. Haines said yes, that's what I said.

Mr. Steimel than asked Mr. Whittesly if there was any merit to the questions that were brought forth from the Marino Report?

Mr. Whittesly said that if you are looking for impartial, that's not it. He fights Indians all over the country. He is an anti-Indian fighter, he is not an

impartial expert, and in fact Mr. Whittesly doesn't think he is an expert at all. He has found that what he has written is not relevant. This agreement is enforceable.

Mr. Rosetti, legal counsel for the Tribe, said that both parties have negotiated and drafted this agreement with common precursors for litigation and arbitration. It was written to endure into the future. As far as Mr. Whittesly and himself, they both work for their individual clients, they are not impartial. The Indians pay for Mr. Whittesly's services because the County made us. Mr. Whittesly is working for the County.

Ms. Turner said that she feels that people have negotiated very well. If we don't vote for this now, we could lose it.

Mr. Stoddard suggested that we have heard about certain concerns and he feels that we should do a written response to these concerns raised in the Marino Report.

Mr. Steimel agreed with the suggestion, he felt a written response would be good.

Mr. Walt said that if the man is not an expert, then he does not feel that we should even do a written response.

Another item that the committee was questioning was the amount of money in the agreement assigned for gambling compulsive behavior treatment. They felt that the \$5,000 each year after the initial, first year amount of \$25,000, was not enough money for this treatment. It may be money that could be used for educational purposes though for people to avoid the problem.

Mr. Whittesly said that he is responsible for writing the words compulsive behavior. Illinois has a lottery and it is documented that the biggest problem that we have with gambling shows that compulsive behavior is directly tied to the lottery. He said that the casino owners do not want these compulsive gamblers in their facilities. Their staff is trained to identify compulsive gamblers and escort them off of their premises. It is additional money and it is a way to help with this problem.

The Treasurer of the Potawatomi Indian Tribe stated that they do take compulsive gambling very seriously. If a person's name is found on the list of the National Database, they are not allowed in their facility at all. They take their responsibility very seriously. They staff is trained to identify the compulsive gambler.

Mr. Steimel asked if the in the agreement, property that might be purchased by the tribe that are in the 1280 acres, would they come under this agreement?

Mr. Whittesly, said right.

Mr. Steimel then asked about assessments. If they build the bingo facility, will it be assessed as commercial and would the building itself be assessed as it is normally done?

Mr. Bockman said yes.

Mr. Steimel asked about the auditor. What information will be made available to the auditor.

Mr. Whittesly said that the tribe will have a certified audit, as they must have for federal purposes.

Ms. Vary asked what is the Tribe getting out of this agreement by entering into it now?

Mr. Whittesly said that they get certainty with an agreement like this. They know that the transportation needs will be met along with fire and EMS. It's the certainty of the business transaction. In addition, I don't know what the tribe will or not do with regards to financing, but I will tell you that a financial institution will want to see some certainty. It's both a good neighbor policy and it's good business because you have to approach this as a development. The agreement provides for law enforcement, prosecutions, schools, the certainty comes in to play because we know that the schools are part of the pilot payment, the taxes will be distributed according to the formula. The tribe will have the certainty that they are contributing to the infrastructure and to the extent of their pact. So it is a business certainty.

Moved by Ms. Vary, seconded by Mr. Osborne, and it was carried unanimously to forward this agreement to the full board for approval.

SOIL AND WATER CONSERVATION DISTRICT REQUEST

Chairman Tobias said that she was approached by Mr. Dean Johnson of the Soil and Water Conservation District about seeking assistance from the County Board to show support for their funding from the State of Illinois. Mr. Johnson sent Chairman Tobias a resolution that Soil and Water Conservation Districts are asking their local County Boards to help support it, which authorizes the Governor of the State of Illinois release immediately all of Soil and Water Conservation District's funding.

Moved by Ms. Fauci, seconded by Ms. Vary and it was carried unanimously to forward this resolution to the full board for approval.

PUBLIC APPROVAL ORDINANCE

Mr. Bockman, County Administrator, said that is a housekeeping item leftover from when we authorized the First Time Homebuyer's Program for this year. We're now authorizing that percentage that is available from our bond volume cap to put towards this project, in cooperation with a number of other

governments. We have done it before. We didn't do it for two years when we were financing the Supportive Living Facility because we gave our bond volume cap to that activity for those years. The commitment before you tonight is for one year for the coming year. There is no cost to the County.

Moved by Ms. Fauci, seconded by Mr. Rosemier, and it was carried unanimously to the full board for approval.

APPROVAL OF THE COUNTY BOARD AGENDA

Mr. Ray Bockman, County Administrator, reviewed the County Board Agenda for the Board Meeting to be held on February 20, 2008.

Moved by Mr. Haines, seconded by Ms. Vary, and it was carried unanimously to forward the county board agenda to the full county board for approval.

GENERAL DISCUSSION

Mr. Steimel, Chairman of the Planning and Zoning Committee, said that his committee's three items that are coming before the county board next week are pretty routine items.

Ms. Dubin, Chairman of the Economic Development Committee, said that her committee did not meet last month, but that they did hold a terrific workshop last week under the organization of Ms. Julia Fauci, Ms. Patricia Vary and staff.

Mr. Augsburger, Vice-Chairman of the County Highway Committee, said briefly reviewed his committee's items coming before the county board next week.

Ms. Vary, Vice-Chairman of the County Board, made a suggestion about the potholes all over the highways. She suggested that in Europe they have much better roads because they require a warranty on the work done on the roads for a certain amount of years.

Ms. Vary also said that she attended the Metro West Legislative meeting with Chairman Tobias. She said that Representative Pritchard was present at this meeting. The legislators all sounded frustrated with Springfield.

She also suggested that maybe we should look at having a Legislative Breakfast again with Senator Burzynski and Representative Pritchard and present then with our "wish list".

Ms. Fauci, Chairman of the Forest Preserve Committee, said that they have not received the funds from the OSLAD grant yet. The first conference for the Go Green Initiative went very well. She said that 130 people attended the event and the response in the evaluations sheets was wonderful. She also notified the committee members that there is some property in the southern

end of the County that has come up for them to take a look at. It is a new piece of property.

Mr. Osborne, Chairman of the Law and Justice Committee, said that his committee is sending the Juvenile Detention Agreement to the full board. This is an extension of the current agreement with the years being for 3 years with an option to extend it for another year.

Mr. Rosemier, Chairman of the Health and Human Services Committee, said that his committee held their second meeting on the discussion of affordable housing in DeKalb County. It went very well and they will be holding another, third meeting, on the subject. They will be inviting bankers, lenders and municipalities to attend the March meeting.

Mr. Haines, Chairman of the Finance Committee, said that they will be meeting tomorrow evening.

Chairman Tobias encouraged the members to attend the Tenth Annual Leadership Conference on June 11, 2008 in Champaign, Illinois, sponsored by the University of Illinois Cooperative Extension Office. The topic for this meeting is "Sustaining Our Communities."

Before adjourning, Mr. Bockman mentioned that the last meeting of the Regional Planning Commission they discussed the groundwater issue. This group will be taking up the issue again on February 28, 2008. He is hoping that they will send a recommendation back to the cities and the county. It will have a price tag attached to it that none of us can afford. I just want you to be alerted to the fact that this may be coming soon.

ADJOURNMENT

It was moved by Ms. Vary, and seconded by Mr. Augsburger, to adjourn the meeting. The motion was approved unanimously.

Respectfully submitted,

Chairman Ruth Anne Tobias

Mary C. Supple, Secretary