

MINUTES OF PUBLIC HEARING of April 22, 2021

On April 22, 2021, the Board of Trustees of Community College District 507, in the Counties of Vermilion, Edgar, Iroquois, Champaign, and Ford in the State of Illinois, met in the Board Room, Vermilion Hall Room 302 at Danville Area Community College in order to conduct a Public Hearing concerning the intent to sell Funding Bonds.

CALL TO ORDER

Chairperson Harby called the meeting to order at 5:53 p.m.

Trustees physically present: Tracy Cherry, Sandra Finch, Dave Harby, Dylan Haun, Terry Hill, Greg Wolfe and Student Trustee Laura Duncan. Trustee absent: John Spezia.

Others physically present: President Stephen Nacco, Board Secretary Kerri Thurman, Jill Cranmore, Tammy Betancourt, Lara Conklin, Jerry Davis, Jeff Haun, Rachel Haun, Logan Haun, Ashley Haun, Darren Duncan, and Natalie Duncan. Others present via phone: Dr. Natalie Page Stacy Ehmen, and Kevin Heid.

Media present: Ross Brown, WDNL.

Mr. Harby reported the reason for the public hearing is to receive public comments on the proposal to sell bonds of the District in the amount of \$1,500,000 for the purpose of paying claims against the District. There continues to be a need for resources to meet the technology and instructional equipment needs for the College. These funds will allow the College to stay current with the changes in technology and equipment that are needed to offer state-of-the-art capital resources in our classrooms and supporting services. They will also allow the College to proceed with much needed capital and deferred maintenance projects. Therefore, on March 25, 2021, the Board of Trustees passed a resolution authorizing the College to issue Funding Bonds in the amount of \$1,500,000 to meet the principal and interest obligations of this debt.

PUBLIC COMMENT

The following written testimony was received via email from Eagle 3 Analytic and was read aloud in its entirety by Chair Harby:

Dear Board of Trustees:

This is our written testimony regarding an event that may happen --- or may not happen --- sometime in the future.

This hearing appears on the published Agenda as item "15" (Public Hearing Concerning the Intent of the Board of Trustees of the District to Sell \$1,500,000 Funding Bonds for the Purpose of Paying Claims Against the District.)

This hearing is supposedly being held so that the public may provide testimony and ask questions of you and the administration on a subject that the Board of Trustees has not yet publicly cast a vote.

Agenda item “22(C)” is listed as: “Board Consideration of Resolution Setting Forth and Describing in Detail Claims Heretofore Authorized and Allowed for Proper Community College Purposes Which are Presently Outstanding and Unpaid, Declaring the Intention to Avail of the Provisions of Article 3A of the Public Community College Act of the State of Illinois, as Amended, and to Issue \$1,500,000 Funding Bonds for the Purpose of Paying Claims Against the District, and Directing that Notice of Such Intention be Published as Provided by Law”. As part of that agenda item, there is a resolution, presumably written by an attorney at Chapmen and Cutler, that is entitled: “RESOLUTION setting forth and describing in detail claims heretofore authorized and allowed for proper community college purposes which are presently outstanding and unpaid, declaring the intention to avail of the provisions of Article 3A of the Public Community College Act of the State of Illinois, as amended, and to issue bonds in the amount of \$1,500,000 for the purpose of paying claims against Community College District No. 507, Counties of Vermilion, Edgar, Iroquois, Champaign and Ford and State of Illinois, and directing that notice of such intention be published as provided by law..”

While no one can predict the future, our testimony this evening is about the present. At the time that this hearing is taking place, no trustee has cast a public vote on the resolution 22(C) resolution. Unless there was a “secret ballot” held sometime in the past in violation of the *Open Meetings Act of Illinois*, the Board of Trustees has not publicly voted on whether or not the corporate authorities of this taxing district “intend” to sell any bonds at all. No purpose has been publicly stated and agreed upon. No dollar amount has been publicly decided upon. No public vote can be located.

Public business must be conducted in open meetings. Therefore, the public has a right to know when the Board of Trustees voted to declare its intention to sell \$1,500,000 of funding bonds to pay claims. It must have taken place sometime in the past in order to explain a published public notice asking for public testimony on a declaration of intent to sell bonds.

Question for the Chair:

Earlier this evening, you and the other trustees recited a pledge. The agenda item was #2. Our question to you is: What are the colors found on the flag that you pledged your allegiance to? Please respond with your answer at this time.

Question for the Sandra Finch:

Earlier this evening, you took an oath of office. The agenda item was #4. You gave assurances to “support the Constitution of the United States of America and the Constitution of the State of Illinois”. Our question to you is: Will you uphold both of those documents? Please respond with your answer at this time.

Question for the Dylan Haun:

Earlier this evening, you took an oath of office. The agenda item was #4. You gave assurances to “support the Constitution of the United States of America and the Constitution of the State of Illinois”. Our question to you is: Will you uphold both of those documents? Please respond with your answer at this time.

Question for the Chapman and Cutler:

Tonight, the Board of Trustees are holding this BINA bond hearing minutes before a vote is held on agenda item 22(C). For sake of this question, let’s assume that this hearing takes place FIVE MINUTES before the vote to approve the 22(C) resolution.

Our question to bond counsel is: If the Board of Trustees can hold a BINA bond hearing FIVE MINUTES before a vote on the 22(C) resolution that you drafted, can the Board of Trustees hold a BINA bond hearing FIVE DAYS before a vote on the 22(C) resolution?

Several follow-up questions for either Chapman and Cutler or Davis & Delanois:

If the Board of Trustees can hold a BINA bond hearing FIVE MINUTES before a vote on the 22(C) resolution that Chapman and Cutler drafted, can the Board of Trustees hold a BINA bond hearing FIVE WEEKS before a vote on the 22(C) resolution?

If the Board of Trustees can hold a BINA bond hearing FIVE MINUTES before a vote on the 22(C) resolution that Chapman and Cutler drafted, can the Board of Trustees hold a BINA bond hearing FIVE MONTHS before a vote on the 22(C) resolution?

If the Board of Trustees can hold a BINA bond hearing FIVE MINUTES before a vote on the 22(C) resolution that Chapman and Cutler drafted, can the Board of Trustees hold a BINA bond hearing FIVE HUNDRED DAYS before a vote on the 22(C) resolution?

At this time, we would like to provide testimony on the subject of **voter suppression**.

The issue of restricting voter access to the ballot box is once again a high profile news item in America. Rather than being a theoretical argument about voter registration requirements in the State of Georgia, tonight the issue of **voter suppression** is being presented under the guise of a public hearing --- your public hearing --- a hearing that is mandated by law for the sole purpose of providing public access to elected officials and public administrators. This access is part of what is known as a --- backdoor bond referendum. Instead of the Board of Trustees directly placing a ballot initiative in front of the voters, the community has to “petition” the question onto the ballot. **Voter suppression** and its evil twin **voter dilution** occur when the public is excluded from being able to actively participate in the process --- the “backdoor referendum”.

For background, the tax cap laws were enacted with overwhelming support to *return* power to the voters to approve property tax increases and taxpayer funded bond sales. In order to maintain the appearance of voter inclusion, a requirement to hold a public hearing was established by an act of the General Assembly in 1996. This is the BINA statute and it mandates that certain actions be taken by a taxing district prior to selling nonreferendum bonds.

According to the Freedom of Information Act “Pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the State of Illinois that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of this Act. Such access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest.” **Access to information is fundamental to informed decisions that can be made by an engaged citizenry.** Tonight’s agenda, where this *public* hearing precedes the formal approval of the 22(C) resolution, is in direct conflict with the “fundamental philosophy of the American constitutional form of government.” Furthermore, we believe that it expresses contempt for the concept of voter involvement in the process of incurring debt and levying new taxes.

Request of the Chair:

We ask that the Chair provide testimony at this time explaining how an engaged and industrious citizenry who still cling to a thread of belief in the value of the right to vote will be able to effectively and efficiently circulate a petition to gather enough signatures to get the opportunity to exercise his or her right to vote if they are not able to ask questions at a hearing held *after* the Resolution 2021-3 is approved. A petition circulator must be informed as to what the ballot question will contain. A petition signer may ask questions of the circulator. We ask that the Chair address the issue as to how does one know what the bond sale is funding if the opportunity to ask questions and appeal to the elected Trustees occurs *before* the purpose of the bond sale is articulated in an approved resolution of intent. Additionally, we ask that the Chair give testimony as to how a citizen is to prepare for this hearing if the hearing takes place prior to the Notice of Intent being published in the local newspaper.

It would be polite to assert that this inversion of sequence is an inadvertent error but that would be to presume that the professional advisors who drafted the calendar of events surrounding this proposed bond sale and the wording of the required legal orders and minutes were unaware of the fact that it is impossible to ask informed questions or to make relevant presentations on an issue that hasn’t even been announced or identified in any specific manner. **This is clearly intentional.**

Reversing the order of a BINA hearing and resolution and then compressing them into one meeting seems to provide no benefit to anyone and actually restricts the involvement of the voters and taxpayers. It reflects a profound contempt for the involvement of voters in the process of raising money paid by tax levies.

In conclusion, we are writing this Testimony in order to inform the duly-elected members of the board that we believe that this public hearing violates the letter of the BINA statute mandating such hearings, violates the intent of that law, and most importantly, violates two of the *universal* principals that undergird the **American Experiment** --- transparency and accountability of public bodies at all levels of government.

It is public policy in Illinois that all persons are entitled to full and complete information about the affairs of government.

The public policy of the state as found with FOIA is copied here for review:

“Pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the State of Illinois that **all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees** consistent with the terms of this Act.

“Such access is necessary to enable the people to fulfill their duties of discussing public issues fully and freely, making informed political judgments and monitoring government to ensure that it is being conducted in the public interest.

“The General Assembly hereby declares that it is the public policy of the State of Illinois that access by all persons to public records promotes the transparency and accountability of public bodies at all levels of government. It is a fundamental obligation of government to operate openly and provide public records as expediently and efficiently as possible in compliance with this Act.”

Holding the BINA hearing prior to the approval of the backdoor resolution of intent and its publication as well as placing both items on the same agenda intentionally circumvents public participation in the process in direct conflict with “the public policy of the State of Illinois that **all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees.**”

It also casts aspersions on the character of those who either recommend such action or acquiesce to it.

We strongly urge you to postpone tonight’s public hearing until such time that it can be held in compliance with the intent of the FOIA, the OMA, the BINA and the public policy of the State of Illinois.

Respectfully,

Eagle 3 Analytics

There were no other comments or oral testimony from the public regarding the FY2022 Budget.

Upon motion by Mr. Wolfe and a second by Mr. Hill, the Public Hearing was adjourned at 6:13 p.m. The motion passed by roll call vote: 7 yeas, 0 nays.

Chairperson, Board of Trustees

Secretary, Board of Trustees

Approved: _____