

# Exhibit 13

BEFORE THE ILLINOIS POLLUTION  
CONTROL BOARD

PEORIA DISPOSAL COMPANY, )  
 )  
Petitioner, )  
 )  
-vs- ) NO. PCB 06-184  
 )  
PEORIA COUNTY BOARD, )  
 )  
Respondent. )

The deposition of MEGAN FULARA, a material witness herein, called for examination pursuant to notice and the Supreme Court Rules as they pertain to the taking of discovery depositions before Aana M. Giftos, CSR, RPR, and Notary Public in and for the County of Peoria, and State of Illinois, on Friday, August 18th, 2006, at 416 Main Street, Suite 1400, Peoria, Illinois, commencing at the hour of 2:00 p.m.

APPEARANCES:

GEORGE MUELLER, ESQUIRE  
528 Columbus Street, Suite 204  
Ottawa, Illinois 61350  
and

JANAKI NAIR, ESQUIRE  
BRIAN J. MEGINNES, ESQUIRE  
Elias, Meginnes, Riffle & Seghetti, P.C.  
416 Main Street, Suite 1400  
Peoria, Illinois 61602  
on behalf of the Petitioner;

DAVID A. BROWN, ESQUIRE  
Black, Black & Brown  
101 South Main Street  
Morton, Illinois 61550  
on behalf of the Respondent;

ALSO PRESENT:

Royal Coulter,  
Chris Coulter.

I N D E X

WITNESS

MEGAN FULARA

Examination by Mr. Mueller . . . . . pg. 3

\*EXHIBITS

IDENTIFIED

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\*Indicates exhibits were withdrawn by Petitioner's  
counsel; not attached hereto.

1 MEGAN FULARA.  
 2 a material witness herein, being duly sworn, was  
 3 examined and testified as follows:  
 4 EXAMINATION  
 5 BY MR. MUELLER:  
 6 Q Would you state your full name and spell  
 7 your last name for the record, please?  
 8 A Megan Fulara, F-U-L-A-R-A.  
 9 Q Let the record show this is the discovery  
 10 deposition of Megan Fulara taken pursuant to notice  
 11 in accordance with the Rules of the Illinois  
 12 Pollution Control Board and in accordance with the  
 13 Rules of the Code of Civil Procedure and by  
 14 agreement of the parties.  
 15 Is it all right if I call you Megan?  
 16 A Yes.  
 17 Q Megan, have you ever had your deposition  
 18 taken before in any case for any reason?  
 19 A No.  
 20 Q Let me go over a couple of ground rules.  
 21 First of all, everything that is said is being  
 22 taken down by the court reporter. So only one of  
 23 us can talk at a time. That means that you need to  
 24 wait until I finish the question before you start

1 A 1412 West Margaret, Peoria, Illinois,  
 2 61604.  
 3 Q Did you receive with the notice of  
 4 deposition a rider which asked you to bring certain  
 5 documents that would be under your possession or  
 6 control?  
 7 A Yes, I believe so.  
 8 Q What documents have you brought with you  
 9 today that are in compliance with the documents  
 10 specified in the rider that was attached to the  
 11 notice?  
 12 MR. BROWN: My name's Dave Brown,  
 13 representing Peoria County. I've got a folder full  
 14 of documents that we're producing in response to  
 15 that rider.  
 16 What's not included at this time is a  
 17 privilege log, but I will generate one shortly.  
 18 The privilege log will relate primarily to E-mails  
 19 that were between Megan's office and the State's  
 20 Attorney's office or my office.  
 21 MR. MUELLER: We're going to reserve  
 22 the right to redepose the witness, and it probably  
 23 won't be necessary but we're going to reserve the  
 24 right to redepose the witness after we have

1 answering and I'll wait until you finish the answer  
 2 before I ask the next question.  
 3 If somebody raises an objection, you  
 4 probably ought to stop talking because the reporter  
 5 can't take down two people at the same time. Is  
 6 that clear?  
 7 A Yes.  
 8 Q Also, if I ask you a question and you don't  
 9 understand it, feel free to have me rephrase it.  
 10 Is that clear to you?  
 11 A Yes.  
 12 Q Additionally, the court reporter can only  
 13 take down spoken words. So gestures, nods of the  
 14 head, shakes of the head and things like uh-huh and  
 15 huh-uh really don't work well with the written  
 16 record. Do you understand that?  
 17 A Yes.  
 18 Q You also understand that you are under  
 19 oath?  
 20 A Yes.  
 21 Q Okay. Let's proceed. What is your mailing  
 22 address?  
 23 A For work or for home?  
 24 Q Where we can reach you at home?

1 litigated if we deem it necessary whether or not  
 2 any privilege truly applies.  
 3 Fair enough, Dave?  
 4 MR. BROWN: That's fine.  
 5 MR. MUELLER: It may never get to that  
 6 point.  
 7 BY MR. MUELLER:  
 8 Q Megan, Mr. Brown has handed me an expando  
 9 folder with a bunch of loose documents in it which  
 10 he says are compliant with the document rider  
 11 attached to the notice.  
 12 I should probably show it to you real  
 13 quickly and ask you if those are the documents that  
 14 you believe comply with the notice?  
 15 A Yes.  
 16 Q Is that in your belief complete compliance  
 17 with the exception of materials that you're going  
 18 to claim as being privileged?  
 19 A Yes.  
 20 MR. MUELLER: Mr. Brown, you will  
 21 furnish a privilege log for us in reasonable time?  
 22 MR. BROWN: Yes.  
 23 MR. MUELLER: Very good.  
 24

1 BY MR. MUELLER:  
 2 **Q Where are you employed?**  
 3 A Peoria County.  
 4 **Q In what capacity?**  
 5 A I work for the county clerk as the chief  
 6 deputy.  
 7 **Q How long have you had that job?**  
 8 A I've worked for the county for five years.  
 9 **Q How long have you been chief deputy?**  
 10 A A little over one year.  
 11 **Q What was your position before chief deputy?**  
 12 A I was the election administrative  
 13 assistant.  
 14 **Q Before that, what was your position with**  
 15 **the county?**  
 16 A Those were the only two positions I've had  
 17 with the county.  
 18 **Q What's your highest level of education?**  
 19 A I have a master's degree.  
 20 **Q In what field?**  
 21 A Public administration.  
 22 **Q From which school?**  
 23 A University of Illinois at Springfield.  
 24 **Q Where were you employed prior to Peoria**

1 A Yes.  
 2 **Q Did you -- obviously, you had no supervisor**  
 3 **besides her?**  
 4 A Correct.  
 5 **Q How frequently would you meet with her to**  
 6 **discuss any aspect of your duties with in the**  
 7 **clerk's office?**  
 8 A Daily.  
 9 **Q Were you assigned any specific duties above**  
 10 **and beyond your general duties as the general**  
 11 **deputy in connection with PDC's application?**  
 12 A No.  
 13 **Q Well, were you informed by anyone at any**  
 14 **point in time that a segregated record of documents**  
 15 **needed to be kept in connection with the PDC**  
 16 **application for site approval?**  
 17 A No.  
 18 **Q Did you keep a segregated record of**  
 19 **documents in connection with that application?**  
 20 A I don't know.  
 21 **Q Can you elaborate on that answer or do you**  
 22 **want me to rephrase the question?**  
 23 A Could you rephrase the question?  
 24 **Q All right. Let's go back in time. When**

1 **County?**  
 2 A I was a student.  
 3 **Q So this is your first full-time job after**  
 4 **you finished your education?**  
 5 A Yes.  
 6 **Q Can you tell us generally what the duties**  
 7 **of the chief deputy county clerk are?**  
 8 A I oversee the office functions and advise  
 9 the clerk.  
 10 **Q Who is the clerk?**  
 11 A JoAnn Thomas.  
 12 **Q She's an elected official, isn't she?**  
 13 A Yes.  
 14 **Q Now, Megan, in some of these county offices**  
 15 **that I'm aware of the chief deputy is actually the**  
 16 **person that does all the work and the elected**  
 17 **office holder comes in and normally supervises, but**  
 18 **the technical expertise is really with the chief**  
 19 **deputy.**  
 20 **Would that be a fair way of describing your**  
 21 **job situation as the chief deputy clerk?**  
 22 A No.  
 23 **Q So Ms. Thomas was a hands-on there everyday**  
 24 **clerk?**

1 **did you first become aware that Peoria Disposal**  
 2 **Company was going to file an application for siting**  
 3 **approval?**  
 4 A I don't remember.  
 5 **Q Would it be approximately around the time**  
 6 **that the application was actually delivered to your**  
 7 **office?**  
 8 A Yes.  
 9 **Q Was there ever any discussion that you had**  
 10 **around that time as to how that application and**  
 11 **other materials filed in connection with the**  
 12 **application were going to be physically handled?**  
 13 A Was there any discussion with who?  
 14 **Q Between you and anyone?**  
 15 A Yes.  
 16 MR. BROWN: I'm going to object to the  
 17 extent that you're asking for discussions between  
 18 her and the State's Attorney's office which is  
 19 counsel for the clerk. Anything else I think would  
 20 be fair game.  
 21 MR. MUELLER: Well, if she identifies  
 22 the discussions as being with the State Attorney's,  
 23 we'll get to that point.  
 24 MR. BROWN: Very well.

1 BY MR. MUELLER:

2 **Q Who did you have those discussions with?**

3 A JoAnn.

4 **Q What was decided between you and JoAnn as  
5 to how filings in connection with the application  
6 were going to be handled?**

7 A I was going to be in charge of overseeing  
8 how the documents were filed in the office.

9 **Q What did you decide was going to be the  
10 method that that was going to happen?**

11 A Any time anything was to be filed, I was to  
12 be notified.

13 **Q So would it be fair to say that JoAnn  
14 delegated to you the responsibility for seeing to  
15 it that documents in connection with this  
16 application were received and stored in an orderly  
17 manner?**

18 A Yes.

19 **Q You decided that you would -- should be  
20 made aware whenever anything was filed, correct?**

21 A Yes.

22 **Q Did you have any other procedures that you  
23 put in place?**

24 A As far as what?

1 **Q What other places would documents have been  
2 kept besides your office?**

3 A It depends what kind of document they were.

4 **Q Can you elaborate for me? Did you have  
5 rules for different types of documents?**

6 A I kept the county board documents in a  
7 different area, and there were -- the specific  
8 siting meetings where the county board was convened  
9 were kept together with general, regular county  
10 board meetings.

11 **Q By county board documents, do you mean  
12 things like agendas and meeting minutes?**

13 A Yes.

14 **Q I'm going to skip ahead for one second  
15 here. We noticed in the certificate of record that  
16 was filed that no minutes for the April 6th or  
17 May 3rd county board meetings were included.**

18 **Are there such minutes in existence, to  
19 your knowledge?**

20 A I don't know.

21 **Q Megan, did you prepare the certificate of  
22 record that was filed with the Pollution Control  
23 Board?**

24 A Yes.

1 **Q How materials would be received, handled  
2 and stored?**

3 A No.

4 **Q Did you designate a special place where  
5 materials received in connection with this  
6 application would be physically stored or kept?**

7 A Yes.

8 **Q What place did you designate?**

9 A I kept the majority of documents in my  
10 personal office.

11 **Q Were there some documents that you did not  
12 keep in your personal office?**

13 A Yes.

14 **Q What documents did you not keep in your  
15 personal office?**

16 A I don't know. I couldn't say exactly -- I  
17 couldn't identify the specific documents that  
18 weren't kept there.

19 **Q Could you identify any documents that were  
20 not kept in your office?**

21 A Is that the question?

22 **Q Yes.**

23 A There were a lot of documents. Some were  
24 kept in different places.

1 **Q It's a three-page document that I'm holding  
2 up here.**

3 **Do you recognize that as being the  
4 certificate of record that you prepared?**

5 A Yes.

6 **Q It's actually called the amended index, and  
7 we'll let you hold on to a copy because we're going  
8 to ask some questions about it.**

9 **If we can go off the record for a second.  
10 (Discussion off the record.)**

11 MR. MUELLER: Let's go back on the  
12 record.

13 BY MR. MUELLER:

14 **Q Megan, I've handed you a three-page  
15 document which I call the certificate of record,  
16 but it's really an index of the record initially  
17 filed with the Pollution Control Board, right?**

18 A Yes.

19 **Q You prepared that index?**

20 A Yes.

21 **Q Let's get back to going in order. Did you  
22 communicate to your staff in the clerk's office  
23 your procedures for how materials related to the  
24 PDC application should be handled?**

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1 A No.  
 2 **Q You didn't tell them that if anything was**  
 3 **filed you wanted to know about it?**  
 4 A Yes.  
 5 **Q You did tell them that?**  
 6 A Yes.  
 7 **Q Did you also tell them that letters and**  
 8 **other pleadings and filings that came in would be**  
 9 **kept in your office?**  
 10 A Yes.  
 11 **Q To your knowledge, the only documents that**  
 12 **weren't kept in your office were what you call**  
 13 **county board materials?**  
 14 A Those were some documents that weren't kept  
 15 in my office, yes.  
 16 **Q We've identified county board materials as**  
 17 **being agendas and minutes of county board meetings.**  
 18 **Are there any other documents that would**  
 19 **fall in the category of county board materials?**  
 20 A Any materials associated with the meeting,  
 21 any documents that were distributed at the meeting,  
 22 a record of who spoke at the meeting, transcripts,  
 23 any number of miscellaneous items could be  
 24 associated with the county board minutes.

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1 **Q So handouts and transcripts would be**  
 2 **considered county board materials?**  
 3 A Yes.  
 4 **Q Did you at any time become aware that there**  
 5 **was a need to maintain something called a record of**  
 6 **everything that was filed for purposes of possible**  
 7 **future appeal?**  
 8 A Yes.  
 9 **Q How did you become aware of that?**  
 10 A Well, from the beginning, I kept all of the  
 11 documents that were -- that I had in a general area  
 12 because I knew at some point we may need to copy  
 13 them or assemble them.  
 14 **Q Do you remember how you got the knowledge**  
 15 **that you might have to copy or assemble them in the**  
 16 **future?**  
 17 A I suppose through communication with the  
 18 State's Attorney's office.  
 19 **Q What was your understanding of what**  
 20 **constituted the record?**  
 21 A Any and all documents pertaining to the  
 22 application.  
 23 **Q It had been the clerk's delegation to you**  
 24 **of the responsibility to compile, maintain and**

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1 **safeguard that record, correct?**  
 2 A Of the documents that were physically filed  
 3 in our office, yes.  
 4 **Q Was there any security placed on those**  
 5 **documents in terms of regulating access to them?**  
 6 A No additional security outside of the  
 7 normal security.  
 8 **Q If somebody wanted to see a portion of the**  
 9 **record, what was the procedure for that individual**  
 10 **doing it?**  
 11 A They would have to speak with me.  
 12 **Q Would you physically supervise or have one**  
 13 **of your staff people physically supervise anyone**  
 14 **who was reviewing the record?**  
 15 A I would physically supervise anyone  
 16 reviewing the record.  
 17 **Q Was that true on every occasion when**  
 18 **someone reviewed the record?**  
 19 A Yes.  
 20 **Q So no one ever supervised besides you?**  
 21 A No.  
 22 **Q No meaning I'm correct?**  
 23 A No one supervised the record other than  
 24 myself.

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1 **Q Okay. If people wanted to review the**  
 2 **record, would you show them only the materials in**  
 3 **your office or also county board materials?**  
 4 A They could view both materials.  
 5 **Q Were there any other places in the clerk's**  
 6 **office where portions of the record were**  
 7 **maintained?**  
 8 A No.  
 9 **Q Where are the county board materials**  
 10 **physically kept in your office?**  
 11 A In file cabinets in our back room.  
 12 **Q Was it your position that anything and**  
 13 **everything that came in pertaining to the PDC**  
 14 **application would be part of the record?**  
 15 A Was it my position?  
 16 **Q Yes.**  
 17 A No.  
 18 **Q Let me rephrase that. Did you have any**  
 19 **criteria for what kinds of materials would be part**  
 20 **of the record and what kinds of materials didn't or**  
 21 **wouldn't be part of the record or did you simply**  
 22 **just include everything that came in?**  
 23 A Could you clarify what you mean by "the  
 24 record"?

Pages 15 to 18

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1 **Q The record of the PDC materials.**  
 2 A Could you repeat that question?  
 3 **Q Let's ask it a different way. Was there**  
 4 **ever anything that anyone attempted to bring or**  
 5 **file to or in the clerk's office that was rejected?**  
 6 A There were public comments that came in  
 7 past deadline for filing public comments, but they  
 8 were -- they were marked and indicated that they  
 9 came in past the filing but they weren't destroyed.  
 10 We kept them.  
 11 **Q If somebody wanted to provide a document**  
 12 **relating to the PDC application to you, would you**  
 13 **actually include it in the record meaning the**  
 14 **materials that you kept either in the file drawers**  
 15 **or in your office or were there sometimes occasions**  
 16 **when you would say, no, that's not an appropriate**  
 17 **thing to include?**  
 18 A I think for the most part I kept  
 19 everything.  
 20 **Q Do you recall as we sit here now that there**  
 21 **was anything that you rejected?**  
 22 A No.  
 23 **Q So it would be fair to say that the record**  
 24 **would have consisted of everything that came into**

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1 **your office relating to PDC?**  
 2 MR. BROWN: Objection. I think that's  
 3 mischaracterizing what she said. She said that  
 4 there was also the materials relating to the county  
 5 board meetings which weren't necessarily kept in  
 6 her personal office.  
 7 MR. MUELLER: They were kept in the  
 8 county clerk's office, though.  
 9 MR. BROWN: If that's what you mean by  
 10 the office.  
 11 MR. MUELLER: Right. Now I'm talking  
 12 about the office meaning the county clerk's office  
 13 as an entirety.  
 14 THE WITNESS: You'll have to ask the  
 15 question again.  
 16 BY MR. MUELLER:  
 17 **Q Would it be fair to say that in your**  
 18 **understanding the PDC record consisted of**  
 19 **everything that came into the county clerk's office**  
 20 **relating to the PDC application hearings?**  
 21 A Yes.  
 22 **Q Were there occasions when county board**  
 23 **members would submit things to the record?**  
 24 A Yes.

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1 **Q Can you give me some examples?**  
 2 A Any E-mails or correspondence that the  
 3 county board members received they filed as part of  
 4 the record.  
 5 **Q Do you recall county board members actually**  
 6 **coming to you and saying, Megan, here's some**  
 7 **materials I received that should be included in the**  
 8 **PDC file?**  
 9 A For public comments, yes.  
 10 **Q Which county board members do you remember**  
 11 **actually giving you materials that they had**  
 12 **received?**  
 13 A I couldn't recall specifically.  
 14 **Q Do you recall if the mayor ever gave you**  
 15 **any materials?**  
 16 A I couldn't recall.  
 17 **Q When materials came in, what was your**  
 18 **practice with regard to file stamping them? Did**  
 19 **you file stamp every page that came in or just the**  
 20 **front page of any set of materials?**  
 21 A Any loose bound, any loose paper was  
 22 stamped individually. Bound items were  
 23 generally -- the first one or two pages and  
 24 signature pages were stamped.

Page 22

1 **Q So if somebody were to bring in a 10-page**  
 2 **report, the practice was not to stamp every page**  
 3 **but just maybe the first two and the last one?**  
 4 A I couldn't say that we did that all the  
 5 time. It depends how many documents and it  
 6 depended. It varied.  
 7 **Q So you're saying that there was no set**  
 8 **procedure actually, is that correct?**  
 9 A Well, the set procedure was that everything  
 10 was stamped in. It varied to what extent.  
 11 **Q The procedure was that every page was to be**  
 12 **stamped?**  
 13 A No. Every item was to be stamped in.  
 14 **Q Well, that's what I'm getting at is in**  
 15 **terms of multipage items what pages of those items**  
 16 **would be stamped?**  
 17 A It depends.  
 18 **Q On what?**  
 19 A It depends on the length of the documents,  
 20 the nature of its binding, the amount of documents  
 21 filed, at what time.  
 22 **Q Well, let's say a document that was**  
 23 **stapled, what would be the procedure with regard to**  
 24 **something that was stapled together to indicate**

Pages 19 to 22



1 that it was a single document?  
 2 A It would depend how many pages.  
 3 Q Who made that call?  
 4 A I did.  
 5 Q You're indicating sometimes you might have  
 6 stamped every page and sometimes you didn't?  
 7 A Correct.  
 8 Q Can you give me any further elaboration as  
 9 to what would have triggered either activity,  
 10 either stamping every page or not stamping every  
 11 page?  
 12 A No.  
 13 Q Did you accept documents after  
 14 March 29th, 2006 from the public or from Board  
 15 members?  
 16 A Accept to what extent?  
 17 Q Include them in the record?  
 18 A Any document that came in relating to the  
 19 PDC application was accepted in our office. If it  
 20 was past the deadline, then that was indicated.  
 21 Q So you didn't turn anyone away? You didn't  
 22 say you missed the time, you've got to take your  
 23 document home?  
 24 A I don't remember if I turned anyone away.

1 maintains that site? Is that your office?  
 2 A I don't know what website you're referring  
 3 to.  
 4 Q Are there multi Peoria County websites?  
 5 A I don't know.  
 6 Q The website that would have the address  
 7 www.co.peoria.illinois.us, is that the county  
 8 clerk's website?  
 9 A I don't know.  
 10 Q But you do know that your office maintains  
 11 some type of website on behalf of the county,  
 12 correct?  
 13 A Yes.  
 14 Q Who in your office is responsible for  
 15 maintaining that website?  
 16 A I review the website.  
 17 Q So you are?  
 18 A Yes.  
 19 Q Who is physically responsible for hosting  
 20 material on that website?  
 21 A I don't know.  
 22 Q Well, someone in your office has to do it,  
 23 correct?  
 24 A I make recommendations to the IT

1 Q What's your best recollection with regard  
 2 to that, that you, in fact, took everything that  
 3 came in but just indicated that some of it was past  
 4 the deadline?  
 5 A To my best recollection, I accepted  
 6 everything, and if it came in past that deadline,  
 7 the document was marked and it was indicated that  
 8 was the case.  
 9 Q Does the Circuit Clerk's office maintain a  
 10 website?  
 11 A I don't know.  
 12 Q I mean, does the county clerk's office  
 13 maintain a website?  
 14 A We have a website.  
 15 Q Do you have any responsibilities in  
 16 connection with the maintenance of or the contents  
 17 of that website?  
 18 A Periodically, I review and make corrections  
 19 to the contents on our website.  
 20 Q There is a website that I have gone to  
 21 which I get when I do a search for Peoria County,  
 22 and it appears to cover a lot of different aspects  
 23 of joint government.  
 24 What agency of the county physically

1 department.  
 2 Q All right. That's what I'm getting at. So  
 3 the actual putting a document up is done by IT?  
 4 A I make recommendations to the IT  
 5 department.  
 6 Q IT I presume meaning information  
 7 technology?  
 8 A Correct.  
 9 Q Who's the head of the IT department?  
 10 A Russell Hauptert.  
 11 Q Spell that last name.  
 12 A H-A-U-P-E-R-T.  
 13 Q For example, Peoria County's entire siting  
 14 application was on a website.  
 15 Was that the website that your office  
 16 maintains?  
 17 A No.  
 18 Q What website was that?  
 19 A I don't know.  
 20 Q You never made a recommendation to put the  
 21 entire Peoria County, PDC application onto a  
 22 website?  
 23 A No.  
 24 Q No one in your office physically did the

1 scanning of the pages and then whatever electronic  
2 magic you have to do to make it appear on the site?

3 A No.

4 Q There were also certain transcripts posted  
5 on a Peoria County website, transcripts of county  
6 board meetings.

7 Were those on the website that your office  
8 maintains?

9 A I don't know.

10 Q Did you ever make any recommendations with  
11 regard to the posting of any transcripts?

12 A No.

13 Q Do you know who determined that those  
14 should be on the website?

15 A No.

16 Q Do you have any responsibility for that at  
17 all?

18 A No.

19 Q Do you believe that the IT department  
20 independently maintains the website?

21 A I don't know.

22 Q Do you have any supervisory control over  
23 Russell Hauptert?

24 A No.

1 A I don't know.

2 Q Some of what you brought with you today are  
3 memos that it appears -- or E-mails that you have  
4 received from Mr. Hauptert relating to the PDC  
5 application, correct?

6 A Yes.

7 Q What I'm trying to get at, it's not that  
8 hard a question, is who had the final say on what  
9 went up on the website?

10 A I don't know.

11 Q It was not you, though?

12 A Correct.

13 Q I'm going to mark as Fulara Deposition  
14 Exhibit No. 18 an E-mail here that came in today.

15 We can stop now to make copies or we can do  
16 it after the fact.

17 (Fulara Exhibit No. 18 marked)

18 BY MR. MUELLER:

19 Q Megan, I'm going to show you what's been  
20 marked as Deposition Exhibit No. 18 which purports  
21 to be an E-mail from you to Karen Raitchel dated  
22 March 3rd, 2006, and ask you to review that and  
23 if you could read your message at the top of the  
24 E-mail.

1 Q Does he have any supervisory control over  
2 you?

3 A I don't believe so.

4 Q Who would his immediate boss be?

5 A I don't know.

6 Q You would on occasion make recommendations  
7 to him as to what should be on a Peoria County  
8 website?

9 A Yes.

10 Q Give me an example of a recommendation that  
11 you remember making regarding anything.

12 A The fees for passports changed, and I  
13 corrected the dollar amount and asked him to  
14 make -- asked the IT department to make that  
15 correction.

16 Q Did you ever receive any communications  
17 with Russell Hauptert regarding materials received  
18 in connection with the PDC application?

19 A Yes.

20 Q What would you do with regard to those  
21 communications?

22 A I don't understand the question.

23 Q Well, would you respond to his  
24 communications?

1 A (Witness perusing document.)

2 Q If you could read it out loud into the  
3 record.

4 A Thanks, Karen. Just send it down. If I  
5 receive it today, I may be able to forward it to IT  
6 to put on the internet.

7 Q What does that refer to that you wanted to  
8 have sent down?

9 A One original transcript and three multipage  
10 copies for days one through four.  
11 February 21st through the 24th.

12 Q Does that refresh your recollection  
13 regarding what authority you had and responsibility  
14 you had with regard to maintaining PDC related  
15 materials on the county's website?

16 A No.

17 Q Do you admit writing that E-mail?

18 A Yes.

19 Q Was it your intent to direct the IT people  
20 to put those materials on the website?

21 A No.

22 Q What was your intent in having the  
23 materials sent down to you?

24 A I don't remember.

1 **Q Are you suffering from any condition of ill**  
2 **being today?**

3 A No.

4 **Q You're not ill or anything?**

5 A No.

6 **Q You're not on any medications?**

7 A No.

8 **Q Is there anything that's happening today**  
9 **that is adversely impacting your memory?**

10 A No.

11 **Q So your testimony is you don't know what**  
12 **you were thinking when you wrote that E-mail?**

13 A No.

14 **Q Then my question is, what were you thinking**  
15 **about the website when you wrote that E-mail?**

16 A I don't remember.

17 **Q So your testimony is you don't remember**  
18 **what you were thinking when you wrote the E-mail?**

19 A Correct.

20 **Q Did you ever make any other decisions about**  
21 **PDC materials going onto the website?**

22 MR. BROWN: Objection. That  
23 mischaracterizes what the testimony has been so  
24 far. She's stated fairly clearly that she didn't

1 direct anybody to put anything on it.

2 MR. MUELLER: Let me withdraw the  
3 question. That's a fair objection, Mr. Brown.

4 BY MR. MUELLER:

5 **Q Megan, do you have any recollection besides**  
6 **that memo of any communications you may have made**  
7 **to anyone regarding PDC related contents going on**  
8 **the Peoria County website?**

9 A I'm sorry. Could you repeat that?

10 MR. MUELLER: If the reporter would  
11 read that one back, please.

12 (Record read as requested.)

13 THE WITNESS: No.

14 BY MR. MUELLER:

15 **Q Now, I'm going to tell you and ask you to**  
16 **accept this as a fact for purposes of the next few**  
17 **questions that all of the transcripts of the public**  
18 **hearing were posted on the Peoria County website.**

19 **Do you have any knowledge of how soon those**  
20 **transcripts were posted after they became**  
21 **available?**

22 A No.

23 **Q With regard to transcripts of hearing that**  
24 **were posted on the website, did those generally**

1 **come into your office first from the court**  
2 **reporters or did they go directly to some other**  
3 **entity?**

4 A They didn't come to our office first.

5 **Q Generally where would court reporters who**  
6 **were doing hearing transcripts deliver them?**

7 A I don't know.

8 **Q When you got them, where were you getting**  
9 **them from?**

10 A I received several transcripts from Karen  
11 Raithel.

12 **Q As you sit here now, can you identify which**  
13 **transcripts you received from her?**

14 A No.

15 **Q Now, the county prepared a record on appeal**  
16 **in this case and submitted it to the Pollution**  
17 **Control Board.**

18 **What responsibility did you have in**  
19 **connection with the preparation of that record on**  
20 **appeal?**

21 A I oversaw the stamping of the items to be  
22 included in the record for appeal.

23 **Q Meaning the sequential Bates stamping?**

24 A Yes.

1 **Q Who determined what was going to be in the**  
2 **record on appeal?**

3 A The State's Attorney's office.

4 **Q You did not make that determination?**

5 A Correct.

6 **Q You did, however, prepare the index?**

7 A Correct.

8 **Q And that would be I presume after**  
9 **everything was Bates stamped, it's a simple matter**  
10 **then of going through and identifying it and**  
11 **preparing the three-page index, right?**

12 A What's the question?

13 **Q Well, the process of your preparing the**  
14 **index I assume took place after everything had the**  
15 **sequential page stamps?**

16 A Yes.

17 **Q Were there materials given to you during**  
18 **the preparation of the record process that you did**  
19 **not previously have in the county clerk's office?**

20 A I don't know.

21 **Q Well, you had said that you had -- your**  
22 **responsibility was to stamp the materials?**

23 A Right.

24 **Q And you said that the materials -- strike**

1 that.  
 2 You also testified that the State's  
 3 Attorney's office made the decision on what to  
 4 include?  
 5 A Yes.  
 6 Q Which I understood to mean that you did not  
 7 make that decision, is that correct?  
 8 A Right.  
 9 Q So then my next question is, you already  
 10 had a lot of materials in your personal office and  
 11 you had materials in file drawers where county  
 12 board materials were kept, right?  
 13 A Yes.  
 14 Q Were you given additional materials to do  
 15 the Bates stamping on from outside your office?  
 16 A Yes.  
 17 Q What materials were you given that had not  
 18 previously been in your office?  
 19 A I couldn't identify the specific materials.  
 20 Q Can you identify any of them?  
 21 A No.  
 22 Q So it is true, though, that there are  
 23 materials included in the index, actually  
 24 identified and included in the index which had not

1 BY MR. MUELLER:  
 2 Q Megan, I'm going to show you what's been  
 3 marked as Deposition Exhibit No. 19. Actually, I'm  
 4 going to show it to your counsel first. It's in  
 5 the stack of documents that you graciously brought  
 6 with you today.  
 7 A (Witness perusing document.)  
 8 Q Do you have that exhibit in front of you?  
 9 A Yes.  
 10 Q There's an E-mail there appears to you from  
 11 Karen Raithel, correct?  
 12 A Correct.  
 13 Q What's the date of that E-mail?  
 14 A November 9th.  
 15 Q What does it say?  
 16 A This afternoon, George Armstrong  
 17 representing PDC will be submitting their  
 18 application with your office. In addition to the  
 19 66 boxes, he will have a cover letter and check to  
 20 present to you. The line item for the check to be  
 21 deposited into is 0412. 0414. 41536300. Peoria  
 22 Disposal Company application filing fee. Let me  
 23 know if you have any questions. Karen Raithel.  
 24 Q Do you remember Mr. Armstrong and

1 previously been kept in the county clerk's office?  
 2 A Yes.  
 3 Q You have an index in front of you now.  
 4 Could you go through that and identify any such  
 5 materials that you are aware of?  
 6 A No.  
 7 Q No because you don't remember or no because  
 8 you decline to do that?  
 9 A No because I don't remember.  
 10 Q Let's go back in time a little bit. Do you  
 11 remember when the application was physically  
 12 delivered to your office?  
 13 A Yes.  
 14 Q Do you know on what date that occurred?  
 15 A I don't remember the exact date.  
 16 Q The certificate or the index of the record  
 17 shows that the date was the 12th of November that  
 18 the application was file stamped.  
 19 Do you recall, in fact, that the  
 20 application was received several days before it was  
 21 file stamped?  
 22 A Do I recall that, no.  
 23 (Fulara Exhibit Nos. 19 and 20  
 24 marked)

1 assistants actually bringing in the application and  
 2 66 boxes?  
 3 A I couldn't identify Mr. Armstrong. I  
 4 remember boxes being delivered to the courthouse.  
 5 Q That's a lot of boxes. I would think that  
 6 that would be fairly memorable?  
 7 A Yes.  
 8 Q To your knowledge, is the November 9th  
 9 date on that E-mail accurate?  
 10 A The E-mail was sent on November 9th.  
 11 Q Do you have any reason to dispute the fact  
 12 that, in fact, the application was brought in on  
 13 November 9th?  
 14 A I don't remember what day the application  
 15 was brought in.  
 16 Q Let's assume for purposes of my next  
 17 question that the application was physically  
 18 delivered to you on November 9th, 2005.  
 19 My question then is if you will look at the  
 20 certificate or the index of record in front of you  
 21 that the filing date that you've indicated for the  
 22 application is November 12th or November 14th,  
 23 excuse me. Do you see that?  
 24 A Yes.

1 **Q** Can you tell us why the application is  
 2 **dated as November 14th when it was actually**  
 3 **delivered on November 9th?**  
 4 **A** I don't know what day the application was  
 5 delivered.  
 6 **Q** Well, maybe I can help you in that regard.  
 7 **Let me show you another document that you were**  
 8 **gracious enough to bring with you today. It's a**  
 9 **three-page document marked as Exhibit 20, and it is**  
 10 **entitled Time Line For Review of Peoria Disposal**  
 11 **Company's Application For Site Review. I will show**  
 12 **it to Mr. Brown first again.**  
 13 **Do you have that in front of you?**  
 14 **A** Yes.  
 15 **Q** Did I correctly identify the exhibit as  
 16 **some type of three-page typed time line --**  
 17 **A** Yes.  
 18 **Q** -- document?  
 19 **Who prepared that document?**  
 20 **A** I don't know.  
 21 **Q** Did you prepare it?  
 22 **A** No.  
 23 **Q** But it was in your files?  
 24 **A** Yes.

1 **says?**  
 2 **A** Do we have nine copies, copy number 13  
 3 binders and CDs, don't have nine extra, check.  
 4 Karen, check. Karen getting, check, send May 3rd.  
 5 CB meeting folder, Lyn, Karen, one box of original,  
 6 nine copies of record, seven copies, one original.  
 7 **Q** Who's Lyn?  
 8 **A** She's an Assistant State's attorney.  
 9 **Q** Can you provide her last name?  
 10 **A** Schmidt.  
 11 **Q** From that document, I get the impression  
 12 **that you and Lyn Schmidt and Karen Raitchel worked**  
 13 **collaboratively as a team in physically preparing**  
 14 **the record for the Pollution Control Board, is that**  
 15 **a fair impression?**  
 16 **A** I worked mostly with Lyn.  
 17 **Q** Is she the one then that had the say so as  
 18 **to what went in the record and what didn't?**  
 19 **A** Yes.  
 20 **Q** In the certificate of record or the index  
 21 **again, if you have that in front of you, you will**  
 22 **see a reference on the third page, third item from**  
 23 **the top Transcript of Site Hearing Subcommittee**  
 24 **Meeting from April 3rd. Do you see that?**

1 **Q** What is the date for delivery of the  
 2 **application that's reflected on that document?**  
 3 **A** 11/9/05.  
 4 **Q** So I'm going to ask you again can you  
 5 **explain why the index of the record on appeal shows**  
 6 **a filing date of November 14th, 2005?**  
 7 **A** No.  
 8 **Q** Did anyone tell you to show it as  
 9 **November 14th rather than November 9th?**  
 10 **A** No.  
 11 (Fulara Exhibit No. 21 marked)  
 12 BY MR. MUELLER:  
 13 **Q** Let me show you what's been marked as  
 14 **Exhibit 21. Do you have that in front of you?**  
 15 **A** Yes.  
 16 **Q** Now, that document appears to be a portion  
 17 **of the Illinois Administrative Code dealing with**  
 18 **the preparation and contents of records on**  
 19 **Pollution Control Board appeal, but it also has**  
 20 **some handwritten notations on there.**  
 21 **Whose handwritten notations are those?**  
 22 **A** Mine.  
 23 **Q** Can you locate each one of them and read it  
 24 **so that the record will be clear as to what it**

1 **A** Yes.  
 2 **Q** Underneath it the transcript of Peoria  
 3 **County Regional Pollution Control Site Hearing**  
 4 **Committee Meeting. Do you see that, also?**  
 5 **A** Yes.  
 6 **Q** That's dated April 6th. The transcript  
 7 **in this case was never -- neither one of those**  
 8 **transcripts were file stamped.**  
 9 **Do you know when they were actually**  
 10 **received in your office?**  
 11 **A** No.  
 12 **Q** Would it be fair to say that the date you  
 13 **put on the transcripts are the date that the**  
 14 **hearings occurred which the transcript**  
 15 **memorializes?**  
 16 **A** Yes.  
 17 **Q** Do you have any record indicating when the  
 18 **transcript was -- when either of those two**  
 19 **transcripts was actually, physically received by**  
 20 **you?**  
 21 **A** No.  
 22 **Q** Both of those transcripts got onto the  
 23 **Peoria County website.**  
 24 **Would the date that they were posted on the**

1 website be in your opinion based on the procedures  
2 in this case a fair reflection of when the  
3 transcripts were physically received by the county?

4 A I don't know.

5 Q In fact, during the course of the hearings,  
6 would it be accurate to say that you never received  
7 hard copies of the transcripts?

8 A I don't know.

9 Q If you had received them, they would have  
10 been file stamped, right?

11 A I don't know.

12 Q Well, didn't you say it was your procedure  
13 to file stamp every document, at least the front  
14 page?

15 A Yes.

16 Q In front of you you have a black book,  
17 let's actually work through this sequentially.  
18 It's going to be easier. If I can direct you to  
19 item number 3.

20 Do you have in front of you a document  
21 entitled the Peoria County Staff Report dated  
22 April 3rd, 2006?

23 A Yes.

24 Q Now, Megan, I'm going to tell you that this

1 came in, was that your procedure?

2 A My procedure was for items that came in to  
3 the office that were -- that I was notified were to  
4 be part of the record for the PDC application that  
5 was my policy to stamp the pages that way.

6 Q Would you have deviated from that policy at  
7 any time -- strike that.

8 Do you remember ever deviating from that  
9 policy?

10 A No.

11 Q Can you offer any explanation as to why  
12 this supplemental Peoria County Staff Report dated  
13 April 3rd, 2006, is not included in the record on  
14 appeal?

15 A No.

16 Q If I can direct you then to item number 4,  
17 item number 4 appears to be a transcript of the  
18 subcommittee meeting of April 3rd, 2006, correct?

19 A Yes.

20 Q This also does have that stamp with the  
21 C number in front of it, page 13353, which  
22 indicates that it was stamped by your office and is  
23 included in the record on appeal, right?

24 A Yes.

1 staff report is not included in the index of record  
2 that you filed with the Pollution Control Board.

3 Does that mean that this was not a document  
4 that was ever in the county clerk's office and was  
5 not a document that was given to you by the State's  
6 Attorney's office?

7 A No.

8 Q Well, can you tell me why this wasn't  
9 included?

10 A No.

11 Q The document is not file stamped nor have  
12 we ever found a file stamp copy.

13 Does the lack of file stamping indicate  
14 that it was never received in the county clerk's  
15 office?

16 A No.

17 Q So you're saying that you could have  
18 received documents that you did not file stamp?

19 A Yes.

20 Q Again, I'm confused because I believe that  
21 you said your procedure was to file stamp every  
22 document on at least the first and the last page if  
23 it was a multipage document and if it was a short  
24 or loose document to file stamp every page that

1 Q Now, this transcript does not have a file  
2 stamp from the county clerk's office.

3 Would it be fair to assume that this  
4 document was never in the county clerk's office  
5 prior to its being submitted to you for inclusion  
6 in the record on appeal?

7 A No.

8 Q Why not?

9 A I don't know when the document came to our  
10 office.

11 Q Do you have an explanation as to why it was  
12 never file stamped by you?

13 A No.

14 Q Had you followed your usual practice and  
15 procedure the document would have been file stamped  
16 on at least the first and the last page, correct?

17 A Yes.

18 Q Directing your attention then to number 5,  
19 and for the record, we should indicate that we're  
20 using a book of exhibits; and when I say items,  
21 they're actually exhibit numbers.

22 Counsel for the county also has a copy, and  
23 we intend to be uniform about these through further  
24 depositions which I think will make all

1 identifications easier.  
2 **Item number 5 appears to be the transcript**  
3 **of the April 6th, 2006, meeting of the committee**  
4 **of the whole, correct?**  
5 A Yes.  
6 **Q Again, Megan, this document does not appear**  
7 **to be file stamped by the county clerk?**  
8 A Correct.  
9 **Q But it does have the Bates stamp indicating**  
10 **its inclusion in the record on appeal?**  
11 A Correct.  
12 **Q Would it be fair to say that this document**  
13 **was never part of the materials kept in the county**  
14 **clerk's office prior to its submission to you for**  
15 **inclusion in the materials to be submitted to the**  
16 **Pollution Control Board?**  
17 A No.  
18 **Q If you had followed your procedure, this**  
19 **document would have been stamped on at least the**  
20 **first and the last page when it came in, correct?**  
21 A I think you're misunderstanding me. Yes.  
22 That was the procedure that I had when items were  
23 filed over-the-counter. There were times when I  
24 had items that we included in our office.

1 A There were documents that I received that I  
2 didn't put the stamp on, yes.  
3 **Q Well, do you remember any such specific**  
4 **document, identify any one that you can recall?**  
5 A I didn't stamp the transcripts.  
6 **Q Do you remember when you received the**  
7 **transcripts?**  
8 A No.  
9 **Q Do you affirmatively remember that you**  
10 **received them around the time they were prepared?**  
11 A Yes.  
12 **Q Were there any other documents that you**  
13 **received that you didn't stamp?**  
14 A I don't know.  
15 **Q Let's turn to the next exhibit number which**  
16 **would be Exhibit No. 6. This appears to be two**  
17 **copies of a memo from Mr. Atkins to the county**  
18 **board, county clerk and county administrator.**  
19 **Do you have that in front of you?**  
20 A Yes.  
21 **Q Neither one of those documents is ever**  
22 **stamped with the county clerk stamp that is, is**  
23 **that correct?**  
24 A Yes.

1 **Q What do you mean there were items that you**  
2 **included in your office?**  
3 A I don't know.  
4 **Q Well, either you got this around the time**  
5 **it was prepared or you didn't, and that's my**  
6 **question.**  
7 A What is your question?  
8 **Q Do you remember when you got this document?**  
9 A No.  
10 **Q Doesn't the absence of the county clerk's**  
11 **file stamp make it more likely than not that this**  
12 **document was not received by your office prior to**  
13 **your preparation of the record on appeal?**  
14 A No.  
15 **Q So what you're telling me is the procedure**  
16 **you had you did not follow it on any kind of a**  
17 **regular basis?**  
18 A No. That's not what I'm telling you.  
19 **Q Did you follow your procedure on a regular**  
20 **basis or not?**  
21 A I followed my procedure on a regular basis.  
22 **Q Do you remember ever receiving a document**  
23 **relating to the PDC application that you chose not**  
24 **to put the county clerk's file stamp on?**

1 **Q Do you know when you received these**  
2 **documents?**  
3 A No.  
4 **Q Would it be fair to say that the failure to**  
5 **have the county clerk's stamp on them indicates**  
6 **that you did not receive them on or about April 26,**  
7 **2006?**  
8 A No.  
9 **Q Do you specifically remember receiving this**  
10 **memo and deciding not to stamp it?**  
11 A No.  
12 **Q Let's turn to Exhibit 7. This encompasses**  
13 **pages 15606 through -- or 13606 through 13611 of**  
14 **the common law record.**  
15 **Do you even know what these documents are?**  
16 A No.  
17 **Q Do you know whether or not these were**  
18 **received by the county clerk's office prior to**  
19 **being received by you for purposes of inclusion in**  
20 **the record on appeal?**  
21 A Could you repeat that, please?  
22 **Q Do you know if any of these enumerated**  
23 **pages in Exhibit 7 were received by the county**  
24 **clerk's office prior to their receipt by you for**

1 inclusion in the record on appeal?  
2 A Yes.  
3 Q You do specifically remember receiving  
4 these beforehand?  
5 A Yes.  
6 Q What is it about these documents that  
7 triggers your recollection that you got them  
8 beforehand?  
9 A The memo from Bill, and this was included  
10 in the county board minutes. I remember seeing  
11 them in the folder that contained the county board  
12 minutes.  
13 Q County board minutes for which meeting?  
14 A I couldn't say.  
15 Q Are those minutes that they came with part  
16 of this material?  
17 A I don't know.  
18 Q How come these pages were never file  
19 stamped?  
20 A I don't know.  
21 Q Where would those have been kept?  
22 A In the folder that keeps the county board  
23 records.  
24 Q Let me then direct you to Exhibit 8. This

1 June when Brian did come to your office to look at  
2 the record with you?  
3 A Brian came to my office many times.  
4 Q Do you remember Brian coming to your office  
5 on June 7th, 2006, to look at the record?  
6 A I don't remember the exact dates that Brian  
7 came to my office.  
8 Q Do you remember the last time he came to  
9 your office to look at the record?  
10 A No.  
11 Q On every occasion that he came to your  
12 office to look at the record, was it your practice  
13 to supervise his looking at the record and to  
14 accompany him?  
15 A Yes.  
16 Q Do you remember specifically that -- strike  
17 that.  
18 If I could direct you to Exhibit 9, that  
19 appears to be an agenda, correct?  
20 A Yes.  
21 Q Was it the county clerk's job to prepare  
22 meeting agendas --  
23 A No.  
24 Q -- for the county board?

1 appears to be a memo from Patrick Ulrich the county  
2 administrator, to you and to JoAnn Thomas the  
3 county clerk.  
4 Do you recall receiving this memo?  
5 A Yes.  
6 Q Would you have received it around the time  
7 that it was dated?  
8 A Yes.  
9 Q Where was this memo kept between the time  
10 you received it and June 9th, 2006?  
11 A On my E-mail.  
12 Q So it was not printed out until after the  
13 appeal had been filed and you needed to prepare the  
14 record on appeal, is that correct?  
15 A I don't remember.  
16 Q What's your best recollection as to when  
17 this document was printed out?  
18 A I don't remember.  
19 Q Do you remember Brian Meginnes coming to  
20 your office on June 9th, 2006, to look at the  
21 record?  
22 A I don't remember what days Brian came to my  
23 office.  
24 Q Do you remember an occasion, though, in

1 A No.  
2 Q Because I notice that this is notice of a  
3 special meeting and it's signed by JoAnn Thomas,  
4 county clerk.  
5 MR. BROWN: I object and I don't see  
6 that it's signed by anybody.  
7 MR. MUELLER: It's stamped JoAnn  
8 Thomas, county clerk.  
9 MR. BROWN: Okay, I apologize. I'm  
10 not trying to be difficult here. The only thing I  
11 see it's typewritten items on here. Maybe I'm  
12 looking at a different document.  
13 MR. MUELLER: We're looking at a  
14 document that's page number C13613.  
15 MR. BROWN: Yes.  
16 MR. MUELLER: At the top, it says that  
17 there will be a special meeting of the county  
18 board, County of Peoria on Wednesday, May 3, 2006,  
19 at 5:00 o'clock p.m. at the ITTOO Hall, and  
20 underneath it it's typed JoAnn Thomas county clerk.  
21 Do you see that?  
22 MR. BROWN: Yes.  
23 BY MR. MUELLER:  
24 Q My question to you, Megan, is did the



1 county clerk's office prepare that paragraph?  
2 A No.  
3 Q Did anyone in the county clerk's office  
4 prepare this piece of paper?  
5 A No.  
6 Q Do you know why JoAnn Thomas's name is  
7 shown there?  
8 A No.  
9 Q Was it the practice of the county clerk's  
10 office to issue the notices of special board  
11 meetings?  
12 A I don't understand what your question is.  
13 Q Who prepared the notices of special board  
14 meetings?  
15 A We file -- we publish something in the  
16 newspaper for special meetings.  
17 Q Who's "we"?  
18 A The county clerk's office publishes notice  
19 in the Journal Star of special meetings.  
20 Q This particular item, and let's call it the  
21 agenda for the May 3rd meeting, is not file  
22 stamped with the county clerk's file stamp, is that  
23 correct?  
24 A Correct.

1 stamped by the county clerk's file stamp, correct?  
2 A Yes.  
3 Q Do you have any recollection as you sit  
4 here today as to when that transcript was  
5 physically received by you?  
6 A No.  
7 Q The index of record dates this as  
8 May 3rd, 2006, and you can confirm that for  
9 yourself if you'd like. Near the bottom of the  
10 third page, Record and Transcript of Peoria County  
11 Board's Decision and Findings.  
12 Do you see that?  
13 A Yes.  
14 Q In fact, do you know whether or not the  
15 transcript was actually received by you on  
16 May 3rd?  
17 A I don't remember.  
18 Q Would it be more likely that the  
19 May 3rd date is used because that's the date that  
20 the hearing actually occurred on?  
21 A Yes.  
22 Q This transcript was posted on the Peoria  
23 County website on May 12th.  
24 Does that refresh your recollection as to

1 Q Do you know when this was first  
2 incorporated with the record of the Peoria Disposal  
3 Company application and related materials?  
4 A No.  
5 Q Do you remember going through the record  
6 with Mr. Meginnis on June 7th of this year and  
7 confirming that the agenda for the  
8 May 3rd meeting was nowhere to be found?  
9 A I don't remember what dates I worked with  
10 Mr. Meginnis.  
11 Q Do you remember working with Mr. Meginnis  
12 on any day and confirming with him that the agenda  
13 of the May 3rd meeting was nowhere to be found in  
14 the materials that you had under your control?  
15 A No.  
16 Q Do you remember Mr. Meginnis asking you to  
17 look for the agenda of the May 3rd meeting?  
18 A I don't remember.  
19 Q Let's talk about the transcript of the  
20 May 3rd meeting which is identified in your book  
21 as Exhibit 14.  
22 Do you have that in front of you?  
23 A Yes.  
24 Q Now, that transcript also is not file

1 when the transcript was physically received?  
2 A No.  
3 Q Do you know whether this transcript was  
4 ever, in fact, even received by you directly or  
5 whether it might not have gone to some other office  
6 and from there directly to the clerk's website or  
7 to the county's website?  
8 A I don't know.  
9 Q Do you recall the last time Mr. Meginnis  
10 was in to view the record his asking of you to look  
11 for the transcript of the May 3rd board meeting?  
12 A I remember we looked at the  
13 May 3rd meeting, county board folder.  
14 Q Do you specifically remember that at that  
15 point the transcript of that meeting was not in the  
16 county board folder?  
17 A I don't remember.  
18 Q So if Mr. Meginnis's recollection were  
19 that -- or was that the two of you could not find  
20 in the county board folder the transcript of the  
21 May 3rd meeting, you have no basis with which to  
22 agree or disagree with that recollection, is that  
23 true?  
24 A I don't remember, correct.

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1 Q I believe you testified that the index of  
2 the record on appeal was prepared by you, right?

3 A Correct.

4 Q Did you have any assistance with anyone on  
5 how you titled various documents in this index?

6 A Yes.

7 Q Who did you have assistance from in that  
8 regard?

9 A Lyn in the State's Attorney's office.

10 Q Did she, in fact -- strike that.

11 Was there a process of editing this  
12 document between you and her before it became  
13 final?

14 A Yes.

15 Q I notice that there is an item dated  
16 May 3rd, 2006, entitled Record and Transcript of  
17 Peoria County Board's Decision and Findings.

18 Do you see that?

19 A Yes.

20 Q Whose verbiage does that title represent?  
21 Yours or the State's Attorney's?

22 A I would probably say the State's  
23 Attorney's.

24 Q So you don't know as you sit here whether

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1 amended index and --

2 A I don't have the amended index.

3 Q The index, they're the same for purposes of  
4 this question.

5 You've got the index in front of you,  
6 correct?

7 A Yes.

8 Q All of the items up through the E-mail from  
9 County Administrator Ulrich to County Clerk Thomas  
10 have a date on the left-hand side, and then there's  
11 a bunch of items that don't have a date and then  
12 there's the May 3rd item called Record and  
13 Transcript.

14 Can you just explain to us why we have a  
15 whole series of items there that are undated?

16 A I think the assumption is that they are all  
17 May 3rd.

18 Q Starting with agenda for special meeting of  
19 Peoria County Board?

20 A Right.

21 Q Now, if I look at other pages, though, I  
22 see again multiple sequential items that relate to  
23 the same date and you see that, I presume?

24 A Yes.

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1 or not the items indicated for that day fully  
2 represent the written decision of the board, is  
3 that true?

4 A I don't understand the question.

5 Q Well, do you know -- can you point in this  
6 record to where the written decision of the Peoria  
7 County Board exists?

8 A What record? The index?

9 Q Yes.

10 A Where the decision of the county board  
11 exists?

12 Q Yes. Can you direct me to the written  
13 decision of the Peoria County Board?

14 A 5/3/06, the last item.

15 Q Is that based upon what it's titled or is  
16 that based upon your personal knowledge?

17 A That would be based upon what it's titled.

18 MR. MUELLER: Let me take a couple  
19 minute break. I'm very close to done. I may be  
20 done. We want to talk about some of the documents  
21 you guys submitted today.

22 (Recess from 3:30 to 3:43)

23 BY MR. MUELLER:

24 Q Megan, if I can have you look again at the

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1 Q So can you explain to me why all of the  
2 sudden we stopped putting dates in for the items  
3 starting with agenda for special meeting?

4 A No.

5 Q Was that your decision or Lyn's?

6 A I don't remember.

7 Q If I were to tell you that all of those --  
8 well, that the majority of those items that don't  
9 have a date are actually file stamped from the  
10 county clerk's office April 27th, 2006, can you  
11 then explain to me why the April 27th date wasn't  
12 used?

13 A No.

14 Q Was that your decision or Lyn's decision?

15 A I don't know.

16 Q Did you consider E-mails received by you  
17 pertaining to the application as part of the  
18 record?

19 A No.

20 Q However, there are now E-mails included in  
21 the record filed with the Pollution Control Board,  
22 correct?

23 A Yes.

24 Q Whose determination was it that E-mails

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1 which you did not consider to be part of the record  
2 should be included in the record?

3 A What is your question?

4 Q Whose determination was it that E-mails  
5 which you did not consider to be part of the record  
6 should be included as part of the record filed with  
7 the Pollution Control Board?

8 A I didn't really have any determination as  
9 far as considering what was to be part of the  
10 record.

11 Q That was Lyn's job?

12 A Lyn advised me what to put into the record,  
13 correct.

14 Q When people came to the county clerk's  
15 office to review the record at any time, members of  
16 the public, lawyers, even Mr. Meginnes, did you  
17 show them E-mails that were on your computer and  
18 had not yet been printed out?

19 A No.

20 Q So the E-mails would not have been  
21 available to the general public at the time that  
22 the people in the general public were viewing the  
23 record, is that correct?

24 A Not necessarily.

1 BY MR. MUELLER:

2 Q Let me show you what we've marked as  
3 Exhibit 22 and --

4 MR. BROWN: I'm going to object. This  
5 is one that should have been pulled as part of the  
6 review for privilege, attorney-client privilege,  
7 inadvertently left in the documents, and so at this  
8 time, I exert or assert a privilege for this.

9 This is clearly from Lyn Schmidt who the  
10 witness has previously identified as being part of  
11 the State's Attorney's office.

12 MR. MUELLER: Mr. Brown, it appears to  
13 us that Lyn Schmidt was not acting in her capacity  
14 as a legal representative of the county but was, in  
15 fact, acting as a deputy clerk in that she  
16 participated in the preparation of the record on  
17 appeal; and, therefore, no privilege is applicable  
18 to communications from or to her when she was  
19 acting in that capacity.

20 MR. BROWN: Maybe we ought to litigate  
21 that then in front of the Pollution Control Board.

22 MR. MUELLER: Are you instructing your  
23 client not to answer any questions about that  
24 E-mail?

1 Q Do you remember ever showing anyone any of  
2 your E-mails on your computer?

3 A There were many E-mails on my computer. I  
4 didn't show any of my personal E-mails pertaining  
5 to this application to anyone --

6 Q Now, --

7 A -- until today.

8 Q Is it your recollection that with regard to  
9 hearing transcripts and meeting transcripts that  
10 you received hard copies of those in your office  
11 and just simply did not file stamp them or is it  
12 your recollection that you don't know what  
13 happened?

14 A I received copies of the transcripts in my  
15 office and didn't stamp them.

16 Q But in the case of the May 3rd  
17 transcript, you don't know when you received that?

18 A Correct.

19 Q Do you know, in fact, whether you ever  
20 received a hard copy of the May 3rd transcript  
21 before the preparation of this record?

22 A I don't remember.

23 (Fulara Exhibit No. 22 marked)

24

1 MR. BROWN: Yes. At this time, I'm  
2 going to instruct her not to answer those  
3 questions.

4 MR. MUELLER: Let me make my record  
5 anyway.

6 BY MR. MUELLER:

7 Q Megan, you have in front of you a document  
8 entitled Exhibit 22 which appears to be an E-mail  
9 to you from an Assistant State's Attorney Lyn  
10 Schmidt.

11 My question is, do you recall receiving  
12 that E-mail?

13 A I don't remember -- I mean, I received the  
14 E-mail, I'm sure. I don't remember the exact date  
15 and time I received the E-mail.

16 Q My only other question is, to your  
17 knowledge, is that a true and correct copy of the  
18 communication you received from Lyn Schmidt?

19 A Yes.

20 MR. MUELLER: I guess that makes the  
21 claim of privilege irrelevant then.

22 MR. BROWN: If that's all you're going  
23 to ask.

24 MR. MUELLER: Megan, thank you very

1 much. I have no further questions.  
2 (Discussion off the record.)  
3 MR. MUELLER: Show signature reserved.  
4 (Further deponent saith not.)  
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# Exhibit 14





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1 always know what those mean when we read the transcript  
 2 even if we know what they mean in the context of us  
 3 being in the room here together. Do you understand all  
 4 of that?  
 5 A Yes, sir.  
 6 Q Is it okay if I call you Russell?  
 7 A It's perfectly okay.  
 8 Q Thank you. Russell, what is your  
 9 educational history?  
 10 A Well, I have -- I went to high school in  
 11 New York. I have an associate's degree from Broward  
 12 Community College in Florida and a bachelor's degree in  
 13 business administration from Florida Atlantic University  
 14 in Florida as well.  
 15 Q How did you get to Peoria?  
 16 A My wife likes cold weather. We had a  
 17 number of job opportunities, and this is the one my wife  
 18 liked; and I go where I'm told. And I am under oath,  
 19 sir.  
 20 Q Now, what's your residence address?  
 21 A 1304 West Brentwood Drive, Dunlap,  
 22 Illinois.  
 23 Q What's your current employment?  
 24 A I'm the IT director for Peoria County.

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1 Q How long have you had that job?  
 2 A I've been here for about four and a half  
 3 years.  
 4 Q Always in the capacity of IT director?  
 5 A Yes, sir.  
 6 Q Can you tell us what the duties of the IT  
 7 director are?  
 8 A Planning, operation, and implementation of  
 9 IT systems for each of the county operations departments  
 10 and offices.  
 11 Q And by IT, we mean Information Technology?  
 12 A Information Technology, yes, sir.  
 13 Q So is it your department that is  
 14 responsible, for example, to set up and maintain county  
 15 offices' computers on a network?  
 16 A That's correct, sir.  
 17 Q And who is your immediate supervisor?  
 18 A Patrick Urich, the county administrator for  
 19 Peoria County.  
 20 Q How many people do you have working  
 21 underneath you in your department?  
 22 A 17. 16.75, but she accepts to being called  
 23 three quarters of a person.  
 24 Q So they report to you?

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1 A Yes, sir.  
 2 Q Based upon your educational background and  
 3 the number of people in your department, I'm going to  
 4 guess that your role is more of a policy and supervising  
 5 role than it is a hands-on role, plugging stuff into  
 6 computers?  
 7 A Well, you know, that might be generally  
 8 true, sir; but since we're a county government and our  
 9 operation is somewhat smaller in scope, I'm frequently  
 10 called upon to do the actual plugging in when needed.  
 11 And if our customers require it, I do do that.  
 12 Q Does Peoria County maintain a website?  
 13 A It does.  
 14 Q When was that first originated?  
 15 A The original website, as I understand it,  
 16 came up in about 1996. The website in its current  
 17 incarnation came up in about 2003.  
 18 Q That would have been under your watch?  
 19 A Yes, sir.  
 20 Q Actually, was the current incarnation of  
 21 the website underneath your direction?  
 22 A Yes, sir.  
 23 Q Before you came to work in Peoria County,  
 24 where were you employed?

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1 A HTE, Incorporated, for Lake Mary, Florida,  
 2 software company.  
 3 Q And how long did you work for them?  
 4 A About four and a half years.  
 5 Q And before that, where were you employed?  
 6 A I was the director of technology  
 7 infrastructure for the City of Tallahassee in Florida.  
 8 Q Can you tell us, Russell, what a typical  
 9 workday of yours consists of, understanding that your  
 10 being here today is not typical?  
 11 A That's kind of hard to say; but generally  
 12 speaking, I start with touching base with some of the  
 13 supervisors that work for me, see if there are any  
 14 pending issues or projects that are ongoing, to see if  
 15 we're having any problems that need to be escalated or  
 16 dealt with.  
 17 I have -- like probably most of you, I  
 18 spend a little time in the beginning of the day checking  
 19 my e-mail and checking my voicemail and returning phone  
 20 calls. I might spend some private time doing research  
 21 on projects that are either coming up or budgetary in  
 22 nature or the actual technical planning for a project  
 23 that might be coming up.  
 24 I do -- as I indicated earlier, I act as a

1 project manager frequently in addition to some of my  
 2 staff, so a number of projects might be assigned to me.  
 3 And I attend meetings and do the other fun stuff that  
 4 government people do efficiently and effectively for our  
 5 taxpayers, of course.  
 6 Q Tell me how the county's website works.  
 7 Describe what it's intended to do, how it functions, and  
 8 how you get it to do what it's intended to do. I know  
 9 that's a narrative question, but I'm not as technically  
 10 adept as you, so I'll let you run with that.  
 11 A Website is an on-line representation of a  
 12 business or organization. It's generally meant to be a  
 13 public face for an operation. We have in-house our own  
 14 web servers that we maintain. Once we determine the  
 15 content that goes out on a site, I or folks that work  
 16 for me will put it up on the site. Visitor comes to see  
 17 it, click on our link, and see the various information  
 18 that we have out there.  
 19 I don't know if that's too general or not  
 20 specific enough, but I'm sure you can help me zone in on  
 21 something.  
 22 Q I'm going to zoom in a little bit. There  
 23 are some county records that are maintained on the  
 24 Peoria County web page, correct?

1 A I'm not sure I understand what you mean by  
 2 county records.  
 3 Q Oh, things like minutes of County Board  
 4 meetings. There's an archive of that?  
 5 A Oh, sure. Sure.  
 6 Q Okay. And what other county departments  
 7 maintain archival information on the web page?  
 8 A Well, again, depends on -- you know, I hear  
 9 you use "archival"; and in the IT business, that has a  
 10 specific meaning. I think generally it's important to  
 11 understand that most departments are responsible for  
 12 keeping their own records and archives and that the  
 13 website is only a reflection of some of the material  
 14 that we have out on the site. It is not meant to be the  
 15 official repository for those records. So, when you use  
 16 the word "archival," it has a specific meaning to me. I  
 17 just wanted to clarify that.  
 18 So, yes, there are some collections of  
 19 documents that are out on the website; and departments  
 20 such as county administration, the county clerk's  
 21 office, and my office and a number of other departments  
 22 actually have the ability to upload documents to that  
 23 for the public's consumption.  
 24 Q I was recently on a website maintained by

1 Kendall County and was actually able to access property  
 2 record index cards maintained by the assessor's office  
 3 and treasurer's office in Kendall County but on-line.  
 4 Does your website have that kind of capability?  
 5 A Yes, we do.  
 6 Q Are, for example, property index cards  
 7 available through your website?  
 8 A Not the actual property index cards.  
 9 Information that has been indexed and placed out to the  
 10 site; whereas, the actual index cards may exist in the  
 11 office. Only the information is available on-line, and  
 12 we make a copy of that available.  
 13 Q Now, with regard to various county offices  
 14 that put some of their information on-line, who approves  
 15 what information goes on-line? You or the office  
 16 holder?  
 17 A Generally speaking -- I'm not sure, you  
 18 know, "approve" is a good word, but we get requests to  
 19 place things on the web. Generally, they're done by the  
 20 department head or someone that works for the department  
 21 head, and then we place the items out on the web as  
 22 requested.  
 23 Q Well, let's use County Board minutes as an  
 24 example because I know that there are copies of minutes

1 maintained going significantly back into the past. Who  
 2 determines whether minutes -- strike that.  
 3 We know the county minutes are maintained  
 4 on-line, correct?  
 5 A A copy of the minutes are on-line. Yes.  
 6 Q Yes. Now, how do they get from the County  
 7 Board's secretary's office to actually being on-line?  
 8 What's the physical process?  
 9 A Well, I have to say that I don't  
 10 specifically know in this case exactly how that  
 11 transpires, but I can tell you in a theoretical sense  
 12 that we have a function that allows the appropriate  
 13 parties with security to upload a document. And at this  
 14 current time, generally speaking, I believe it is the  
 15 county clerk's office that determines when it is time to  
 16 post something and is actually in charge of uploading  
 17 that. I would have to, you know, guess at how that  
 18 information passes to where it needs to.  
 19 But I do know that the clerk's office has  
 20 the ability to post them and is generally in charge of  
 21 determining whether they get posted or not and then  
 22 actually does the uploading when the time comes.  
 23 Q You've answered my question. There are  
 24 office holders or county offices that have direct

1 ability to upload information to the site?  
 2 A Yes.  
 3 Q And in doing that, they don't seek your  
 4 approval or help; is that correct?  
 5 A Unless they have a problem. Sure.  
 6 Q So you're not involved in the process of  
 7 day-to-day uploading of information from county offices  
 8 to the website?  
 9 A Well, I can be. It depends. We offer our  
 10 customers a choice. If they're not interested in  
 11 actually doing the upload process themselves, sometimes  
 12 they ask us to take care of it; and we do so for them.  
 13 Some departments like the immediacy of uploading it  
 14 themselves, and we give them that capability. So we  
 15 tend to be flexible according to the customer.  
 16 Q With regard to the county clerk's office,  
 17 which is their paradigm?  
 18 A Generally speaking, it's up to them.  
 19 Q And do you know who it is in the county  
 20 clerk's office that does the uploading?  
 21 A I do not, sir.  
 22 Q Has anyone from the county clerk's office  
 23 ever required or requested your help in uploading  
 24 information?

1 with Patrick Urich in terms of placing, in a general  
 2 sense, information related to the whole procedure onto  
 3 the website.  
 4 Q And do you recall what Mr. Urich said to  
 5 you in that regard?  
 6 A Not specifically, but the gist of the idea  
 7 was that we would like to get as much of the information  
 8 as possible out onto the website so that the public  
 9 could be involved.  
 10 Q Was it your understanding that the website  
 11 would be the official repository of information for the  
 12 public or that some other place would be the official  
 13 repository?  
 14 A As I indicated earlier, no. It is just a  
 15 reflection for consumption, that official records are,  
 16 generally speaking, maintained by departments.  
 17 Q Did you understand, at the time this  
 18 process began, what department would maintain the  
 19 official records?  
 20 A Not specifically. Just wasn't in my  
 21 purview to worry about who was or wasn't.  
 22 Q I guess that's my next question. Did you  
 23 even concern yourself with that issue?  
 24 A No, sir.

1 A Yes.  
 2 Q And who would that individual have been?  
 3 A Megan Fulara.  
 4 Q Have you dealt directly with anyone else in  
 5 the county clerk's office on upload-related issues?  
 6 A No, sir.  
 7 Q When did Megan Fulara last request your  
 8 help with an upload-related issue?  
 9 A It's a somewhat open-ended question; but in  
 10 relation to when, I don't have a specific recall of the  
 11 day or time. But in the course of getting documents  
 12 ready for PDC, it became apparent that they did not have  
 13 the ability or the time to process the large number of  
 14 paper documents that needed to be scanned and placed on  
 15 the web. So they requested our help in doing that, and  
 16 we rendered that aid.  
 17 Q See, I knew we'd get to PDC eventually.  
 18 Let's go back then in time to when the PDC  
 19 siting application was filed. Did you have any  
 20 conversations with anyone in the fall or winter of last  
 21 year regarding placing the application or a copy of it  
 22 onto the Peoria County website?  
 23 A Again, I can't be positive as to date; but  
 24 in that general range, I believe I had a conversation

1 Q Did you have any input into the methods by  
 2 which official records would be received, maintained, or  
 3 secured?  
 4 A From a logistical standpoint in getting  
 5 them to the web, yes. In regards to the official  
 6 keeping of records, no. There was a point in time where  
 7 people wanted to understand how we could get documents  
 8 out to web and what would the work flow be in order to  
 9 get them out there.  
 10 And I believe at some point -- again, I  
 11 don't have the specific e-mail; but I remember at some  
 12 point in time sending out an e-mail that indicated that,  
 13 you know, if certain information was put in this place,  
 14 that we would render that and put it out onto the  
 15 website and that if physical documents were forwarded to  
 16 us, we would scan them and put them in an appropriate  
 17 format and place them on the web.  
 18 Q Did you have an employee who was  
 19 principally responsible for implementing the physical  
 20 logistics of getting material onto the web?  
 21 A No, sir. Generally speaking, I did a good  
 22 portion of the updating; and the only other person  
 23 involved from my department was Nancy Skillestad who  
 24 actually helped with the physical scanning of documents

1 when they were paper documents that needed to be  
 2 converted. She then forwarded them to me; and in  
 3 general, I posted them.  
 4 Q Did you bring any documents or records with  
 5 you today?  
 6 A Yes. They requested my e-mail, and I just  
 7 had one document that was basically an announcement of  
 8 the process. It comes from a reserve of communications  
 9 the IT Department sends to the County at large in regard  
 10 to our activities, and it happened to mention posting  
 11 stuff out on the website.  
 12 Q With regard to the logistical process and  
 13 the decision-making on how that was going to occur --  
 14 and I'm using logistical in the same context as you used  
 15 it in answer just a moment ago -- who participated in  
 16 that discussion?  
 17 A I recall Megan was involved. I recall --  
 18 and this wasn't a set discussion. We started out with  
 19 the idea of the website; but, again, we've had various  
 20 staff meetings and e-mails, so it's kind of hard for me  
 21 to recall specifically. But in a general sense, Megan  
 22 from the county clerk's office; in a general sense,  
 23 Patrick Urich, and I'm trying to think of who else might  
 24 have been involved. I think Virginia Pearl from the

1 county administrator's office in regards to forwarding  
 2 certain e-mails. Aside from that, I can't specifically  
 3 recall.  
 4 Q Did you ever deal directly on any of these  
 5 logistical questions with JoAnn Thomas?  
 6 A I don't believe so.  
 7 Q So, with regard to the clerk's office, the  
 8 representative on all occasions that you can recall  
 9 would have been Megan?  
 10 A Yes.  
 11 Q Can you describe for us the logistical  
 12 process that was ultimately decided on or ultimately  
 13 evolved in terms of getting material related to the PDC  
 14 application out on the website for the public to see?  
 15 A If there were physical documents, Megan and  
 16 her office would -- after they're done processing them,  
 17 they would forward them down to us on a weekly basis;  
 18 and we would post them by the next Friday, generally  
 19 speaking, or sooner if we could.  
 20 If they were electronic in nature, like  
 21 e-mail comments, they were actually to be dropped into a  
 22 central place on the e-mail server called the Shared  
 23 Folder for the geeks in the audience. And then, once a  
 24 week on a certain date, we would process all of those

1 and post them out to the web. And I think that just  
 2 about covers it.  
 3 Q Actually, that was a lot.  
 4 A It's pretty simple when you're doing it, I  
 5 guess. It sounds more complicated than it is.  
 6 Q I think you said "when Megan was done  
 7 processing it." What was your understanding of how  
 8 Megan would process materials that came in?  
 9 A My understanding of her process is that she  
 10 does stuff; and when she's done doing those things, they  
 11 pass them on to us. I'm sorry. I don't mean to be -- I  
 12 know that there is some things that she has to do, but I  
 13 don't know what they are. All I know is that we had to  
 14 wait until she was done in order to post those  
 15 particular physical documents.  
 16 Q Would the stuff that she does to your  
 17 knowledge include file stamping documents as they came  
 18 in?  
 19 A I don't specifically know that, sir.  
 20 Q Did the scanning of hard copies of  
 21 documents take place in the clerk's office or in an  
 22 office under your direction?  
 23 A In an office under my direction.  
 24 Q So all of the scanning was done in the IT

1 Department?  
 2 A Yes, sir.  
 3 Q Did the county clerk's office ever upload  
 4 documents themselves directly to the website in  
 5 connection with the application?  
 6 A I don't know specifically.  
 7 Q They had that power, though; is that  
 8 correct?  
 9 A They did.  
 10 Q Who had the power to pull documents off the  
 11 website?  
 12 A Well, in a general sense, yes, they have  
 13 the ability to delete a document in specific  
 14 circumstances, and I have that ability; people that work  
 15 on my staff have that ability.  
 16 Q Were you ever asked to delete or remove any  
 17 document that pertained to the PDC application and  
 18 hearing that was on the website?  
 19 A That pertained to the hearing, no.  
 20 Q Any PDC-related information, were you ever  
 21 asked to remove or delete a copy of it from the website?  
 22 A The definition of PDC-related, do you mean  
 23 any specific e-mail that mentioned PDC, or do you mean  
 24 in the actual filing of the application?

1 Q Anything that mentioned PDC.  
 2 A There was one incident where, I believe, a  
 3 Peter Offutt or a Mrs. Peter Offutt had an e-mail that  
 4 was sent to us that she indicated was not what she had  
 5 wanted to send and would we remove that, and I did that.  
 6 It was forwarded to me from Mr. Urich, and I took the  
 7 appropriate action in deleting it when I got that  
 8 request from the county administrator.  
 9 Q Is that the only deletion or removal that  
 10 you were ever aware of?  
 11 A To the best of my recollection, yes.  
 12 Q Now, you also indicated that after Megan  
 13 was done processing records they would be forwarded to  
 14 your department on a weekly basis; is that correct?  
 15 A Yes.  
 16 Q What day of the week would they be  
 17 forwarded on?  
 18 A You know, it varied upon the content; but  
 19 generally speaking, I believe it was on a Thursday so  
 20 that we could scan it over the weekend, Friday or over  
 21 the weekend, and get it posted for the following Monday.  
 22 Q So the goal was to have stuff in your hands  
 23 by Thursday and to get it scanned and on the web by the  
 24 following Monday?

1 to your office on a day other than a Thursday?  
 2 A It was relatively uniform. The only  
 3 changes that happened is, as the flow of documents  
 4 increased, we might get a batch a day earlier because it  
 5 was easier to just send a box down than, you know, a  
 6 truckload.  
 7 Q So did you keep track of when documents  
 8 were physically received and inventory them in?  
 9 A No, sir.  
 10 Q So there are no written records that would  
 11 demonstrate when you physically got documents from the  
 12 clerk's office?  
 13 A No, sir. They were scanned and placed on  
 14 the web in the manner that I indicated.  
 15 Q I take it after you were finished scanning  
 16 them they would be re-delivered by hand to the clerk's  
 17 office?  
 18 A Yes, sir.  
 19 Q With regard to transcripts of hearings that  
 20 came in, do you know whether those transcripts came in  
 21 in electronic form, in paper form, or in both?  
 22 A I can only say for sure that I received  
 23 them in electronic form. I'm under the understanding  
 24 that paper copies were requested, but I'm not sure

1 A If possible.  
 2 Q Where is your office physically located in  
 3 proximity to the clerk's office?  
 4 A I am on the ground floor, G11. She's on  
 5 the first floor, which is a floor above us and about 70  
 6 feet to the left, I think.  
 7 Q So the forwarding of documents literally  
 8 just involved somebody walking them to your office?  
 9 A Yes, sir.  
 10 Q And do you recall typically who performed  
 11 that function from the clerk's office?  
 12 A Actually, I don't, sir. I know that Nancy,  
 13 my admin. person, received them and would indicate to me  
 14 that she was undertaking scanning a batch.  
 15 Q What's Nancy's --  
 16 A Skillestad.  
 17 Q Skillestad?  
 18 A Yes.  
 19 Q Can you spell that last name?  
 20 A S-k-i-l-l-e-s-t-a-d.  
 21 Q Was the practice of forwarding documents  
 22 from the clerk's office to yours on a weekly basis  
 23 followed uniformly and in every case, or was there  
 24 occasional variation where somebody would walk something

1 whether they were delivered or who received them.  
 2 Q So, with regard to transcripts, they didn't  
 3 have to do the process of physically walking them from  
 4 the clerk's office to your office and scanning them; is  
 5 that correct?  
 6 A That's correct.  
 7 Q Now, when you received them in electronic  
 8 form, would you receive them from the clerk's office or  
 9 directly from the court reporters who prepared them?  
 10 A Generally speaking, I believe I received  
 11 them directly from the court reporter; and I received  
 12 them on some occasions by e-mail and, on others, on  
 13 disk.  
 14 Q Did you have any conversations at any time  
 15 during this process with any court reporters or  
 16 representatives of court reporters regarding the  
 17 logistics of receiving transcripts?  
 18 A My recollection is that at one of the PDC  
 19 hearings the question of quantities and deliveries came  
 20 up, and it was requested that I also receive them  
 21 electronically if possible and that they be e-mailed to  
 22 me.  
 23 Q Was that -- strike that.  
 24 I believe the first day of hearing was

1 around February 20th, give or take. Were you there?  
 2 A I believe I was at all the hearings, sir.  
 3 Q My question is: How did the court  
 4 reporters know to get the stuff to you?  
 5 A I believe it was one of the first meetings  
 6 they asked about transcripts and how many copies, and I  
 7 said they -- the court reporter, whose name I cannot  
 8 recall, was talking in a group with myself and I believe  
 9 Mr. Urich, and I can't recall who else was standing  
 10 around. And they asked about, "How do we handle  
 11 transcripts?" And I believe they requested a number of  
 12 physical copies and then also asked if they were  
 13 available electronically. And I said if they were  
 14 available electronically they could deliver them to me.  
 15 Q So you provided information as to your  
 16 e-mail address and also as to your office location if  
 17 they were going to be delivered by disk?  
 18 A Yes, sir. I believe I gave the court  
 19 reporter my card.  
 20 Q Do you recall whether or not daily copy of  
 21 transcripts was ordered, meaning that transcripts would  
 22 be delivered on the next business day after the  
 23 information was transcribed?  
 24 A I don't recall, sir.

1 front of you?  
 2 A Yes, sir.  
 3 Q This appears to be a copy of one of the  
 4 pages off the Peoria County website printed out on  
 5 August 15th, 2006. Would you agree with that?  
 6 A Yes, sir.  
 7 Q And we appear to be in a menu of sorts; is  
 8 that right?  
 9 A That's correct.  
 10 Q It's the Main County Information Library,  
 11 specifically PDC Application Transcripts?  
 12 A Uh-huh.  
 13 Q Now, the name column identifies the actual  
 14 transcript itself; is that correct?  
 15 A Yes, sir.  
 16 Q The modification date, what does that refer  
 17 to?  
 18 A In general, it referred -- well,  
 19 specifically, it refers to the last date a change was  
 20 made upon a file that was posted. There's a number of  
 21 reasons why that can be; but I think in this particular  
 22 case, generally speaking, it's the day something was  
 23 posted. However, if we have to restore a file, have to  
 24 move files, if we upgrade the website and restore it,

1 Q With regard to when you received  
 2 transcripts, do you have a recollection as to typically  
 3 how long it was after the date of the hearing that was  
 4 transcribed?  
 5 A My general recollection is that it varied  
 6 remarkably. Some days I got it the next day. Some days  
 7 it took more than a week. Again, I didn't record the  
 8 actual time; but I remember thinking to myself,  
 9 depending on which court reporter was doing the work, it  
 10 seemed that information flowed quicker than others.  
 11 Q Do you have any recollection as to which  
 12 transcripts came in quickly and which transcripts came  
 13 in on a delayed basis?  
 14 A No, sir.  
 15 Q Do you have any records that would allow  
 16 you to reconstruct that information?  
 17 A No, sir.  
 18 Q Now, on your website -- actually, the  
 19 county's website, but I like to call it yours --  
 20 A Thank you, sir.  
 21 Q -- we see a listing of transcripts that we  
 22 were able to find by going through indices. If you  
 23 would open the exhibit book in front of you and go to  
 24 tab 15, you'll see the same thing. Do you have that in

1 those dates may change.  
 2 Q And, in fact, it appeared to us as we were  
 3 following the process of transcripts getting on-line  
 4 that the modification date reflected the date that  
 5 transcripts were posted?  
 6 A In general, that would be correct if  
 7 nothing else acted upon them.  
 8 Q Do you recall whether any transcripts were  
 9 ever acted upon and modified after being posted?  
 10 A I do not believe so, sir.  
 11 Q With regard to transcripts that you  
 12 received, how quickly would those be posted after they  
 13 were received?  
 14 A The transcripts -- okay. I'm sorry. Would  
 15 you repeat the question?  
 16 Q You indicated the transcripts were  
 17 delivered to you electronically, either by disk or  
 18 e-mail. From the time that you got them by disk or  
 19 e-mail, how long would it be until they got posted?  
 20 A Generally speaking, I tried to post them by  
 21 the next day if possible, but sometimes that wasn't  
 22 always possible. You know, I do other things. I'm  
 23 trying to sound like a good public servant, but I guess  
 24 this isn't the forum for that.

1 MR. MEGINNES: I am impressed. I am  
 2 impressed.  
 3 Q You are a good public servant.  
 4 The transcripts that you received  
 5 electronically, do you know either way whether hard  
 6 copies or electronic copies were contemporaneously  
 7 delivered to the clerk's office?  
 8 A I do not know that, sir.  
 9 Q Did you ever have any conversation with  
 10 Megan or anyone else at the clerk's office about that  
 11 subject?  
 12 A I don't recall, sir.  
 13 Q When transcripts were delivered to you  
 14 electronically, would you go through any process of  
 15 authenticating them or making sure that they were  
 16 correct?  
 17 A No, sir.  
 18 Q And it was your understanding from your  
 19 directions from Mr. Urich that with regard to these  
 20 transcripts that were received by you electronically,  
 21 that copies of them were to be placed on the county's  
 22 website as soon as reasonably possible?  
 23 A Yes, sir.  
 24 Q And I'm assuming that the process of taking

1 PDF, right?  
 2 A Yes, sir.  
 3 Q That, I take it, involves basically some  
 4 manipulation of the Adobe Acrobat software?  
 5 A Yes, sir.  
 6 Q Then, after that, they could be uploaded?  
 7 A Exactly.  
 8 Q How long would it physically take you to  
 9 convert and upload a transcript?  
 10 A Anywhere between three and, perhaps,  
 11 fifteen minutes.  
 12 Q Why would it take fifteen minutes?  
 13 A It depends on if the computer was slow that  
 14 day, if it was a large transcript or, you know, if I had  
 15 other things running on my computer at the time.  
 16 Q So you may be waiting for the processing?  
 17 A The process to finish, yeah.  
 18 Q In other words, if everything was running  
 19 smoothly, this is something that could be done in two or  
 20 three minutes?  
 21 A It was relatively easy. Yes.  
 22 Q Now, we notice that the second transcript  
 23 on Exhibit 15 in front of you appears to have the date  
 24 5/3/2006 and says "final"?

1 an electronic document and uploading it to your website  
 2 involves really nothing more than a few keystrokes by  
 3 you?  
 4 A Well, that's not entirely correct; but in  
 5 most cases, like with the minutes, we receive them in a  
 6 format that's called ASCII, which is a general method of  
 7 transferring stuff. It was not our desire to put things  
 8 out on the website that could be in a general sense --  
 9 not for this specific reason, but generally to put a  
 10 document out so that it's not as easily altered. We  
 11 tend to translate them to Adobe Portable Document  
 12 format. They're generally easier to read and a little  
 13 bit harder to modify.  
 14 In this case, we did print them out with  
 15 Adobe Translator and placed them on the web in that  
 16 format as just a web standard kind of thing.  
 17 Q And, in fact, I notice that all the  
 18 transcripts are PDF files?  
 19 A Yes.  
 20 Q Do you remember whether they were received  
 21 as PDF files or typically they were received as ASCII's?  
 22 A They were typically received as ASCII.  
 23 Q So the physical process of getting them  
 24 uploaded involves converting them from an ASCII to a

1 A Yes.  
 2 Q Was that the transcript of the May 3rd,  
 3 2006, board meeting?  
 4 A You know, I can't tell you from looking at  
 5 this, but I can tell you that that May 3rd is what was  
 6 specifically there. I'd have to open it up to see  
 7 exactly what it was, but I believe you're correct.  
 8 Q Generally speaking, the numbers in these  
 9 file names reflect the date on which the information was  
 10 taken down?  
 11 A Yes, sir.  
 12 Q And the modification date indicates that  
 13 it's 5/12/06?  
 14 A Okay.  
 15 Q To your recollection, does that mean that  
 16 this document was posted on May 12th?  
 17 A Yes, sir, in this particular case. Sure.  
 18 Q Again, with regard to this transcript, do  
 19 you have any knowledge, either independent or through  
 20 conversation with anyone else, as to when any form of  
 21 that May 3rd transcript was delivered to the clerk's  
 22 office?  
 23 A I do not, sir.  
 24 Q Were you involved in the preparation of the



1 record on appeal in this case?  
 2 A I'm not sure what that means, sir. Would  
 3 you explain that?  
 4 Q Okay. As part of PDC's appeal to the  
 5 Pollution Control Board, the County had to physically  
 6 prepare a copy of documents and submit them to the  
 7 Pollution Control Board. Are you aware of that  
 8 generally?  
 9 A Yes. I believe I understand that that's  
 10 something that had to happen. Sure.  
 11 Q Were you involved in that process in any  
 12 way, shape, or form?  
 13 A I don't believe I was, sir.  
 14 Q Well, that's going to save us a lot of  
 15 questioning.  
 16 With regard to the materials that were  
 17 submitted by the County to the Pollution Control Board,  
 18 do you have any knowledge, either independent or through  
 19 speaking to any individual, as to whether all of the  
 20 materials that were physically in the clerk's office  
 21 made it into the materials that were submitted to the  
 22 Pollution Control Board?  
 23 A I have no knowledge either way, sir.  
 24 Q And with respect to the materials submitted

1 Q At the bottom of the first and second page  
 2 is a long, what appears to be, address line starting  
 3 with HTTP?  
 4 A Yes, sir.  
 5 Q And that appears to be the address of the  
 6 physical location from which this document was  
 7 retrieved?  
 8 A That's correct, sir.  
 9 Q All right. My question is really not a  
 10 legal one. When I say "a true and correct copy," I  
 11 think what I'm saying is: Does this appear to you to  
 12 the best of your knowledge and recollection to be an  
 13 accurate rendering of the way the web page looked that  
 14 day?  
 15 A Yes.  
 16 Q Do you know whether all of the documents  
 17 maintained in the clerk's office were delivered to you  
 18 for inclusion of copies on the web page?  
 19 A I'm sorry. Do I know?  
 20 Q Either way whether all of the documents  
 21 relating to the PDC application maintained in the  
 22 clerk's office were actually delivered to you for  
 23 inclusion on the web.  
 24 A I don't specifically know that. What I can

1 to the Pollution Control Board, do you have any  
 2 knowledge as to whether any materials that were not in  
 3 the repository of materials kept in the clerk's office  
 4 made it into the group of materials that were submitted  
 5 to the Pollution Control Board?  
 6 A No, sir.  
 7 Q Let's go back for a second to Exhibit 15  
 8 that is in front of you. And does that document appear  
 9 to you to be a true and correct copy of the Main County  
 10 Information Library menu or index as it existed on  
 11 8/15/2006?  
 12 A "True and correct" sounds like a legal term  
 13 to me, and I'm not sure what that means; but it does  
 14 appear to be a copy of my website from that day.  
 15 Q And is there anything unusual about it?  
 16 A The formatting sucks. That's an IT term,  
 17 but I don't think -- from an informational standpoint, I  
 18 guess what I'm saying is this was obviously printed  
 19 through some application that doesn't render pages  
 20 effectively.  
 21 Q At the bottom of --  
 22 A You asked my opinion. I'm sorry.  
 23 MR. MEGINNES: Thanks. That's our job.  
 24 You come and fix it.

1 tell you is that anything that we received was  
 2 translated and posted.  
 3 Q You didn't have any control over what you  
 4 received; is that correct?  
 5 A No, sir.  
 6 Q So, if somebody had chosen to omit a  
 7 document and not deliver it to you, it would not be on  
 8 the web; is that correct?  
 9 A From a process standpoint, yes, sir.  
 10 Q In fact, you wouldn't even know that a  
 11 document was omitted; is that right?  
 12 A I think that's correct. Yes.  
 13 Q When Peoria Disposal Company delivered its  
 14 application for siting approval in November of 2006  
 15 (sic), I believe that they delivered a copy of the  
 16 application on disk. This is not a trick question. I'm  
 17 just asking you if you recall that.  
 18 A I think I do.  
 19 Q Therefore, it made the posting of the  
 20 application itself much more expeditious than having to  
 21 scan thousands of pages?  
 22 A Well, certainly. Yes.  
 23 Q Do you have any information that would  
 24 indicate when the CD-ROMS or DVDs, as the case may be,

1 which contained the application on disk were delivered  
2 to you?

3 A I don't have a specific recollection. No.

4 Q Do you remember who you got them from?

5 A I don't recall, sir.

6 Q Did some representative of Peoria Disposal  
7 physically deliver that to you, or did you get it from  
8 another county employee or officer?

9 A I think I would have remembered if a PDC  
10 employee came, but I'm guessing that I received it from  
11 our -- one of our offices.

12 Q And were you involved in any determination  
13 of when the application for siting approval was deemed  
14 complete?

15 A No, sir.

16 Q Would it be fair to say that you just  
17 viewed your role as posting the application  
18 expeditiously once it was delivered to you by another  
19 county employee?

20 A Yes, sir.

21 MR. MUELLER: Can we take a little break?  
22 (Recess in proceedings from 11:20 a.m.  
23 to 11:25 a.m.)

24 MR. MUELLER: Mr. Haupert, thank you. We

1 PEORIA DISPOSAL COMPANY, )  
2 Petitioner, )  
3 vs. ) No. PCB 06-184  
4 PEORIA COUNTY BOARD, )  
5 Respondent. )  
6

7 I hereby certify that I have read the  
8 foregoing transcript of my deposition given on September  
9 13, 2006, at the time and place aforesaid, consisting of  
10 pages 1 through 38, inclusive, and I do again subscribe  
11 and make oath that the same is a true, correct, and  
12 complete transcript of my deposition so given as  
13 aforesaid.

12 Please check one:

13 I have submitted errata sheet(s).

14 No corrections were noted.

17 RUSSELL HAUPERT

20 SUBSCRIBED AND SWORN TO  
21 before me this day  
22 of , A.D. 2006.

23 Notary Public

24 My Commission expires \_\_\_\_\_

1 have no further questions.

2 11:25 A.M.

7 (Further deponent saith not.)

1 STATE OF ILLINOIS )  
2 ) SS  
3 COUNTY OF TAZEWELL )

4 CERTIFICATE

6 I, Angela M. Jones, CSR-RPR, a Notary  
7 Public duly commissioned and qualified in and for the  
8 County of Tazewell, State of Illinois, do hereby certify  
9 that there came before me on September 13, 2006, at 416  
10 Main Street, Suite 1400, Peoria, Illinois, the following  
11 named person, to wit:

12 RUSSELL HAUPERT,

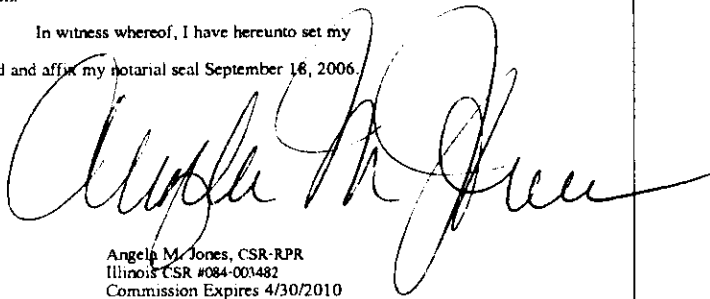
13 a witness, who was by me first duly sworn to testify to  
14 the truth and nothing but the truth of his knowledge  
15 touching and concerning the matters in controversy in  
16 this cause, and that he was thereupon carefully examined  
17 upon his oath and his examination reduced to shorthand  
18 by means of stenotype and thereafter converted to  
19 typewriting using computer-aided translation by me.

20 I also certify that the deposition is a  
21 true record of the testimony given by the witness.

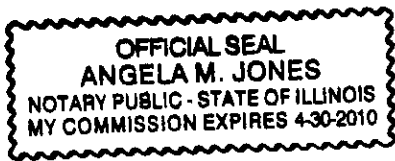
22 I further certify that I am neither  
23 attorney or counsel for nor related to or employed by  
24 any of the parties to the action in which this

1 deposition is taken, and further that I am not a  
2 relative or employee of any attorney or counsel employed  
3 by the parties hereto or financially interested in the  
4 action.

5 In witness whereof, I have hereunto set my  
6 hand and affix my notarial seal September 16, 2006

7  
8   
9  
10

11 Angela M. Jones, CSR-RPR  
12 Illinois CSR #084-001482  
13 Commission Expires 4/30/2010



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# Exhibit 15

BEFORE THE ILLINOIS POLLUTION

CONTROL BOARD

PEORIA DISPOSAL COMPANY,	)	
	)	
Petitioner,	)	
	)	
-vs-	)	NO. PCB 06-184
	)	
PEORIA COUNTY BOARD,	)	
	)	
Respondent.	)	

The deposition of KAREN RAITHEL, a material witness herein, called for examination pursuant to notice and the Supreme Court Rules as they pertain to the taking of discovery depositions before Aana M. Giftos, CSR, RPR, and Notary Public in and for the County of Peoria, and State of Illinois, on Thursday, September 28th, 2006, at 416 Main Street, Suite 1400, Peoria, Illinois, commencing at the hour of 2:00 p.m.

APPEARANCES:

GEORGE MUELLER, ESQUIRE  
 528 Columbus Street, Suite 204  
 Ottawa, Illinois 61350

and

JANAKI NAIR, ESQUIRE  
 BRIAN J. MEGINNES, ESQUIRE  
 Elias, Meginnnes, Riffle & Seghetti, P.C.  
 416 Main Street, Suite 1400  
 Peoria, Illinois 61602  
 on behalf of the Petitioner;

DAVID A. BROWN, ESQUIRE  
 Black, Black & Brown  
 101 South Main Street  
 Morton, Illinois 61550  
 on behalf of the Respondent;

ALSO PRESENT:  
Chris Coulter.

I N D E X

WITNESS

KAREN RAITHEL

Examination by Mr. Mueller . . . . . pg. 3

EXHIBITS

Raithel Deposition Exhibit No. 32 . . . pg. 40

Raithel Deposition Exhibit No. 33 . . . pg. 53

Raithel Deposition Exhibit No. 34 . . . pg. 56

Raithel Deposition Exhibit No. 35 . . . pg. 57

1 KAREN ANN RAITHEL.  
2 a material witness herein, being duly sworn, was  
3 examined and testified as follows:

4 EXAMINATION

5 BY MR. MUELLER:

6 Q Would you state your full name, please?

7 A Karen Ann Raithel.

8 Q Let the record show this is the discovery  
9 deposition of Karen Raithel taken pursuant to  
10 notice, in accordance with rules and by agreement  
11 of the parties.

12 Is it okay if I call you Karen?

13 A Yes.

14 Q Karen, have you had your deposition ever  
15 taken?

16 A No.

17 Q A couple of simple ground rules that we  
18 need to follow then are that because everything is  
19 being taken down by a court reporter only one of us  
20 can talk at a time. So we should try to avoid  
21 talking over each other and let each of us  
22 respectfully finish our questions and answers.

23 Secondly, nonverbal communications such as  
24 gestures and nods of the heads cannot be taken down

1 management. I graduated from ISU.

2 Q What year?

3 A 1993.

4 Q Do you have any postgraduate credits?

5 A No.

6 Q Where did you work before Peoria County?

7 A I had a summer school job at Swiss Colony  
8 in Eastland Mall.

9 Q So you went to work for Peoria County  
10 basically right out of college?

11 A Yes.

12 Q What was your initial job for Peoria  
13 County?

14 A It was recycling -- I'm sorry, solid waste  
15 management assistant.

16 Q What were your duties at that job?

17 A Basically correspondence, preparing  
18 mailings, assisting the director at that time,  
19 phone calls, whatnot.

20 Q Did you do any landfill inspections?

21 A No.

22 Q Have you ever been to the PDC landfill?

23 A Yes.

24 Q For what purpose?

1 by the court reporter. So we want to answer all of  
2 the questions verbally. Do you understand both of  
3 those things?

4 A Yes.

5 Q If I ask you a question and you don't  
6 understand it, feel free to have me rephrase it.  
7 If I ask you a question and you do understand it --  
8 or you do answer it, I'm going to assume that you  
9 understood it. Is that fair?

10 A Yes.

11 Q You know you're under oath?

12 A Yes.

13 Q What's your address?

14 A 111 West Autumn Lane, East Peoria,  
15 Illinois.

16 Q How long have you lived in East Peoria?

17 A Eight years.

18 Q What is your marital status?

19 A Single.

20 Q Where are you employed?

21 A County of Peoria.

22 Q Can you provide your educational  
23 background?

24 A I have a bachelor's of science in business

1 A A tour.

2 Q You've never been there in connection with  
3 the exercise of your official duties?

4 A No.

5 Q What is your title now for Peoria County?

6 A Recycling and resource conservation  
7 director.

8 Q How long have you had that title?

9 A Well, I have been in the position for I  
10 believe five years.

11 Q What is your annual salary?

12 A 48,000.

13 Q Who is your immediate supervisor?

14 A Patrick Urich, county administrator.

15 Q Do any people report to you in your present  
16 capacity?

17 A Yes.

18 Q How many people report to you?

19 A Currently, three.

20 Q Who are they?

21 A Mary Akers, Rebecca Catchrell and Katy  
22 Bates.

23 Q Tell me generally what the duties of your  
24 job are.

1 A Oversee the intergrated solid waste  
2 management plan, encourage recycling in Peoria  
3 County, maintain recycling programs and offer  
4 programs to residents to dispose of materials.

5 **Q Does that get you out of the office  
6 periodically or is it mainly a desk job?**

7 A Mostly at my desk; however, I do get out to  
8 do events.

9 **Q How much day-to-day contact do you have  
10 with county board members?**

11 A I don't anticipate having a lot of contact  
12 with them unless it's for a committee meeting.

13 **Q Are you required to attend certain county  
14 board committee meetings?**

15 A I don't know that I'm required, but it is  
16 expected to attend.

17 **Q Which committee meetings do you go to?**

18 A Health and environmental issues, facilities  
19 committee, and then the city county landfill  
20 committee.

21 **Q Who is the chairman of the health and  
22 environmental issues committee?**

23 A Pat Hidden.

24 **Q Who's the chairman of the county landfill**

1 **filed its application you had a conversation with  
2 Pat Urich and he said Karen, You're going to be  
3 doing most of the legwork on this or something to  
4 that effect?**

5 A He put me on notice that, yeah, I was to be  
6 involved.

7 **Q Were you given any additional staff to help  
8 you with this project?**

9 A No.

10 **Q Were you involved in any way, shape or form  
11 with the project prior to the application being --  
12 prior to the application being filed when people  
13 from the Patrick Engineering were doing what was  
14 called the prefilng review?**

15 A Yes.

16 **Q What was your role in the prefilng review?**

17 A I was involved in selecting the candidates,  
18 interviewing the firms. I don't know that I had  
19 much communication with Patrick Engineering. I  
20 don't remember.

21 **Q When you say "the candidates," you're  
22 talking about the candidates to be the county's  
23 consult -- expert outside consultants?**

24 A Correct. The engineering, correct.

1 **committee?**

2 A Les Bergsten.

3 **Q Who assigned you duties in connection with  
4 the landfill hearings?**

5 A Well, in part, it's by the statute that  
6 says the solid waste management director, now the  
7 recycling director, is to coordinate procedures and  
8 make plans and coordinate activities.

9 **Q You're talking about the local ordinance?**

10 A Correct.

11 **Q So it was your understanding that based  
12 upon your title as the recycling director the  
13 management of the logistics of this hearing and  
14 application process fell primarily on you?**

15 A I would take that, yes, my boss expected  
16 it.

17 **Q This is more than you bargained for, isn't  
18 it?**

19 A Yes.

20 **Q By the way, we understand that. Who's the  
21 chairman of the facility's committee by the way?**

22 A Eldon Polhemus.

23 **Q So I'm going to assume that at some point  
24 at or about or perhaps before the time when PDC**

1 **Q Did you make a recommendation as to who  
2 should get that assignment?**

3 A I was involved in the decision. I put my  
4 opinion forth.

5 **Q What was your opinion?**

6 A To select Patrick Engineering.

7 **Q How many candidates were there for the  
8 prefilng review spot?**

9 A I believe we interviewed five.

10 **Q Was part of your job in connection with the  
11 overall application and hearing process to also  
12 keep track of the money?**

13 A Yes.

14 **Q Because I will tell you that in going  
15 through materials that Mr. Brown brought over  
16 today, which he identified as your records, I  
17 didn't see any financial records but I didn't go  
18 through it at length.**

19 **If you can comment on that and tell me  
20 either I missed them or they're somewhere else.**

21 A They're in my office.

22 MR. MUELLER: So, Mr. Brown, can we  
23 have Ms. Raithel supplement her production with the  
24 financial records pertaining to the application and

1 hearing?  
 2 MR. BROWN: We can certainly do that.  
 3 My understanding at the time was that when we  
 4 gathered up these documents was that she's already  
 5 produced all of those to counsel for PDC. So it  
 6 was kind of duplicative to produce them again, but  
 7 if you want them produced again, we can certainly  
 8 do so.  
 9 MR. MUELLER: If we have them. I've  
 10 never seen them. I'm unaware that they have been  
 11 produced. I don't want to make you do extra work  
 12 for nothing.  
 13 MR. BROWN: We can follow up on that.  
 14 MR. MUELLER: So the answer is if we  
 15 don't have them we'll get them, and if we do have  
 16 them, we'll look harder. Is that fair?  
 17 MR. BROWN: Yes, absolutely.  
 18 BY MR. MUELLER:  
 19 Q Just as a ballpark figure, and it's not a  
 20 trick question, I won't hold you to it, but  
 21 approximately how much did the county spend on  
 22 Patrick Engineering's services.  
 23 A 200,000.  
 24 Q Was there -- who was the person at Patrick

1 applicant and with the public once the application  
 2 was filed?  
 3 A I'm sorry. Can you repeat that?  
 4 Q What was your understanding about what  
 5 contact the Peoria County staff people could have  
 6 with the general public and with the applicant  
 7 regarding the application once it had been filed?  
 8 A I believe we were not to have contact with  
 9 the applicant. With the general public, we could  
 10 listen.  
 11 Q Were you approached by representatives of  
 12 opposition groups and provided with their input,  
 13 opinions and so-called facts at various times while  
 14 the application was pending?  
 15 A I had communications with them, yes.  
 16 Q Which ones do you specifically remember  
 17 having communications with?  
 18 A I had a meeting with Peoria Families  
 19 Against Toxic Waste. I had conversations with Tom  
 20 Edwards and Joyce Blumenshine. I can't remember  
 21 the other ones.  
 22 Q The conversations with Blumenshine and  
 23 Edwards, were they initiated by them?  
 24 A Oh, yes.

1 that you primarily dealt with?  
 2 A Chris Burger.  
 3 Q Was he sort of their project manager for  
 4 this project?  
 5 A Yes.  
 6 Q Did you participate substantively in the  
 7 pre-filing review, and I distinguish substantive  
 8 from logistical to mean that you had actual input  
 9 about what was good, bad or indifferent about --  
 10 regarding the application?  
 11 A I don't recall having any substantial part  
 12 on that.  
 13 Q I mean, my sense of it, Karen, is that, and  
 14 tell me if I'm wrong, that you were really a  
 15 coordinator here who made sure that things ran  
 16 smoothly, pulled people together, you were a  
 17 contact person and kind of a central repository of  
 18 information and directions but that you didn't  
 19 really decide stuff, is that a fair, general kind  
 20 of a statement?  
 21 A Fair statement.  
 22 Q What was your understanding about what  
 23 contact the staff people which would include you  
 24 and the Patrick people could have with the

1 Q Where did they take place?  
 2 A Somewhere in the courthouse whether it  
 3 would be with Edwards, he was usually in attendance  
 4 at the county board meetings or he would come into  
 5 the administration office to drop off some items  
 6 for the county board in which I may have run into  
 7 him or he was at the landfill committee.  
 8 Q The meeting with Peoria Families Against  
 9 Toxic Waste, where did that meeting take place?  
 10 A Fourth floor county board room.  
 11 Q Do you remember when it took place?  
 12 A In January.  
 13 Q Who was present?  
 14 A It was myself and Patrick Ulrich and Kim --  
 15 I don't remember her last name, marketing place.  
 16 Q Should we help her? Converse?  
 17 A Yes, and Annie Kirchgessner.  
 18 Q Do you want to give us a phonetic spelling  
 19 or a real spelling if you know it?  
 20 A K-I-R-C-H-G-E-S-S-N-E-R.  
 21 Q What was the purpose of this meeting as  
 22 explained by the Peoria Families representatives  
 23 that were there?  
 24 A Well, I believe that was an opportunity for

1 them to explain their opinions on the PDC landfill  
 2 to the county administrator and you.  
 3 **Q You guys weren't making the decision. Why**  
 4 **would they want to sit you guys down to tell you**  
 5 **their opinions?**  
 6 A I don't know.  
 7 **Q Was David Wentworth with them?**  
 8 A No.  
 9 **Q Did you ever meet with him privately about**  
 10 **the application or during the hearing process?**  
 11 A Not that I remember.  
 12 **Q Did he ever call you to talk to you about**  
 13 **the application or the hearing?**  
 14 A I know he called. I talked to him, and I  
 15 don't remember why. I believe it was just  
 16 something that -- it was something they were  
 17 filing, and he wanted to send me an electronic  
 18 copy.  
 19 **Q When you met with the Peoria Families, how**  
 20 **did Kim Converse identify herself in terms of her**  
 21 **capacity in that group?**  
 22 A I don't remember.  
 23 **Q Did she say she was the chairman or the**  
 24 **president or anything like that?**

1 A I don't remember that.  
 2 **Q But you clearly remember that she**  
 3 **identified herself as a representative of a group**  
 4 **called Peoria Families Against Toxic Waste?**  
 5 A I don't know if at that time they had  
 6 established Peoria Families. I don't remember the  
 7 timeline or if that was something that was in the  
 8 works.  
 9 **Q Did either you or Mr. Urich ever say to her**  
 10 **or her sidekick at that meeting anything to the**  
 11 **effect of, you know, you're going to get a chance**  
 12 **to present your views at the hearing and you're not**  
 13 **supposed to be talking to county representatives**  
 14 **outside the hearing process?**  
 15 A Mr. Urich I believe made the comment that,  
 16 yes, there would be opportunity for all parties to  
 17 express their opinions.  
 18 **Q That's what I get for asking a compound**  
 19 **question because you answered the first part of it.**  
 20 **Did Mr. Urich or you also caution them that**  
 21 **they weren't supposed to be communicating with**  
 22 **county board representatives outside the hearing**  
 23 **process?**  
 24 A I don't know if anything was said to that

1 effect. I do think that Patrick would have said  
 2 something, but I can't say for sure.  
 3 **Q At the various times that you were**  
 4 **approached by different people and you remembered,**  
 5 **for example, specifically Joyce Blumenshine and Tom**  
 6 **Edwards, did you ever say anything to them in the**  
 7 **nature of you're not supposed to communicate with**  
 8 **us, meaning county representatives, outside the**  
 9 **hearing process, you'll have plenty of chances to**  
 10 **say your piece at the hearing?**  
 11 A I don't recall ever saying something that  
 12 specific.  
 13 **Q Did you say anything general that conveyed**  
 14 **that message?**  
 15 A I don't recall saying -- I don't know if I  
 16 did or not.  
 17 **Q Let's change subjects then. Were you**  
 18 **involved in decision-making about how to accumulate**  
 19 **and maintain a record of filings and other**  
 20 **pertinent documents during the application and**  
 21 **hearing process?**  
 22 A I don't know.  
 23 **Q I take it you were generally aware of both**  
 24 **state statute and the county ordinance that**

1 **governed the application and hearing process --**  
 2 A Yes.  
 3 **Q -- is that true?**  
 4 A Yes.  
 5 **Q Both of those call for filings to be made**  
 6 **with the county clerk and for everything that gets**  
 7 **into the county clerk's possession during the**  
 8 **course of the proceedings to become part of what's**  
 9 **known as the record?**  
 10 A Correct.  
 11 **Q Did you have any discussions with the**  
 12 **county clerk or any deputy county clerks ever about**  
 13 **how that was going to be accomplished and who was**  
 14 **going to be responsible for that?**  
 15 A I may have talked to Megan. I don't know  
 16 any specifics about a conversation, but it was  
 17 clear that the county clerk was responsible for  
 18 keeping the record. That's why materials would be  
 19 brought to her.  
 20 **Q I understand it was the county clerk's**  
 21 **responsibility and it's really not fair to you to**  
 22 **ask you a whole lot of questions about it, but**  
 23 **we're suffering from the disadvantage of the fact**  
 24 **that Megan Fulara had some very severe amnesia on**

1 the day we deposed her. We're trying to fill in  
2 some gaps there.

3 To your understanding, she knew that the  
4 clerk was responsible for keeping the record?

5 A As far as I know, yes.

6 Q You knew what was meant by the concept of  
7 the record, right?

8 A I took the record as to mean the materials  
9 that people would be filing.

10 Q That's what we took the record to mean,  
11 also.

12 So the application to be part of the record  
13 and letters that people sent in commenting on the  
14 application would be part of the record and the  
15 exhibits at the hearings would be part of the  
16 record, correct?

17 A Yes.

18 Q What about materials prepared by the county  
19 staff for the assistance of the county board? What  
20 was your understanding as to whether or not those  
21 would be part of the record?

22 A The staff report was filed in because it  
23 met before the 30 days past the public hearing.  
24 So, yes. I understood that part.

1 Mr. Hauptert's IT people?

2 A No.

3 Q He indicates that various county  
4 departments actually have that capability.

5 Do you have that? Does your department  
6 have that capability?

7 A I don't know since we've changed websites.  
8 I did previous, but that was only for departmental  
9 stuff.

10 Q Both the original staff report and the  
11 supplemental staff report ended up on the website?  
12 You're shaking your head yes?

13 A Yes.

14 Q Those were documents prepared by the county  
15 staff, and I presume after they were done being  
16 prepared they were given to you then for  
17 appropriate circulation, right?

18 A Yes.

19 Q First of all, did you have any substantive  
20 participation in preparing either the staff report  
21 or the supplemental staff report?

22 A I was involved, yes.

23 Q Did you do some edits on it, proofreading,  
24 so forth?

1 Q We'll get to the staff report because I  
2 have some questions about that.

3 Were you ever involved in any discussions  
4 about what materials relating to the application  
5 would be maintained on the Peoria County website?

6 A If my boss told me to put it on the  
7 website, I sent it along.

8 Q Let's back up a little bit then. We have  
9 deposed the county's IT director. Do you know his  
10 name?

11 A Russell Hauptert.

12 Q That's correct. Did you have any  
13 conversations with Mr. Hauptert about maintaining  
14 space on the website for PDC application related  
15 material?

16 A Yes.

17 Q Were you, in fact, the one that suggested  
18 that material should be on the website?

19 A Patrick did.

20 Q Were you present when he suggested that?

21 A I know I was at a meeting where he  
22 announced it to staff.

23 Q Did you have the ability to upload things  
24 directly onto the website without going through

1 A Yes.

2 Q Who else was involved in the actual writing  
3 of the staff report --

4 A The staff report --

5 Q -- and the supplemental staff report?

6 Let's consider them a unit now unless there's major  
7 differences between the two.

8 A Patrick Engineering, Chris Burger; Steve  
9 Van Hook, their consultant; John Baker; Patrick  
10 Ulrich; myself and then there may have been items  
11 pulled from staff reports prepared independently.

12 Q Would the group that you just identified  
13 meet periodically in February and March for the  
14 purpose of working on the staff report?

15 A Yes.

16 Q When the staff report and supplemental  
17 staff report were done, whose job was it to see to  
18 it that they were printed or typed and captioned  
19 and had a cover page and all that?

20 A The staff report Scott Sorrel and myself  
21 and Patrick worked on the document. I took the  
22 document to Kinko's for copying, and then provided  
23 the distribution to staff, county board.

24 Q Once you got it back from Kinko's, what did



1 you physically do with it?

2 A Put it in my car, drove to the courthouse,  
3 then prepared -- I know I prepared envelopes for  
4 staff. It was a Tuesday, and I believe I took it  
5 to the county clerk's office it was either before  
6 landfill committee or after landfill committee.

7 **Q I know these are probably boring and they  
8 seem like stupid questions, but we honestly didn't  
9 know before we were asking you and we're interested  
10 in the process.**

11 **So you physically delivered at least one  
12 copy to the county clerk's office?**

13 A Yes.

14 **Q Understanding then that was your way of  
15 placing it in the record?**

16 A Yes.

17 **Q Did you deliver a copy to the IT department  
18 for uploading to the web, to the Peoria County  
19 website?**

20 A A paper copy, no.

21 **Q Was there an electronic copy?**

22 A Yes.

23 **Q Did you transmit that to Mr. Hauptert?**

24 A One staff report, and I can't remember

1 believe the last three were hard copy and  
2 electronic.

3 **Q Let's talk about the transcript of the  
4 April 6th meeting of the committee of the whole.  
5 You know the meeting I'm talking about?**

6 A Yes.

7 **Q Who first received that transcript at the  
8 county?**

9 A Me.

10 **Q The court reporters were instructed to get  
11 the transcripts to you, is what you're telling me?**

12 A Yes.

13 **Q In what form did you receive the  
14 April 6th transcript?**

15 A I believe I received it in both paper and  
16 electronic.

17 **Q Simultaneously or did you receive one  
18 first?**

19 A I don't remember.

20 **Q Now, when you say received electronically,  
21 do you mean that they brought you a disk or that it  
22 was E-mailed to you?**

23 A I don't remember.

24 **Q Mr. Hauptert's indicated that he received**

1 which one it was, either the staff report or the  
2 supplemental. I didn't have the capability of  
3 adding PDFs to the others, so Nancy Carter who had  
4 the software and the knowledge to do that, but I  
5 don't remember which one I sent and which one she  
6 sent.

7 **Q But you guys sent them then to the IT  
8 department rather than uploading them directly to  
9 the internet?**

10 A Correct.

11 **Q Did you ever receive as the primary  
12 recipient any of the transcripts of the hearings?**

13 A Yes. I received them all.

14 **Q Who hired the court reporters?**

15 A Dave Brown.

16 **Q When transcripts were received from the  
17 court reporters, who did they come to initially  
18 before distribution to others?**

19 A During the public hearings, there were a  
20 couple of them brought by the court reporter  
21 initially given to Dave. Dave gave them to me.  
22 The rest of them were brought to me.

23 **Q In hard copy or electronically?**

24 A The first ones were only hard copy. I

1 copies of the transcripts electronically typically  
2 as an E-mail attachment.

3 **Would he have gotten them from you rather  
4 than the court reporters?**

5 A I think -- and I apologize for not  
6 remembering. I don't remember which ones were  
7 E-mailed and which ones were on disk.

8 **Q But I think the question, though, is did  
9 the court reporters give transcripts directly to  
10 him as well as you or did you get them first and  
11 then you distributed them to other pertinent  
12 people?**

13 A If I remember correctly, the ones that were  
14 sent to Russell were the public hearing had a  
15 request to have them electronically.

16 **Q I'm not sure I understand your answer.**

17 A I don't know if I received the last three  
18 transcripts paper and a disk, which if I recall  
19 correctly that's how I received them, but I want to  
20 say that -- I don't remember how the public hearing  
21 came electronically.

22 **Q We're mainly interested so that we can  
23 focus this down on April 6th and May 3rd. So  
24 let's confine ourselves to those two.**

1 A Okay.  
 2 Q What's your best recollection as to the  
 3 form in which you received those transcripts?  
 4 A Paper and a disk.  
 5 Q Hand delivered to your office by the court  
 6 reporter, correct?  
 7 A Yes.  
 8 Q What did you do with -- let's talk about  
 9 the April 6th transcript. Back up.  
 10 How long after April 6th did you receive  
 11 that transcript?  
 12 A I don't remember.  
 13 Q Would you have any records that would  
 14 indicate when that happened?  
 15 A Not unless it was on an invoice from  
 16 Alliance.  
 17 Q You and I are thinking alike here because  
 18 my experience with court reporters is when they  
 19 deliver you a transcript there's usually an invoice  
 20 in the envelope.  
 21 Do you recall that also being the case with  
 22 the transcripts that were delivered?  
 23 A It could be. I don't remember.  
 24 Q What did you physically do with the disk

1 A No, I don't.  
 2 Q Do you remember how long after you received  
 3 it you gave the disk to Russell, if, in fact,  
 4 that's what happened?  
 5 A No.  
 6 Q Did you give the disk to Russell reasonably  
 7 promptly after you got it?  
 8 A Yes.  
 9 Q Mr. Hauptert testified that the May 3rd  
 10 transcript was posted on the Peoria County website  
 11 on May 12th. He also testified that he typically  
 12 would post transcripts the day that they were  
 13 received or the next day which would if we took  
 14 those two assumptions indicate that he got the  
 15 transcript from you on May 11th or 12th.  
 16 Is that consistent or inconsistent with  
 17 your recollection?  
 18 A That would be consistent.  
 19 Q What did you do with the hard copy of the  
 20 May 3rd transcript?  
 21 A The usual, myself a copy, Patrick a copy,  
 22 Megan gets the original and a copy.  
 23 Q Now, when you say "Megan gets," would you  
 24 physically place it in her hand or just drop it off

1 and the hard copy of the transcript after you  
 2 received it? We're talking about April 6th now.  
 3 A Well, the disk would have gone down to  
 4 Russell. Paper copy I would distribute to Patrick  
 5 and one for me, take one to -- the original and a  
 6 copy to Megan.  
 7 Q Would you do that typically the same day  
 8 that it came in?  
 9 A I don't remember.  
 10 Q On April 6th, do you have any  
 11 recollection as to how soon after you got the  
 12 transcripts that you gave them to Megan?  
 13 A I don't remember.  
 14 Q I assume your purpose in giving a hard copy  
 15 of the transcript to Megan was so that there would  
 16 be hard copy of the transcript in what you  
 17 understood to be the official record?  
 18 A Correct.  
 19 Q Let's talk about the May 3rd transcript.  
 20 Do you remember the form in which that was received  
 21 by you?  
 22 A Paper and electronic, disk.  
 23 Q Do you remember on what day it was  
 24 received?

1 at the front counter in the clerk's office with a  
 2 note or a Post-it indicating it was for Megan?  
 3 A No. Either gave it to her -- if she wasn't  
 4 in her office, I would put it either on her desk or  
 5 in her in-box, on her chair.  
 6 Q So you went the extra mile to make sure it  
 7 got directly to her?  
 8 A Yes.  
 9 Q Let's go back to April 6th. There were  
 10 circulated -- actually, I want to go back a little  
 11 further than that. I want to go back to when the  
 12 first staff report was prepared.  
 13 How did it get into the hands of the board  
 14 members?  
 15 A We used the sheriff's, I can't remember  
 16 what they call them, but they serve once to people.  
 17 So they have -- they are out in the community and  
 18 they delivered them to the county board members. I  
 19 don't remember the person, but there was --  
 20 Q So one of the board members testified that  
 21 he remembered a cop bringing the staff report to  
 22 his house --  
 23 A A process server.  
 24 Q His recollection was accurate?

1 A A process server. yes.  
2 **Q That's still a cop.**  
3 A Yes.  
4 **Q Why did you do it in that fashion?**  
5 A Expediency. They would be delivered that  
6 day.  
7 **Q Time was of the essence as far as you were**  
8 **concerned?**  
9 A Yes.  
10 **Q The supplemental staff report, was it also**  
11 **hand delivered to county board members?**  
12 A I think so.  
13 **Q Whose decision, by the way, was it to issue**  
14 **the first staff report before the end of the 30-day**  
15 **post-hearing period thereby inviting response from**  
16 **the participants?**  
17 A I don't know.  
18 **Q Was the supplemental staff report also**  
19 **filed in the clerk's office?**  
20 A I don't know.  
21 **Q If it wasn't filed, was it the result of**  
22 **inadvertence or because you didn't think it should**  
23 **be part of the record?**  
24 A Probably inadvertence.

1 reason.  
2 **Who physically authored the alternative**  
3 **sets of findings that were used on the color coded**  
4 **sheets on April 6th?**  
5 A I believe it was a collection of Dave  
6 Brown, Chris Burger, Patrick Ulrich, myself.  
7 **Q Then once again, did it fall to you to**  
8 **actually run them off and get them on the proper**  
9 **color coded sheets and get them in the proper**  
10 **number of copies?**  
11 A I myself and a helper.  
12 **Q How and when did those color coded sheets**  
13 **get into the hands of county board members?**  
14 A I don't remember.  
15 **Q Well, the reason I'm asking is because**  
16 **board member Mayer showed up at the**  
17 **April 6th meeting with his own set of color coded**  
18 **sheets with regard to criterion 1. Do you recall**  
19 **that?**  
20 A Yes.  
21 **Q I think he had, like, an alternative set of**  
22 **pink, disapproval findings for criterion 1. Does**  
23 **that ring a bell?**  
24 A I believe so. yes.

1 **Q Moving forward then to April 6th, we've**  
2 **learned that there were floating around or at**  
3 **least -- that's a bad term, they were in the hands**  
4 **of board members on April 6th some alternative**  
5 **findings of fact on color coded sheets. Do you**  
6 **recall that?**  
7 A Color coded. yes.  
8 **Q We have the pink, purple and the yellow**  
9 **sheets?**  
10 A Correct.  
11 **Q The way that I remember it is that purple**  
12 **stands for royalty. So, of course, that would have**  
13 **meant approval for Royal Coulter.**  
14 A No comment.  
15 **Q You guys didn't happen to pick purple based**  
16 **upon the same reasoning, did you, for the approval**  
17 **sheets?**  
18 A With Royal Coulter. I don't think that was  
19 the reason why we picked purple.  
20 **Q Okay. So I'm the only one that made that**  
21 **connection.**  
22 A I believe those were the colors in our  
23 supply.  
24 **Q I knew there would be a more mundane**

1 **Q So what we're trying to understand is how**  
2 **did he get your version of the pink criterion 1**  
3 **findings and when did he get them in relationship**  
4 **to the April 6th meeting?**  
5 A I don't know.  
6 **Q Did he ever participate with any of you in**  
7 **the drafting of proposed findings?**  
8 A Not in my presence.  
9 **Q Did he ever ask for advanced copies of**  
10 **anything to be E-mailed or delivered to him for his**  
11 **review?**  
12 A Not from me.  
13 **Q Did you ever provide anything to him in**  
14 **advance of it being provided to any other board**  
15 **members?**  
16 A Not from me. no.  
17 **Q You say "not from me." Does that mean it**  
18 **might have been provided with your knowledge from**  
19 **other people?**  
20 A I wouldn't know.  
21 **Q So your answer is you have no knowledge**  
22 **about Allen Mayer ever getting anything ahead of**  
23 **time?**  
24 A Correct.

1 **Q Did you have in your office ever a file**  
2 **stamp to indicate that a document was received or**  
3 **was all the file stamping of documents in the**  
4 **record done in the county clerk's office?**

5 A It wasn't done by me.

6 **Q Did you have a county clerk or a county**  
7 **file stamp in your office?**

8 A No.

9 **Q Now, there was prepared apparently a**  
10 **another set of findings which are file stamped by**  
11 **the county clerk's file stamp April 27th, 2006,**  
12 **and with them were a couple of documents called**  
13 **agenda briefings that indicate that they were**  
14 **authored by you.**

15 **Does any of that ring a bell?**

16 A Not off the top of my head, no.

17 **Q You have in front of you an exhibit book.**  
18 **I have a few questions about items in here.**

19 **If we can turn to Exhibit 12, are you**  
20 **looking at a document entitled Agenda Briefing,**  
21 **Peoria County Board, May 3rd, 2006?**

22 A Correct.

23 **Q At the bottom it says, Prepared by Karen**  
24 **RaitHEL.**

1 A I took it to the county clerk's office.

2 **Q If I can direct your attention to, we're**  
3 **actually going to go backwards to Exhibit 11, the**  
4 **first page of this which is C13627 is called**  
5 **Recommended Findings Of Fact and it is file stamped**  
6 **by JoAnn Thomas's office April 27th.**

7 **Do you see that?**

8 A Yes.

9 **Q Do you recognize this series of pages in**  
10 **Exhibit 11?**

11 A Yes.

12 **Q Who prepared these recommended findings of**  
13 **fact?**

14 A The physical or the content?

15 **Q Let's talk about the content first.**

16 A That would have been Dave Brown, Patrick  
17 Ulrich, myself, Chris Burger, Steve Van Hook, John  
18 Baker.

19 **Q When was the content decided?**

20 A I don't remember.

21 **Q Somewhere near April 27th?**

22 A The findings of fact were submitted on the  
23 April 6th meeting.

24 **Q If I can refresh your recollection because**

1 A Correct.

2 **Q Was that document prepared by you?**

3 A Yes.

4 **Q Did you have any assistance in its**  
5 **preparation?**

6 A Yes.

7 **Q Who assisted you?**

8 A State's Attorney's office.

9 **Q Can you identify the individual?**

10 A Bill Atkins.

11 **Q When was this document prepared?**

12 A I would say April 26th.

13 **Q I'm going to tell you that while the one --**  
14 **this copy which was submitted to the Pollution**  
15 **Control Board as item C13641 does not have a file**  
16 **stamp on it there were copies in the clerk's office**  
17 **showing an April 27th file stamp for this**  
18 **document.**

19 **Is that consistent with your recollection**  
20 **as to when it was prepared?**

21 A Yes.

22 **Q Do you remember bringing a copy physically**  
23 **of this agenda briefing to the county clerk's**  
24 **office and giving it to Megan?**

1 I'm not trying to trick you, I believe that the  
2 page that you're looking at now, C13627, actually  
3 represents Mr. Mayer's work content-wise.

4 **Does that refresh your recollection?**

5 A He brought it forth I believe on the  
6 April 6th meeting.

7 **Q Yes. So this content at least would have**  
8 **been prepared by Mr. Mayer on or before**  
9 **April 6th?**

10 A Yes.

11 **Q My question then is who physically took his**  
12 **content and prepared the piece of paper that we see**  
13 **in front of us here and filed it on April 27th?**

14 A I would have incorporated it into the  
15 document.

16 **Q I'm making these questions harder than I**  
17 **need. I'm confusing you.**

18 **The April 6th meeting had a lot of county**  
19 **board action or committee action and a lot of**  
20 **motions and amendments and amendments to amendments**  
21 **from my review of the transcript at least.**

22 **It appears to us that someone took the,**  
23 **what was on the pink, purple and yellow sheets that**  
24 **were in front of board members on April 6th and**

1 the yellow sheets prepared by Mr. Mayer, the pink  
2 sheets prepared by Mr. Mayer on April 6th, and  
3 then tried to figure out what the board had done  
4 with all of that on April 6th and prepared  
5 documents filed on April 27th that they believed  
6 conformed to the board's action of April 6th.

7 A Yes.

8 Q Were you that person?

9 A Yes.

10 Q Did anyone help you with that or did you  
11 have that task?

12 A I had that task.

13 Q I feel sorry for you because I've read the  
14 April 6th transcript several times, and it's not  
15 easy. You're smiling which I take it means you  
16 have some agreement.

17 A Yes.

18 Q So the April 27th documents I take it  
19 then can be fairly characterized as reflecting your  
20 pulling together what you believe the board had  
21 done on April 6th?

22 A Yes.

23 Q If I can direct you to page C13634, do you  
24 have that?

1 Dr. Lee. Do you see that one?

2 A Yes.

3 Q If you now go and compare that to the page  
4 in front of you, 13634, and the last bullet points  
5 or the last bullet point, the closest thing we  
6 could find in the criterion 2 yellow sheets to the  
7 last bullet point on page 13364 is the second  
8 bullet point that I just identified to you on the  
9 sixth page.

10 Our question is, did you alter the second  
11 bullet point on the sixth yellow sheet or did this  
12 statement on page 13634 come from some other  
13 source, the statement being, A number of the  
14 opponents and their witnesses call into question  
15 the safety of the inactive portions of the site?

16 A I don't recall.

17 Q Let's back up a little bit and try to work  
18 through this.

19 When criterion 2 was discussed on  
20 April 6th, Mr. Mayer according to the transcript  
21 offered the idea that a number of the items on the  
22 yellow sheets would also be appropriate findings in  
23 addition to the items on the pink sheets.

24 Do you recall that?

1 A Yes.

2 Q Now I want to hand you what will be our  
3 next exhibit which is 32.

4 (Raithel Exhibit 32 marked)

5 BY MR. MUELLER:

6 Q Do you have Exhibit 32 in front of you?

7 A Yes.

8 Q If you go to the sixth page of that exhibit  
9 and -- first of all, is this what you believe to be  
10 an accurate copy of the criterion 2 yellow sheets  
11 prepared for the April 6th meeting?

12 A Yes.

13 Q I see they're dated April 5th, 2006, by  
14 the way.

15 Does that mean that that's when they were  
16 actually, physically prepared?

17 A Printed, yes.

18 Q So Mr. Mayer must have been a very diligent  
19 young man to get his own yellow sheets out in time  
20 for the April 6th meeting. You don't have to  
21 answer that.

22 On the sixth sheet, you will see the second  
23 bullet point from the top is a number of the  
24 opponents, their witness Charles Norris and

1 A I don't know.

2 Q Well, actually, if you're the one that  
3 assembled the April 27th document, you would have  
4 had to go through the transcript and pick items off  
5 the yellow sheets that were identified by Mr. Mayer  
6 and add them to the pink sheet findings, right?

7 A I believe that could have been what I did.

8 Q It was a pretty tedious process for me. So  
9 I've got to think you have some recollection of it  
10 because it would have been tedious for you as well.

11 A Going through the transcript and pulling  
12 out, yes.

13 Q I'm assuming that when you did that you  
14 didn't make any editorial changes. You just tried  
15 to plug in the bullet point verbatim, right?

16 A Correct.

17 Q Which then again leads me to the question,  
18 who changed the second bullet point on page 6 which  
19 originally read, A number of the opponents, their  
20 witness Charles Norris and Dr. Lee, who submitted  
21 comments into the public record, call into question  
22 the safety of the inactive portions of the site, to  
23 read on the April 27th version, A number of the  
24 opponents and their witness says call into question

1 the safety of the inactive portions of the site?  
 2 A I don't recall.  
 3 Q Based upon the way you did this, is this  
 4 something that you would have done or were you  
 5 religious about not changing the wording when you  
 6 were plugging these bullet points in?  
 7 A I would not have changed the wording.  
 8 Q After you got done preparing the  
 9 April 27th finding which you believe to be an  
 10 accurate summary of what the committee did on  
 11 April 6th, did you give them to someone else for  
 12 final review?  
 13 A I had my boss review them.  
 14 Q So as I understand it, you took the work  
 15 product, gave it to Mr. Urich?  
 16 A To review, yes.  
 17 Q Before it actually got printed and copied?  
 18 A Yes.  
 19 Q Do you know what Mr. Urich did with it?  
 20 A No.  
 21 Q Do you remember whether this is something  
 22 where you gave it to him and he glanced at it in  
 23 your presence for a couple of minutes and said that  
 24 looks great or is it something that you left with

1 needed to be inserted.  
 2 Q Did you provide her with any additional  
 3 documents?  
 4 A Yes.  
 5 Q What additional documents did you provide  
 6 her with?  
 7 A A set of the transcripts.  
 8 Q I thought that you had previously testified  
 9 that you had delivered all of the transcripts to  
 10 Megan's office as you received them?  
 11 A I did.  
 12 Q Did she ask you for another set of them?  
 13 A Yes.  
 14 Q In June?  
 15 A Yes.  
 16 Q Do you know what became of the first set  
 17 that you had delivered to her contemporaneously  
 18 when you received them?  
 19 A They were still in her possession.  
 20 Q I guess I'm not getting it. Why did she  
 21 need another set then?  
 22 A I'd have to speculate on that.  
 23 Q Go ahead and speculate.  
 24 A I think she wanted another set to keep in

1 him and you got back after a period of time?  
 2 A I don't remember.  
 3 Q Were you then charged with the final  
 4 assembly of the April 27th documents physically  
 5 after Mr. Urich had reviewed them and made any  
 6 changes --  
 7 A Yes.  
 8 Q -- that he might have made?  
 9 A Yes.  
 10 Q Now, part of this process was that the  
 11 county prepared a record for the Pollution Control  
 12 Board and filed the same.  
 13 Were you involved in that process?  
 14 A In preparing the record?  
 15 Q Yes.  
 16 A I was very limited.  
 17 Q What was the extent of your involvement in  
 18 preparing the record that was filed with the  
 19 Pollution Control Board by the county?  
 20 A I recall going down to the county clerk's  
 21 office. Megan had prepared the documents from the  
 22 list supplied by Dave Brown per the statutes, and I  
 23 recall going through what her -- what she believed  
 24 to be putting stuff in order and what documentation

1 the county clerk's office and not give up her  
 2 transcripts.  
 3 Q Did you have any conversations with her  
 4 about why she was asking for -- asking you to  
 5 provide another set of transcript hard copies?  
 6 A No.  
 7 Q It would have been a simple matter for her  
 8 to have one of her assistant clerks just copy the  
 9 transcripts she had, and now she's got as many sets  
 10 as she wants, right?  
 11 A Our copiers didn't like the three-hole  
 12 punch. A second would not three-hole punch.  
 13 Q Do you know as a fact that Megan actually  
 14 still had the three-hole punch original hard copies  
 15 that had been delivered from the court reporters?  
 16 A I wouldn't know that.  
 17 Q You're just assuming that she still had  
 18 them and asked you for another set for reasons all  
 19 of her own, right?  
 20 A I assumed.  
 21 Q She never told you that she still had them?  
 22 A Yes. She said that she did.  
 23 Q Other than transcripts, did you provide any  
 24 additional documents to Megan or anyone else for

1 inclusion in the record that was being compiled by  
2 the county for the Pollution Control Board?

3 A Yes.

4 Q What other documents did you provide?

5 A The approved minutes of the February  
6 regional pollution control site hearing  
7 subcommittee meeting.

8 Q We're going to show you -- you are full of  
9 surprises by the way in terms of helping us  
10 understand this process.

11 We're going to show you a document that is  
12 the amended index of the record filed by the county  
13 with the Pollution Control Board.

14 Does that look familiar to you? Have you  
15 ever seen that before?

16 A I've seen it in a filing.

17 Q Was this document prepared by you?

18 A No.

19 Q Did you assist in its preparation?

20 A No.

21 Q Did you have any input into its  
22 preparation?

23 A No.

24 Q Can you show us on this document where the

1 November 9th, the county we believe went through  
2 some process to kind of look it over to see if they  
3 thought it was administratively complete.

4 Were you involved in that process?

5 A Did I look over the application?

6 Q Yes.

7 A No.

8 Q Do you remember that the application was  
9 filed or was delivered on November 9th and that  
10 the county deemed it filed on November 14th?

11 A Yes.

12 Q How did -- what happened in that five-day  
13 period of time and what was your involvement in  
14 what happened?

15 A I sat back and waited for Patrick  
16 Engineering to look it over.

17 Q So you're sort of answering my question.

18 When the application came in, I take it then a copy  
19 of it was given to Patrick for their initial  
20 review?

21 A Yes.

22 Q Then they got it back to you and said it  
23 meets the minimum file qualifications?

24 A Yes.

1 minutes of this February meeting appear?

2 Actually, we found them. It's on the first  
3 page.

4 If I direct you about halfway down the  
5 page, does that appear to be a copy of the document  
6 that you would have provided?

7 A Yes.

8 Q Did you provide anything else to any county  
9 representative for inclusion into the record on  
10 appeal with the Pollution Control Board?

11 A That's all that I recall.

12 Q Did they ask you for anything, any other  
13 materials?

14 A Not that I recall.

15 Q Did you ever have any conversations with  
16 any Assistant State's Attorneys about what to  
17 include in the record filed with the Pollution  
18 Control Board?

19 A No.

20 MR. MUELLER: Let's take a five-minute  
21 break.

22 (Recess from 3:24 to 3:40)

23 BY MR. MUELLER:

24 Q When this application was delivered on

1 Q That process took about five days?

2 A Sure.

3 Q I mean, were you the one then that made the  
4 announcement that it was deemed filed as of  
5 November 4th or was it someone else who made that  
6 determination?

7 A Somebody else.

8 Q Do you know who?

9 A No.

10 Q The yellow, pink and purple sheets were  
11 apparently never filed in the clerk's office.

12 Do you remember whether or not you  
13 delivered copies of them to the clerk's office?

14 A Yes, I did.

15 Q What's your recollection?

16 A I remember taking it down to a staff member  
17 as it was considered the full county board. So I  
18 gave a copy for JoAnn.

19 Q Of the pink, yellow and purple sheets, you  
20 gave a copy to one of JoAnn's staff people for her?

21 A Yes.

22 Q You personally delivered that?

23 A Yes.

24 Q So if it did not get into the record kept

1 **by the clerk's office, do you have an explanation**  
2 **for why it didn't get there?**

3 A I can't tell you.

4 **Q Do you remember whether minutes of the**  
5 **April 6th meeting were ever created?**

6 A Not that I know of.

7 **Q Have you ever been involved in keeping or**  
8 **creating minutes of any county board or county**  
9 **board committee meetings?**

10 A If I have created any, it would have been  
11 years ago, but I couldn't recall.

12 **Q What's your understanding of who generates**  
13 **the minutes of a county board meeting? Who**  
14 **physically prepares them?**

15 A I don't know.

16 **Q Fair enough. Do you remember receiving a**  
17 **phone call from Megan Fulara on June 7th telling**  
18 **you that Brian Meginnes was at her office and that**  
19 **they could not find copies of the pink, purple and**  
20 **yellow sheets and that they also could not find a**  
21 **copy of the May 3rd transcript?**

22 A I remember the May 3rd transcript.

23 **Q What is it that you remember Megan saying**  
24 **in that conversation?**

1 A I don't recall.

2 **Q Where was the May 3rd transcript located**  
3 **when you and she physically searched for it?**

4 A In the file for the county board meeting of  
5 May 3rd.

6 **Q Didn't you tell her in the phone**  
7 **conversation that that might be a place you should**  
8 **look?**

9 A I don't remember.

10 **Q But it is your recollection that when Megan**  
11 **was on the phone with you and indicated that she**  
12 **and Mr. Meginnes were looking for a copy of the**  
13 **May 3rd transcript that she couldn't find it?**

14 A I guess.

15 **Q Now, in your materials that Mr. Brown was**  
16 **kind enough to furnish us with a copy of today, we**  
17 **found a document, I guess it would be Exhibit 33.**  
18 **(Raithel Exhibit 33 marked)**

19 BY MR. MUELLER:

20 **Q We found a copy of what's Exhibit 33 which**  
21 **is entitled 2000 Population Within 5 Mile Buffer of**  
22 **PDC Landfill #1.**

23 **Have you ever seen that before?**

24 A Yes.

1 A I don't remember what she asked me. I can  
2 tell you my response was that --

3 **Q What did she ask you?**

4 A I don't remember.

5 **Q I thought you just said --**

6 A I don't remember specifically what she  
7 asked me.

8 **Q What was the gist of what she asked you?**

9 A If she had gotten a copy, I guess.

10 **Q So she indicated to you by that question, I**  
11 **take it, that she did not have a copy of the**  
12 **May 3rd transcript that she could get her hands**  
13 **on?**

14 A She did. I went downstairs, we found it.

15 **Q Was Mr. Meginnes still there when you went**  
16 **downstairs?**

17 A No.

18 **Q She indicated Mr. Meginnes was there when**  
19 **she was calling you?**

20 A When I was on the phone.

21 **Q How long after that phone call did you go**  
22 **downstairs?**

23 A I don't recall.

24 **Q Within minutes or within hours?**

1 **Q We found it in a folder entitled Internal**  
2 **Communications in your file.**

3 **So my question is, was this a document**  
4 **generated internally by the staff?**

5 A Yes.

6 **Q Who prepared the document?**

7 A Scott Sorrel.

8 **Q Scott who?**

9 A Scott Sorrel.

10 **Q Is he a Patrick person or a county**  
11 **employee?**

12 A He's a county employee.

13 **Q What was his reason for preparing the**  
14 **document?**

15 A In one of the meetings, one of the board  
16 members asked for a finding of fact that had -- as  
17 they recalled was in some of the either testimony  
18 or in some of the documentation provided that there  
19 was something about population. There were a  
20 couple of estimates given.

21 We couldn't find it in any of the  
22 documentation. Scott Sorrel put this together to  
23 see if it coincided with what the county board  
24 member had recalled. It didn't. So we were at a



1 loss.  
 2 **Q The county board member being Allen Mayer,**  
 3 **right?**  
 4 A I believe so.  
 5 **Q I'm not sure I understand how to interpret**  
 6 **this particular document in terms of what it tells**  
 7 **us about total population within five miles of the**  
 8 **landfill.**  
 9 **Well, can you interpret it readily as you**  
 10 **look at it or would we need to ask Mr. Sorrel?**  
 11 A If I'm reading it correctly, there would be  
 12 a total of 9,715 people within one mile, and 70,810  
 13 within three miles, 137,209 within five miles.  
 14 **Q Was this information ever shared with**  
 15 **Mr. Mayer outside of the hearing context?**  
 16 A Not that I'm aware of.  
 17 **Q Well, at the May 3rd meeting, Mr. Mayer**  
 18 **or Mr. Atkins indicated I guess that the population**  
 19 **figures referenced by Mr. Mayer did not exist in**  
 20 **the record.**  
 21 **Had Mr. Mayer been told that by anyone**  
 22 **prior to the May 3rd meeting?**  
 23 A I don't know.  
 24 **Q Do you know whether this series of**

1 **sheets and the sheets that you filed on**  
 2 **April 27th?**  
 3 A Yes.  
 4 **Q Did you ever share that document with**  
 5 **anyone?**  
 6 A I don't remember.  
 7 **Q Lastly, we're going to mark Exhibit 35.**  
 8 **(Raithel Exhibit No. 35 marked)**  
 9 **BY MR. MUELLER:**  
 10 **Q It appears to be a multipage document, and**  
 11 **it's entitled Final Findings Of Fact.**  
 12 **Can you tell us what this document is?**  
 13 A This is the final findings of fact.  
 14 **Q We got this out of your materials out of a**  
 15 **folder actually entitled Findings Of Fact Final.**  
 16 **My question is who prepared this?**  
 17 A I did.  
 18 **Q When did you prepare it?**  
 19 A I don't recall the date.  
 20 **Q It says May 3rd at the bottom, but I'm**  
 21 **assuming you didn't actually prepare it on**  
 22 **May 3rd?**  
 23 A No.  
 24 **Q It reflects -- the May 3rd date at the**

1 **population calculations was ever shared with any**  
 2 **county board member?**  
 3 A I don't know.  
 4 **Q Do you know whether it was ever placed in**  
 5 **the record?**  
 6 A I don't know.  
 7 **Q Did you ever deliver it to the record?**  
 8 A No.  
 9 **Q The next document that we found of interest**  
 10 **in your files is what we'll call Exhibit 34.**  
 11 **(Raithel Exhibit No. 34 marked)**  
 12 **BY MR. MUELLER:**  
 13 **Q Do you recognize this document?**  
 14 A Yes.  
 15 **Q What does this represent?**  
 16 A The changes as recommended by the board  
 17 members at the April 6th.  
 18 **Q Who prepared this particular document?**  
 19 A I did.  
 20 **Q Was this ever filed or was this just for**  
 21 **your internal use?**  
 22 A Internal use.  
 23 **Q To help you out, does it represent what you**  
 24 **believe the changes were between the color coded**

1 **bottom I'm assuming reflects the date that you**  
 2 **believe the findings were made?**  
 3 A Yes.  
 4 **Q Do you have any records in your possession**  
 5 **indicating when you prepared this document?**  
 6 A No.  
 7 **Q How did you prepare the document?**  
 8 A Are you asking if I prepared it by  
 9 computer?  
 10 **Q No. I mean, what was the process that you**  
 11 **took? For example, did you check the transcript as**  
 12 **you were preparing this?**  
 13 A I believe so, yes.  
 14 **Q Did you have anyone review the document**  
 15 **before you typed it up in the form that it exists**  
 16 **in now?**  
 17 A I don't recall.  
 18 **Q Why did you prepare this document?**  
 19 A If I recall, there was one change made at  
 20 the board meeting, at one of the meetings. I don't  
 21 remember. I'm pretty sure it was the board  
 22 meeting.  
 23 **Q So it's your understanding that this**  
 24 **document entitled Final Findings Of Fact is**

1 different in at least one respect from the document  
2 that was Proposed Findings Of Fact file stamped  
3 April 27th?

4 A One item is added, yes, at the board  
5 meeting.

6 Q That would be in this Final Findings Of  
7 Fact the last item in criterion 2, correct?

8 A Yes.

9 Q So the answer to my question is, this  
10 document entitled Final Findings Of Fact is  
11 different than the April 27th file stamped  
12 Proposed Findings Of Fact?

13 A Yes.

14 Q Did anyone direct you to prepare this  
15 document entitled Final Findings Of Fact?

16 A I don't remember that.

17 Q Did you share the document with any board  
18 members?

19 A Not that I'm aware of.

20 Q Did you deliver the document to the county  
21 clerk's office?

22 A Yes.

23 Q Do you remember when you delivered the  
24 document to the county clerk's office?

1 available for review in the county clerk's office  
2 on June 7th, would you care to rethink your  
3 answer about whether or not you ever delivered a  
4 copy of this document to the county clerk's office?

5 A Yes, I did deliver it.

6 Q But you cannot give us the name of the  
7 person you delivered it to or the date on which it  
8 was delivered, is that correct?

9 A Correct.

10 Q Your only recollection as to when you  
11 prepared it is that it was after you received the  
12 transcript of May 3rd, is that correct?

13 A No.

14 Q You have some more recollection of when you  
15 prepared it?

16 A It wouldn't necessarily have been after the  
17 transcript.

18 Q Oh, I thought you indicated that you  
19 prepared this document after reviewing the  
20 transcript of the May 3rd meeting.

21 A I don't know that I needed to look at the  
22 transcript.

23 Q Well, how else would you have known what to  
24 add except by reviewing the transcript of

1 A No, I don't.

2 Q Do you remember who you delivered it to?

3 A No.

4 Q Who else would you have given a copy of  
5 this document to besides the clerk's office -- or  
6 not would you have.

7 Who else do you remember giving a copy of  
8 this document to besides the clerk's office?

9 A I don't recall.

10 Q Did you mail a copy or direct that a copy  
11 of this document be mailed to Peoria Disposal  
12 Company?

13 A I don't recall that.

14 Q Did you provide a copy of this document  
15 either in hard copy or electronically to the IT  
16 director for posting on the Peoria County website?

17 A I don't recall that.

18 Q If I were to tell you that this document  
19 identified as Exhibit 35 and entitled Final  
20 Findings Of Fact was not filed by the county with  
21 the Pollution Control Board as part of the record  
22 and that it never appeared on the Peoria County  
23 website and that no copy of it was ever received by  
24 Peoria Disposal Company and that no copy of it was

1 Mr. Mayer's comments?

2 A I had -- at the board meeting, we had a  
3 printer at the board meeting, I inserted  
4 Mr. Mayer's comment, printed it off, I gave it to  
5 JoAnn after the meeting in which the board member  
6 had approved that finding of fact be inserted.

7 Q It's your testimony now that this document  
8 entitled Final Findings Of Fact was actually  
9 prepared at the board meeting?

10 A No.

11 Q Then what was it that was physically  
12 prepared at the board meeting?

13 A The page with the last final -- the finding  
14 of fact which was brought up at the board meeting,  
15 that page was printed off.

16 Q That specific page you printed off at the  
17 meeting and you handed it to JoAnn?

18 A To JoAnn.

19 Q JoAnn being the county clerk?

20 A Correct.

21 Q What she did with it you don't know?

22 A I don't know.

23 Q Then did you subsequently redo the entire  
24 thing and title it Final Findings of Fact and give

Page 63		Page 65
1	<b>it to someone in the clerk's office again or did</b>	1 have.
2	<b>you just give JoAnn the one page that night?</b>	2
3	A I gave JoAnn that page that night, and I	3
4	prepared this document with the inclusion so that	4 (Further deponent saith not.)
5	all pages would be together.	5
6	<b>Q When during the board meeting did this</b>	6
7	<b>occur because as I recall from the time of the vote</b>	7
8	<b>on findings of fact until the meeting adjourned was</b>	8
9	<b>about five minutes?</b>	9
10	<b>Was it in that space of five minutes?</b>	10
11	A That I gave JoAnn the copy?	11
12	<b>Q Yes.</b>	12
13	A It was after the meeting.	13
14	<b>Q How long did you stay after the meeting to</b>	14
15	<b>prepare it?</b>	15
16	A I don't recall.	16
17	<b>Q When you say you had a printer there at the</b>	17
18	<b>meeting, you're talking about at the Itoo Hall?</b>	18
19	A Correct.	19
20	<b>Q You had a laptop?</b>	20
21	A Yes.	21
22	<b>Q That was connected to that printer?</b>	22
23	A Yes.	23
24	<b>Q Was it a hard connection or a wireless</b>	24
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1	<b>connection?</b>	
2	A Hard connection.	
3	<b>Q You were actually working on your laptop</b>	
4	<b>during and after the meeting at the Itoo Hall, is</b>	
5	<b>that correct?</b>	
6	A Yes.	
7	<b>Q Was this in the back room or right out by</b>	
8	<b>where the board members sat?</b>	
9	A I was behind the board members.	
10	<b>Q Were you back there where Mr. Burger and</b>	
11	<b>that group was?</b>	
12	A Correct.	
13	<b>Q Was that printer shared with other people</b>	
14	<b>or was it your proprietary printer?</b>	
15	A It was for me.	
16	<b>Q Was it a printer that was brought from your</b>	
17	<b>office?</b>	
18	A No.	
19	<b>Q Do you know who supplied it?</b>	
20	A IT services.	
21	<b>Q So they're the ones that set it up and</b>	
22	<b>would have taken it down after the meeting?</b>	
23	A Correct.	
24	MR. MUELLER: Thank you. That's all I	



<p style="text-align: center;"><b>A</b></p> <p><b>Aana</b> 1:10 67:3.21  <b>ability</b> 20:23  <b>about</b> 8:9.24 9:22  12:9.9.22 13:4  15:9.12 17:18  18:12.16.22 19:18  20:2.4.13 25:3.5  27:8 28:2.19  34:22 35:18 37:15  43:5 46:4 48:4.16  50:1 54:19 55:7  61:3 63:9.18  <b>absolutely</b> 11:17  <b>accomplished</b>  18:13  <b>accordance</b> 3:10  <b>according</b> 41:20  <b>accumulate</b> 17:18  <b>accurate</b> 30:24  40:10 43:10  <b>action</b> 38:19.19  39:6  <b>activities</b> 8:8  <b>actual</b> 12:8 22:2  <b>actually</b> 21:4 30:10  33:8 37:3 38:2  40:16 42:2 43:17  46:13 48:2 57:15  57:21 62:8 64:3  <b>add</b> 42:6 61:24  <b>added</b> 59:4  <b>adding</b> 24:3  <b>addition</b> 41:23  <b>additional</b> 9:7 45:2  45:5 46:24  <b>address</b> 4:13  <b>adjourned</b> 63:8  <b>administration</b>  14:5  <b>administratively</b>  49:3</p>	<p><b>administrator</b> 6:14  15:2  <b>advance</b> 34:14  <b>advanced</b> 34:9  <b>affix</b> 67:17  <b>aforsaid</b> 66:9.11  67:9.11  <b>after</b> 21:15 23:6  27:10 28:1.11  29:2.7 43:8 44:1.5  52:21 61:11.16.19  62:5 63:13.14  64:4.22  <b>afterwards</b> 67:10  <b>again</b> 11:6.7 33:7  42:17 63:1 66:10  <b>Against</b> 13:19 14:8  16:4  <b>agenda</b> 35:13.20  36:23  <b>ago</b> 51:11  <b>agreement</b> 3:10  39:16  <b>ahead</b> 34:22 45:23  <b>Akers</b> 6:21  <b>alike</b> 27:17  <b>Allen</b> 34:22 55:2  <b>Alliance</b> 27:16  <b>along</b> 20:7  <b>already</b> 11:4  <b>alter</b> 41:10  <b>alternative</b> 32:4  33:2.21  <b>amended</b> 47:12  <b>amendments</b> 38:20  38:20.20  <b>amnesia</b> 18:24  <b>Ann</b> 3:1.7  <b>Annie</b> 14:17  <b>announced</b> 20:22  <b>announcement</b>  50:4  <b>annual</b> 6:11</p>	<p><b>another</b> 35:10  45:12.21.24 46:5  46:18  <b>answer</b> 4:1.8 11:14  26:16 34:21 40:21  59:9 61:3  <b>answered</b> 16:19  <b>answering</b> 49:17  <b>answers</b> 3:22  <b>anticipate</b> 7:11  <b>anyone</b> 39:10 46:24  55:21 57:5 58:14  59:14  <b>anything</b> 15:24  16:10.24 17:6.13  34:10.13.22 48:8  48:12  <b>apologize</b> 26:5  <b>apparently</b> 35:9  50:11  <b>appeal</b> 48:10  <b>appear</b> 48:1.5  <b>APPEARANCES</b>  1:14  <b>appeared</b> 60:22  67:5  <b>appears</b> 38:22  57:10  <b>applicant</b> 13:1.6.9  <b>application</b> 8:14  9:1.11.12 10:11  10:24 12:10 13:1  13:7.14 15:10.13  17:20 18:1 19:12  19:14 20:4.14  48:24 49:5.8.18  <b>approached</b> 13:11  17:4  <b>appropriate</b> 21:17  41:22  <b>approval</b> 32:13.16  <b>approved</b> 47:5 62:6  <b>approximately</b></p>	<p>11:21  <b>April</b> 25:4.14 26:23  27:9.10 28:2.10  30:9 32:1.4 33:4  33:17 34:4 35:11  36:12.17 37:6.21  37:23 38:6.9.13  38:18.24 39:2.4.5  39:6.14.18.21  40:11.13.20 41:20  42:3.23 43:9.11  44:4 51:5 56:17  57:2 59:3.11  <b>around</b> 32:2  <b>asked</b> 46:18 52:1.7  52:8 54:16  <b>asking</b> 16:18 23:9  33:15 46:4.4 58:8  <b>assembled</b> 42:3  <b>assembly</b> 44:4  <b>assigned</b> 8:3  <b>assignment</b> 10:2  <b>assist</b> 47:19  <b>assistance</b> 19:19  36:4  <b>assistant</b> 5:15 46:8  48:16  <b>assisted</b> 36:7  <b>assisting</b> 5:18  <b>assume</b> 4:8 8:23  28:14  <b>assumed</b> 46:20  <b>assuming</b> 42:13  46:17 57:21 58:1  <b>assumptions</b> 29:14  <b>Atkins</b> 36:10 55:18  <b>attachment</b> 26:2  <b>attend</b> 7:13.16  <b>attendance</b> 14:3  <b>attention</b> 37:2  <b>Attorneys</b> 48:16  <b>Attorney's</b> 36:8  <b>authored</b> 33:2</p>	<p>35:14  <b>Autumn</b> 4:14  <b>available</b> 61:1  <b>avoid</b> 3:20  <b>aware</b> 17:23 55:16  59:19</p> <p style="text-align: center;"><b>B</b></p> <p><b>bachelor's</b> 4:24  <b>back</b> 20:8 22:24  27:9 30:9.10.11  41:17 44:1 49:15  49:22 64:7.10  <b>background</b> 4:23  <b>backwards</b> 37:3  <b>bad</b> 12:9 32:3  <b>Baker</b> 22:9 37:18  <b>ballpark</b> 11:19  <b>bargained</b> 8:17  <b>based</b> 8:11 32:15  43:3  <b>basically</b> 5:10.17  <b>Bates</b> 6:22  <b>became</b> 45:16  <b>become</b> 18:8  <b>before</b> 1:1.10 5:6  8:24 19:23 23:5.9  24:18 31:14 38:8  43:17 47:15 53:23  58:15 66:1.20  67:5  <b>behalf</b> 1:19.23  <b>behind</b> 64:9  <b>being</b> 3:2.19 9:11  9:12 21:15 27:21  34:14 41:13 47:1  55:2 62:19  <b>believe</b> 6:10 10:9  13:8 14:24 15:15  16:15 23:4 25:1  25:15 32:22 33:5  33:24 38:1.5  39:20 40:9 42:7</p>
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# Exhibit 16



BEFORE THE ILLINOIS POLLUTION

CONTROL BOARD

PEORIA DISPOSAL COMPANY,

Petitioner,

-vs-

PEORIA COUNTY BOARD,

Respondent.

NO. PCB 06-184

The deposition of JoANN THOMAS, a material witness herein, called for examination pursuant to notice and the Supreme Court Rules as they pertain to the taking of discovery depositions before Aana M. Giftos, CSR, RFR, and Notary Public in and for the County of Peoria, and State of Illinois, on Tuesday, December 19th, 2006, at 416 Main Street, Suite 1400, Peoria, Illinois, commencing at the hour of 9:01 a.m.

APPEARANCES:

GEORGE MUELLER, ESQUIRE  
528 Columbus Street, Suite 204  
Ottawa, Illinois 61350

and

JANAKI NAIR, ESQUIRE  
BRIAN J. MEGINNES, ESQUIRE  
Elias, Meginnnes, Riffle & Seghetti, P.C.  
416 Main Street, Suite 1400  
Peoria, Illinois 61601  
on behalf of the Petitioner;

DAVID A. BROWN, ESQUIRE  
Black, Black & Brown  
101 South Main Street  
Morton, Illinois 61550  
on behalf of the Respondent;

ALSO PRESENT:

Royal Coulter, PDC;

Chris Coulter, PDC.

I N D E X

WITNESS

JOANN THOMAS

Examination by Mr. Mueller . . . . . pg. 3

EXHIBITS

IDENTIFIED

Thomas Exhibit No. A . . . . . pg. 53

Thomas Exhibit No. B . . . . . pg. 54

1 JoANN THOMAS,  
2 a material witness herein, being duly sworn, was  
3 examined and testified as follows:  
4 EXAMINATION  
5 BY MR. MUELLER:  
6 Q Would you state your full name, please?  
7 A JoAnn Thomas.  
8 Q Let the record show this is the discovery  
9 deposition of JoAnn Thomas taken pursuant to  
10 notice, in accordance with the rules of the  
11 Pollution Control Board and by agreement of the  
12 parties.  
13 Is it okay if I call you JoAnn?  
14 A Yes.  
15 Q JoAnn, have you ever had your deposition  
16 taken before in any case for any reason?  
17 A Yes.  
18 Q So you're generally familiar with the  
19 ground rules about only one of us talking at a time  
20 and the like?  
21 A Yes.  
22 Q You understand that you are under oath?  
23 A Yes.  
24 Q In preparation for today's deposition, who

1 the substance of questions or answers about her  
2 deposition?  
3 A No.  
4 Q Have you ever reviewed the transcript of  
5 either Megan or Karen's depositions?  
6 A No.  
7 Q Recently, JoAnn, there was filed among  
8 other documents an affidavit of JoAnn Thomas --  
9 A Correct.  
10 Q -- which is about three pages.  
11 Who prepared that document?  
12 A I believe the State's Attorney or Dave  
13 Brown.  
14 Q Can you describe for me the process of how  
15 that document was prepared?  
16 A The document was presented to me for -- to  
17 review and to make sure that that was what I had  
18 remembered occurring as well as I could and to make  
19 sure it was accurate, and I agreed that it was and  
20 I signed it.  
21 Q You didn't recommend any changes or  
22 modifications?  
23 A I don't believe so.  
24 Q Who presented the document --

1 did you meet with?  
2 A I met with Dave Brown and Lyn Schmidt, but  
3 it was for, like, 10 minutes before I came over  
4 here.  
5 Q Did you review any documents in preparation  
6 for today's deposition?  
7 A No.  
8 Q Did you review any deposition transcripts  
9 of other witnesses who we have deposed?  
10 A No.  
11 Q Did you meet with Megan Fulara in  
12 preparation for today's deposition?  
13 A No.  
14 Q Did you meet with Karen Raithel in  
15 preparation for today's deposition?  
16 A No.  
17 Q Has Megan Fulara ever talked to you about  
18 her deposition other than the fact that it was  
19 going to happen?  
20 A No.  
21 Q Never talked to you about the substance of  
22 questions or answers?  
23 A No.  
24 Q Has Karen Raithel ever talked to you about

1 A Nothing of any substance or anything.  
2 Q Who presented the document to you for  
3 review?  
4 A I don't remember. I really don't remember.  
5 Q Let's go back to some basic stuff.  
6 What's your current address?  
7 A 1303 North Glenwood Avenue.  
8 Q That's in Peoria?  
9 A Yes, 61606.  
10 Q How long have you lived there?  
11 A For one year, almost a year.  
12 Q What's your highest -- well, give us your  
13 educational background.  
14 A I have a bachelor's degree and hours  
15 towards a master's in social work.  
16 Q Where's your bachelor's degree from?  
17 A The University of Illinois.  
18 Q What is your employment history since  
19 college?  
20 A Well, I started out as a social worker in  
21 Madison, Wisconsin. Then I started a family and  
22 did not work outside the home. I had two -- I  
23 worked for two years in '73 and '74 for the State  
24 of Illinois as an employment counselor and then

1 later for two and a half years as an intermittent  
2 adjudicator for the Unemployment Insurance Office.

3 Then starting in '84. I believe, I started  
4 working part-time as an adult basic education  
5 instructor at Illinois Central College, and then I  
6 later managed a job search lab and taught  
7 motivational courses with the dislocated worker  
8 program.

9 This was all pretty much part-time until  
10 about '89. Then I spent a year as the weekend  
11 college coordinator full-time at Illinois Central  
12 College. Then I -- in '90, in July of '90, Mary  
13 Harkrader asked me to come and manage her office,  
14 and so I became the chief deputy county clerk at  
15 that time.

16 In '98 when she retired, I ran for office  
17 and became the Peoria County clerk.

18 **Q Were you just recently reelected?**

19 A No. I just retired two weeks ago.

20 **Q Okay. You are no longer the county clerk?**

21 A No. I am not the county clerk.

22 **Q You did not even stand for reelection is  
23 what you're saying?**

24 A No, no. Time to retire.

1 **Q So you served as chief county -- or as the  
2 elected county clerk for eight years?**

3 A Yes.

4 **Q Your husband is Jim Thomas?**

5 A Yes.

6 **Q That's Jim Thomas the county board member?**

7 A Yes.

8 **Q Did he get into politics before you did or  
9 did you get into it before he did?**

10 A We've been politically active since we were  
11 students.

12 **Q What are the general duties of a county  
13 clerk?**

14 A They are many and diverse, and they're all  
15 covered in the statute. Everything the office does  
16 is mandated by state or federal statute except for  
17 passport acceptance. That's the one thing our  
18 office did that was not required by statute.

19 Do you want me to list them all?

20 **Q Yes, please.**

21 A We're responsible for overseeing elections,  
22 the election authority for the county and actually  
23 running elections in all precincts outside the City  
24 of Peoria because there is a City of Peoria

1 election commission, but the commission -- the  
2 county clerk is responsible for all petitions and  
3 for putting all the results together and certifying  
4 to the State Board of Elections.

5 We work closely with a number of state  
6 agencies. We work with the State Board of  
7 Elections, the Department of Revenue, the Secretary  
8 of State's Office, the Department of Health, and I  
9 guess that's it.

10 **Q The county clerk maintains vital records,  
11 right?**

12 A Right. The elections is a big part of the  
13 job. The other part is tax responsibility. We do  
14 all the preparation of the tax bills and work with  
15 all of the local entities with their levies and all  
16 their financial papers.

17 Then once the tax bills are sent out and  
18 the money is collected and there's -- the treasurer  
19 holds a tax sale at the end of the year, any  
20 delinquent tax accounts come back into the county  
21 clerk's office, and the county clerk manages that  
22 whole delinquent tax program until the property is  
23 either redeemed or is transferred by deed.

24 We do vital records as well, birth, death,

1 marriage from 1825 to present.

2 We issue marriage licenses. We -- why do I  
3 say that? The county clerk issues marriage  
4 licenses, liquor licenses, raffle licenses,  
5 business licenses. The county clerk's office is  
6 sort of -- I think of it as the filing cabinet for  
7 the county except for court records which, of  
8 course, are in the Circuit Clerk's Office and land  
9 records which are in the Recorder of Deed's Office.

10 All other miscellaneous public records are  
11 in the county clerk's office. So there's a pretty  
12 significant record management task involved.

13 **Q Let's talk about that for a while. You  
14 describe the county clerk's office as the filing  
15 cabinet for the county.**

16 A Right.

17 **Q What kinds of documents are physically  
18 delivered to your office for filing?**

19 A All kinds of documents, public documents,  
20 reports. We have a huge file of just public  
21 documents that -- anything that wants to -- any  
22 public document that people bring in, we file.

23 We also file all contracts and agreements  
24 that the county makes and the county board records.

1 of course.  
2 **Q How is filing physically evidenced when**  
3 **someone brings documents to your office?**  
4 A It's file stamped and put in an appropriate  
5 file.  
6 **Q So every document that is delivered to the**  
7 **county clerk's office is file stamped as received?**  
8 A That's correct.  
9 **Q Are there any exceptions to that practice?**  
10 A No.  
11 **Q When you were the county clerk during this**  
12 **past year, how many total employees did the office**  
13 **have?**  
14 A Full-time employees --  
15 **Q Just approximately.**  
16 A 12.  
17 **Q Did you have a chief deputy?**  
18 A Yes.  
19 **Q Who was that?**  
20 A Megan Fulara.  
21 **Q How long had she been your chief deputy?**  
22 A Since February of 2005.  
23 **Q Who's the new county clerk by the way?**  
24 A Steve Sonnemaker.

1 **Q Now, when did you become aware -- or let me**  
2 **back up.**  
3 **What is the county clerk's responsibility**  
4 **vis-a-vis the activities of the county board?**  
5 A The county clerk clerks the county board  
6 meetings and is responsible for creating the record  
7 and maintaining that record permanently.  
8 **Q Did you act as the secretary of the county**  
9 **board?**  
10 A Yes.  
11 **Q That means you were present at all county**  
12 **board meetings?**  
13 A Yes.  
14 **Q Was it your job to keep minutes of county**  
15 **board meetings?**  
16 A Yes.  
17 **Q Do you believe that's a statutory duty or**  
18 **is that one that just evolved in Peoria County?**  
19 A No. That's a statutory duty.  
20 **Q So the county clerk is the defacto**  
21 **secretary of the county board?**  
22 A Correct.  
23 **Q Is it your understanding that the taking of**  
24 **minutes of county board meetings is optional or**

1 **Q Has Megan been kept on as chief deputy?**  
2 A Yes.  
3 **Q When you were county clerk during the past**  
4 **two years, did you delegate most of your**  
5 **responsibilities to your staff or were you a**  
6 **hands-on person who went to the office every day**  
7 **and did actual work other than policy making?**  
8 A Yes. No. I was hands on.  
9 **Q You understand what I'm talking about?**  
10 A Yes.  
11 **Q There's some elected officials that you**  
12 **don't see them very often and their first deputy**  
13 **actually does all the work.**  
14 A Yes. That's not the case with me.  
15 **Q You were a hands-on county clerk?**  
16 A Yes.  
17 **Q Who didn't let the first deputy run the**  
18 **office, right?**  
19 A I don't know if that's true. I have two  
20 management staff. There's two management people,  
21 an election administrator and a chief deputy, and I  
22 did delegate to them. They were -- you know, they  
23 had the authority to make decisions or to run the  
24 office with my oversight.

1 **mandatory?**  
2 A It's mandatory.  
3 **Q What do you base that understanding on?**  
4 A On the statute.  
5 **Q If I can skip ahead for a second, in your**  
6 **affidavit you stated that you on May 3rd elected**  
7 **not to take minutes at the county board meeting?**  
8 A Correct.  
9 **Q So that would have been in violation of**  
10 **your statutory duty to take minutes?**  
11 A Well, let me back up. It is -- the minutes  
12 must be taken by the county clerk. It's the county  
13 clerk's responsibility; however, there was a court  
14 reporter at the meeting who was taking a complete  
15 transcript of the meeting. So I was basically  
16 using that transcript as the minutes.  
17 I believe I also did take -- no. I didn't  
18 take any minutes because the transcript I felt was  
19 getting every single word.  
20 **Q Are you aware of any statutory authority**  
21 **for substituting a transcript for actual minutes of**  
22 **a meeting?**  
23 A I don't think there's any problem with  
24 that. The statutory authority mainly it's up to --

1 it says up to the county clerk to take the minutes  
2 or to have someone take the minutes to decide on  
3 how the meeting will be recorded. So it's more of  
4 a decision of deciding how the meeting will be  
5 recorded.

6 I made the decision that a word-by-word  
7 transcript by a court reporter was a perfect way to  
8 take minutes. If I could afford it, I might do it  
9 always.

10 **Q At how many county board meetings over the**  
11 **past eight years have you failed to take minutes**  
12 **other than the May 3rd meeting?**

13 A I don't remember. There have been some. I  
14 had my chief deputy sit in for me. I believe there  
15 have been other instances where there was a court  
16 reporter, and I can't remember the exact times or  
17 reasons, but that's kind of always been my  
18 practice. If there's a court reporter taking  
19 minutes, I do not have to take the minutes.

20 **Q Now, minutes have to be approved, don't**  
21 **they?**

22 A Yes.

23 **Q In fact, when you take minutes, those are**  
24 **circulated among county board members prior to the**

1 clerk's responsibility to decide what's in the  
2 minutes and to record the action that is taken.

3 **Q But I guess my question is, did the county**  
4 **board ever take formal action to approve the**  
5 **transcript of the May 3rd meeting as the minutes**  
6 **of that meeting?**

7 A I believe so.

8 **Q When did that action take place?**

9 A I'm just not sure. I would have to go  
10 check on that, but they were approved.

11 **Q "They" meaning the transcript?**

12 A The motion says the minutes are approved.  
13 I'm the one that decides the minutes. The  
14 transcript were minutes, and they approved my  
15 decision.

16 **Q The next county board meeting after**  
17 **May 3rd was on May 11th.**

18 **Do you remember whether on May 11th there**  
19 **were minutes of a May 3rd meeting presented and**  
20 **approved by the county board?**

21 A I don't remember.

22 **Q Do you remember whether on May 11th there**  
23 **was a transcript of the May 3rd meeting that was**  
24 **approved by the county board as the minutes of the**

1 **next meeting and one of the first orders of**  
2 **business of the next meeting is the approval of the**  
3 **minutes?**

4 A That's the practice now, yes.

5 **Q Occasionally, minutes get changed or**  
6 **amended in the approval process, right?**

7 A Correct.

8 **Q Was the transcript that was taken of the**  
9 **May 3rd, 2006, meeting ever approved by the**  
10 **county board as the minutes of that meeting?**

11 A The minutes were approved, yes. The  
12 minutes are my decision, and that was my decision.  
13 So the county board approved my decision.

14 **Q When did the county board approve your**  
15 **decision?**

16 A I believe at that time -- at some time in  
17 the past year, they changed their procedures so  
18 they now approve minutes after the fact. They used  
19 to approve minutes at the time of the meeting.  
20 They would just approve the county clerk's decision  
21 about the minutes. That's what has been done  
22 historically for a very long time.

23 The county board decided to change that  
24 during this year. So it's just -- it's the county

1 **May 3rd meeting?**

2 A I don't remember.

3 **Q Do you remember whether by May 11th the**  
4 **transcript of the May 3rd meeting was even in**  
5 **your possession?**

6 A I really don't remember. I would have to  
7 go look.

8 **Q Where would you look to refresh your**  
9 **recollection?**

10 A In the records in the county clerk's  
11 office.

12 **Q Now, where are the records of the county**  
13 **board maintained in the clerk's office?**

14 A They're maintained in files in the office.  
15 We have a very large -- that kind of a file  
16 (indicating), with all documents pertaining to each  
17 county board meeting chronologically.

18 When our files get full, they are put into  
19 the archives, but they're kept forever.

20 **Q Is there a county board file cabinet that's**  
21 **located somewhere in the county clerk's office?**

22 A Yes.

23 **Q Where is it physically located in the**  
24 **county clerk's office?**

1 A It's located in -- it's in the, in a back  
2 room basically. It's connected to the regular  
3 room, but there's a bank of file cabinets there.  
4 **Q Is it in someone's office?**  
5 A It's in the main office.  
6 **Q It's not in Megan Fulara's office?**  
7 A No.  
8 **Q It's not in your office?**  
9 A No.  
10 **Q I'm asking these questions as if you still**  
11 **were the county clerk.**  
12 A Yes.  
13 **Q So to be clear, we're talking about things**  
14 **as they existed while you were in office?**  
15 A Correct.  
16 **Q Are you aware of the rules of order for the**  
17 **Peoria County Board that were published for the**  
18 **2005-2006 year?**  
19 A Yes.  
20 **Q Are those rules maintained in the county**  
21 **board files of the clerk's office?**  
22 A I don't understand what you mean.  
23 **Q Well, is a copy of these rules on file in**  
24 **your office?**

1 A Oh, yes.  
2 **Q You've actually reviewed these rules in the**  
3 **past?**  
4 A Yes.  
5 **Q If I were to tell you that section -- or**  
6 **Article IV, Section 1 specifies the order of**  
7 **business at county board meetings and that the**  
8 **fifth item on that order of business is the**  
9 **approval of the preceding meeting and minutes,**  
10 **would that refresh your recollection as to whether**  
11 **or not meeting minutes need to be approved by the**  
12 **county board?**  
13 A Yes. They're approved -- they did need to  
14 be approved by the county board.  
15 **Q Can you direct me to any document or record**  
16 **indicating that minutes of the May 3rd, 2006,**  
17 **county board meeting were ever approved?**  
18 A I would -- I would look at the -- what did  
19 you say? It was May 11?  
20 **Q May 11th was the next county board**  
21 **meeting.**  
22 A Right. I would look there. Because of the  
23 short timeframe, perhaps, it was the next -- that  
24 was a special meeting. I believe, right, the

1 May 3rd meeting?  
2 **Q I don't know, ma'am.**  
3 A Yes, but they were approved.  
4 **Q But you cannot as you sit here direct me to**  
5 **any -- any specific document as evidence of**  
6 **approval?**  
7 MR. BROWN: That's been asked and  
8 answered. I think we need to move on. I don't see  
9 how any of this has anything to do with fundamental  
10 fairness which is the purpose of -- my  
11 understanding the purpose of this deposition is to  
12 provide a transcript for the hearing that's coming  
13 up in January which is dealing exclusively with  
14 fundamental fairness issues.  
15 MR. MUELLER: I think that hearing can  
16 deal with more than that, Mr. Brown. It can  
17 probably deal with everything but manifest weight  
18 of the evidence.  
19 BY MR. MUELLER:  
20 **Q JoAnn, when did you first become aware that**  
21 **the county clerk was going to have some**  
22 **responsibilities with regard to the PDC landfill**  
23 **application?**  
24 A I'm not sure, but I know that's -- we have

1 a record management responsibility for all such  
2 applications, and we've had one in the past while I  
3 have been there. So I was familiar with the  
4 process.  
5 **Q This was not your first landfill or**  
6 **pollution control facility application?**  
7 A No.  
8 **Q What was your general understanding at the**  
9 **beginning of the process for what your**  
10 **recordkeeping or record management responsibilities**  
11 **were going to be?**  
12 A I know it was a very serious responsibility  
13 to keep all records pertaining to this issue, and  
14 so there was one place where all documents were  
15 placed, whether they came in over the counter,  
16 through the mail, and we even did it electronically  
17 because now we have the capability of doing that.  
18 **Q Where was the one place where everything**  
19 **was kept relating to this application?**  
20 A It was in a specific basket in Megan  
21 Fulara's office.  
22 **Q Well, obviously, the total record would**  
23 **have been bigger than what fits in a basket?**  
24 A Yes. Then it was put in a box in -- that's

1 where all documents came to, and then Megan Fulara  
2 had the responsibility to keep those files and she  
3 kept them in her office.

4 **Q So the landfill record, to your  
5 understanding, was to be kept in Megan's office?**

6 A Yes. Just wanted to make certain it was  
7 altogether.

8 **Q Now, when documents related -- or let me  
9 back up a second.**

10 **You said that it's the practice of the  
11 county clerk's office to file stamp every document  
12 that is filed?**

13 A Yes.

14 **Q Is that every page of every document?**

15 A Sometimes. Sometimes it's the first and  
16 last page of a, you know, of a many page document.  
17 It's sort of -- that's kind of a judgment call  
18 depending upon the document.

19 **Q Is that also the practice for documents  
20 that are kept in the county board files?**

21 A Yes.

22 **Q They are also file stamped?**

23 A Yes. Unless they are -- yeah. They are  
24 file stamped unless they are presented at the

1 A Yes.

2 **Q She was familiar with those procedures?**

3 A Yes. And our reference is always the  
4 State's Attorney's Office. So it was -- everything  
5 we did was with the advice of the State's  
6 Attorney's Office.

7 **Q Did anyone else besides Megan have direct  
8 responsibility for receiving and maintaining  
9 documents that were part of the landfill  
10 application record?**

11 A Well, anyone could receive a document over  
12 the counter. Then as I said, it was placed in the  
13 landfill, the landfill record.

14 **Q My question was, were people out front by  
15 the counter instructed that anything that came in  
16 went to Megan?**

17 A Yes.

18 **Q Did the State's Attorney, you said your  
19 ultimate resource on this, ever instruct you to  
20 deviate from your normal procedures regarding how  
21 you evidenced the receipt of documents?**

22 A I don't remember that, no.

23 **Q No meaning they didn't instruct you or no  
24 meaning you don't remember what they told you?**

1 meeting. Documents that are presented at the  
2 meeting are put in with the record, and it's a  
3 possibility that they may not get file stamped, but  
4 they are part of that meeting and that's when they  
5 came in. It's reflected in the record that they  
6 were submitted at that time. So there is a time,  
7 you know, a statement about when they were  
8 submitted.

9 **Q So the only exception to file stamping  
10 county board documents would be for documents that  
11 are submitted at the open meeting while it's in  
12 process?**

13 A Yes.

14 **Q Going back then to the record related to  
15 the landfill application, was the maintenance of  
16 that record a responsibility that you delegated to  
17 Megan Fulara?**

18 A Yes, it was.

19 **Q Did you continue to maintain any personal  
20 supervision over how she maintained that record?**

21 A No.

22 **Q Had she been instructed by you previously  
23 in the procedures of the clerk's office with regard  
24 to file stamping documents that were received?**

1 A No. I would say no.

2 **Q What is your understanding of what the  
3 landfill application record was to consist of?**

4 A We had a list of -- that was presented,  
5 given to us by the State's Attorney. I was not  
6 very involved in that. As I said, I delegated that  
7 to Megan Fulara.

8 **Q Was it your understanding that transcripts  
9 of hearings would be part of that record?**

10 A I have no idea what was part of that  
11 record.

12 **Q Do you have any idea what was supposed to  
13 be part of that record?**

14 A I just thought anything that was presented  
15 in our office that related to the landfill was part  
16 of the record.

17 **Q Would it be fair to say that beyond that  
18 you don't have knowledge of specific kinds of  
19 documents as to whether they would be part of the  
20 record or not?**

21 A That's correct. Anything relating to the  
22 landfill, anything I received through the mail or  
23 in the office that related to the landfill I  
24 automatically put in that file. Everyone had



1 specific instructions to do that.

2 **Q When individuals from the public would ask**  
3 **to see the record of the landfill application and**  
4 **proceedings, what would they be shown?**

5 A Megan Fulara handled that. I was never  
6 involved with that.

7 **Q No one ever asked you to see any portion of**  
8 **the landfill record?**

9 A If they did, I referred them to Megan. I  
10 was very busy at that time with other duties, with  
11 elections and tax extension. I was not involved in  
12 this. I know it was a very important issue to keep  
13 this record and -- but I felt Megan was able to  
14 handle it.

15 **Q Who determined what documents went into the**  
16 **landfill application proceedings record and what**  
17 **documents didn't?**

18 A The State's Attorney's Office. When in  
19 doubt, everything went into the landfill record.

20 **Q It's your understanding that the same file**  
21 **stamping procedure was used for the landfill record**  
22 **as for general documents received in the county**  
23 **clerk's office?**

24 A Yes.

1 electronic file went into the website. He didn't  
2 make any decisions about that.

3 **Q Did you ever participate in the preparation**  
4 **of any proposed findings of fact by the staff?**

5 A No.

6 **Q Did you ever interact with any county board**  
7 **members regarding the development of proposed**  
8 **findings of fact?**

9 A No.

10 **Q Would that be true, also, of your husband**  
11 **Mr. Thomas?**

12 A Yes.

13 **Q Would that be true for Allen Mayer as well?**

14 A Yes.

15 **Q Were you present at the April 6th meeting**  
16 **of the county -- of the committee of the whole --**

17 A Yes.

18 **Q -- of the county board?**

19 A Yes.

20 **Q Did you take minutes at that meeting?**

21 A No. There was a court reporter at that  
22 meeting.

23 **Q Do you know whether the minutes or the**  
24 **transcript of that meeting was ever approved by the**

1 **Q Did you have any responsibilities or duties**  
2 **relating to the county's website?**

3 A No.

4 **Q Who maintained the county's website?**

5 A Russell Hauppert, the director of the IT  
6 department, information technology.

7 **Q Did you have any ability to upload**  
8 **documents directly to that website?**

9 A No. Anything that I received through  
10 E-mail or electronically I put into a specific PDC  
11 application file which was sent to Russell, and he  
12 uploaded everything to the website.

13 **Q Did you exercise any editorial control over**  
14 **what went onto the website and what didn't?**

15 A No.

16 **Q Your understanding is that 100 percent of**  
17 **what you got electronically was forwarded to**  
18 **Russell?**

19 A Yes.

20 **Q Did you ever meet with Russell to discuss**  
21 **policy about what went on the website and what**  
22 **didn't?**

23 A We did meet just to set up the procedure,  
24 and he understood that anything put in that

1 **county board?**

2 A I'm guessing it was. I'm assuming it was  
3 because that was their procedure.

4 **Q You can't direct me to a specific document,**  
5 **though, where that would happen, can you?**

6 A I would look at the next county board  
7 meeting after that meeting.

8 **Q Did you have any role in developing written**  
9 **proposed findings after the April 6th meeting?**

10 A No.

11 **Q Karen Raithel has previously testified that**  
12 **she put together some written proposed findings**  
13 **sometime after the April 6th meeting and before**  
14 **May 3rd.**

15 **Did you assist her in any of that?**

16 A No.

17 **Q Did she ever deliver any of those proposed**  
18 **findings to you personally?**

19 A No.

20 **Q Did Allen Mayer ever give you any proposed**  
21 **findings with regard to the criterion on or about**  
22 **April 6th?**

23 A No.

24 **Q Did you ever see any proposed findings**

1 prepared by Mr. Mayer?  
2 A Yes. They were presented at the meeting.  
3 **Q Who were they presented to?**  
4 A They were presented by the county  
5 administration, and I know that Allen Mayer was the  
6 author of some of them. That was discussed in the  
7 meeting.  
8 **Q Do you remember the pink, purple and yellow**  
9 **sheets?**  
10 A Yes.  
11 **Q Did you prepare any of them?**  
12 A No.  
13 **Q Do you know whether they were ever filed**  
14 **with the landfill application?**  
15 A I don't know. I assume so.  
16 **Q But you don't know as a fact that they were**  
17 **made part of the record or not?**  
18 A No. I do not. I know that they were part  
19 of that particular board meeting which I consider  
20 part of the record. So they were certainly kept in  
21 the record of the board meeting or the hearing.  
22 whatever you call it.  
23 **Q That raises a question then. You indicated**  
24 **that the county board records are kept in a file**

1 **Q Now, you indicated that if documents were**  
2 **received at a county board meeting they would be**  
3 **included with the records of that county board**  
4 **meeting in the county board file?**  
5 A Absolutely.  
6 **Q You also indicated that everything that**  
7 **came in relating to the landfill was kept in the**  
8 **landfill file?**  
9 A Yes.  
10 **Q So where would the pink and yellow and**  
11 **purple sheets that were received by the county**  
12 **board at the April 6th meeting relating to the**  
13 **landfill be kept? The county board file or the**  
14 **landfill file?**  
15 A Well, I know they would be in the county  
16 board file. If they were in the landfill file, I'm  
17 not aware whether they were or not, but the copy  
18 was in the county board file.  
19 **Q I believe you said you thought everything**  
20 **that related to the landfill should be kept in the**  
21 **landfill file?**  
22 A Except for -- the county board records is  
23 kind of -- we have to keep everything that's  
24 relating to a county board record. It is all kept

1 **cabinet somewhere in the back, in the back room of**  
2 **the clerk's office?**  
3 A Yes.  
4 **Q You indicated that the landfill application**  
5 **record was kept in Megan Fulara's office?**  
6 A While it was being compiled and then  
7 later -- and when it got so very large was moved  
8 back to the same location as the county board  
9 records.  
10 **Q When did that happen?**  
11 A I can't remember exactly, but we had set up  
12 a table right by the county board records. It's a  
13 table we use because people -- all the records in  
14 our office except for vital records are public  
15 records. So we often have people coming in to view  
16 records.  
17 So we had a special place where all the  
18 landfill information was so that the public or  
19 attorneys could come in and look at the record. It  
20 was in the same room as the county board. It was  
21 right by the county board records.  
22 **Q But the county board records were in a**  
23 **separate file cabinet?**  
24 A Yes.

1 together, but they are also in our office and they  
2 are also public files.  
3 So we really can't go digging around and  
4 take certain things out of the county board record.  
5 You could make copies I suppose if you wanted to,  
6 but I did not direct Megan to do that. I did not  
7 feel that was necessary because the record was in  
8 our office.  
9 **Q If I'm a member of the public and I would**  
10 **have come into the office on, say, April 10th and**  
11 **asked to see those colored sheets that I heard a**  
12 **county board member talking about on April 6th at**  
13 **their meeting, I presume I would have been shown**  
14 **the landfill file?**  
15 A No. Probably also the county board record.  
16 Our county board records are very -- are often  
17 viewed by the public. We keep them in our office  
18 for, like, 20 years before they go into archives  
19 because they're something people enjoy looking at  
20 for whatever reason.  
21 **Q Was there ever a sign posted saying that**  
22 **not all landfill related materials would be in the**  
23 **landfill file and some of those might be found in**  
24 **the county board file?**

1 A A sign posted, not that I'm aware of.  
2 **Q Then how would members of the public**  
3 **looking for landfill related materials know that**  
4 **they should also be asking to look at county board**  
5 **meeting files?**  
6 A Because they did not just -- we didn't turn  
7 them loose. There was always someone there kind of  
8 supervising what they were doing, what they were  
9 looking at and asking them questions and helping  
10 them find things they might be looking for.  
11 **Q Was that someone more often than not Megan**  
12 **Fulara?**  
13 A Yes, if she was available.  
14 **Q You're confident that she knew where**  
15 **everything was?**  
16 A Yes.  
17 **Q Probably more than anyone else?**  
18 A Probably.  
19 **Q Did you have any role in the preparation of**  
20 **the record filed with the Pollution Control Board**  
21 **by the county?**  
22 A No.  
23 **Q Did you participate physically in that**  
24 **process at all?**

1 will make it easier.  
2 BY MR. MUELLER:  
3 **Q You've got the affidavit in front of you,**  
4 **is that correct?**  
5 A Yes.  
6 **Q First of all, is that a true and correct**  
7 **copy of the affidavit which was attached to the**  
8 **county's response to a motion for summary judgment**  
9 **filed by PDC?**  
10 A Yes.  
11 **Q If I can direct you first to paragraph 6 of**  
12 **the affidavit, you indicate that no other findings**  
13 **of fact or other documents purporting to be**  
14 **findings of fact were before any members of the**  
15 **county board on May 3rd?**  
16 A Yes.  
17 **Q How do you know that?**  
18 A Because everything that happened at that  
19 meeting was in my file.  
20 **Q But when you say in your file --**  
21 A Or in the file, the meeting file.  
22 **Q But you don't physically know what county**  
23 **board members may have had in front of them?**  
24 A I get a copy of everything they get.

1 A No. They used the floor of my office to do  
2 it and a table in my office because it's large.  
3 **Q Who were the individuals that actually did**  
4 **the physical compilation of the record?**  
5 A It was Megan Fulara, Lyn Schmidt the  
6 Assistant State's Attorney.  
7 **Q Anyone else?**  
8 A I believe Karen Raithel was sort of  
9 involved with that. I just remember seeing her  
10 coming down to the office. I know that I was not  
11 and -- I was very busy involved in something else  
12 at that time. I can't remember when it was that  
13 they were doing it, but I was not involved in that  
14 at all.  
15 **Q You didn't make any decisions then as to**  
16 **what was included and what wasn't, correct?**  
17 A No, I did not.  
18 **Q I want to talk to you a little bit about**  
19 **your affidavit.**  
20 **Mr. Brown, do you have an extra copy of her**  
21 **affidavit?**  
22 MR. BROWN: I didn't bring any with  
23 me.  
24 MR. MUELLER: We can give her one. It

1 **Q You're assuming that they give you**  
2 **everything that they have, right?**  
3 A Yes. I pretty much make sure I get a copy  
4 of what they get.  
5 **Q Did you look at the desktop of every county**  
6 **board member to verify that he or she had nothing**  
7 **else in front of them --**  
8 A No. But the chairman's sitting right next  
9 to me. So if the chairman had it, I had it. The  
10 administrator is here (indicating). If he had it,  
11 I had it.  
12 If it was given to every county board  
13 member, I know I had one. If one or two persons  
14 had something special, it's possible, of course.  
15 **Q You don't remember whether the transcript**  
16 **identified what was in front of the county board**  
17 **members, do you?**  
18 A No. I assume it did. I assume -- if it  
19 was mentioned aloud, it would be in the transcript  
20 because every spoken word was there. Every spoken  
21 word is in the transcript, every piece of paper was  
22 in the record. So --  
23 **Q If I can direct you to paragraph 8 of your**  
24 **affidavit, whose idea was it to set up the computer**

1 at the meeting?  
2 A With Karen Raithel? I believe that would  
3 be the county administrator Patrick Ulrich.  
4 Q As to paragraph 9, did you take any  
5 handwritten notes of the one change in the  
6 recommended findings of fact?  
7 A I believe I did.  
8 Q Do you have a copy of those notes?  
9 A No. They would be in the record.  
10 Q What record would that be?  
11 A At the May 3rd record, wherever those --  
12 I mean, anything that I did would be in that  
13 record. I never deviated from that.  
14 Q I guess I'm confused when you say that  
15 record --  
16 A In the May 3rd board meeting record.  
17 Q Now, you indicate in your affidavit that  
18 Karen Raithel on paragraph 11 or paragraph 12 that  
19 she typed up a change in the proposed findings of  
20 fact?  
21 A Okay.  
22 Q And that in paragraph 13 you indicate that  
23 you reviewed it?  
24 A Right.

1 May 3rd meeting?  
2 A Yes.  
3 Q Walk me through that, if you would, JoAnn,  
4 in terms of what physically happened to that single  
5 page after it was given to you.  
6 A It would be -- it was given to me. It was  
7 part of all the other documents I had for that  
8 meeting, and it was all kept together. It wasn't  
9 in a separate place. It was with all of the board  
10 meeting records.  
11 Q Did you give that single page to anyone  
12 else?  
13 A I don't know why I would have done that.  
14 If there were two copies of it, maybe and someone  
15 wanted a copy of it, but I -- I guess I don't  
16 understand your question.  
17 Q Okay. You're telling me now that there  
18 were two copies --  
19 A No. I'm saying if there were two copies,  
20 I don't know that there were. I know that I had it  
21 and I put it with the record. I don't know that  
22 there were any other copies of it, but there may  
23 have been. I don't remember.  
24 Q You physically put it with some other

1 Q What was the purpose of your review?  
2 A Well, I -- I think I remember making notes,  
3 but I was -- I was leaving the official wording up  
4 to her. So I reviewed it to make sure that that's  
5 what -- was the same way that I remembered it or  
6 that I perceived it.  
7 Q It says in paragraph 13 that you reviewed  
8 the single printed page and confirmed that it was  
9 consistent with the motion made by Board Member  
10 Mayer?  
11 A Yes.  
12 Q How did you confirm that? What steps did  
13 you take?  
14 A Well, I was there. I heard it. I read it.  
15 I confirmed that that's what I heard, too. I mean,  
16 maybe I'm not understanding your question.  
17 Q I mean, did you have any handwritten notes  
18 of your own or did you just confirm it based upon  
19 your recollection of what you had heard?  
20 A I believe I did. I mean, I can't swear to  
21 it, but I do believe I did have some handwritten  
22 notes. I was keeping track of what was going on.  
23 Q Now, then you say that you included that  
24 single page with the county board file for the

1 papers --  
2 A With everything -- with the  
3 May 3rd record, with all of the -- she handed it  
4 to me. I'm up there with the county board. I've  
5 got all the -- because I take everything with me to  
6 the meeting and I had it altogether, and I took it  
7 all back to the office as a county board record.  
8 Q When did you take it back to the office?  
9 A I believe I went back that very evening.  
10 It was at the ITOD Hall, and I believe I went back  
11 to the office and put it in the -- in my office,  
12 locked it in that night.  
13 Q When you say you locked it in your office,  
14 do you mean your personal office within the clerk's  
15 office?  
16 A Yes. Because that's what I always do with  
17 the county board record until I can give it to  
18 someone to put together after the minutes are  
19 finished.  
20 Q Okay. Now, in this case, there weren't any  
21 minutes to finish?  
22 A No. We were waiting for the court  
23 reporter's transcript, right.  
24 Q When did the single page document referred

1 **to in your affidavit physically get out of your**  
2 **office, meaning your personal office?**  
3 A I'm not sure. Within a couple of days.  
4 **Q Who did you give it to?**  
5 A Megan Fulara.  
6 **Q You remember as we sit here actually giving**  
7 **it to Megan Fulara or are you just assuming that's**  
8 **the practice?**  
9 A That's what I would do. That's the  
10 policy -- the process with the county board record  
11 is I would give it to her. She would complete the  
12 minutes. I would review the minutes, and then it  
13 goes to another employee who organizes a file and  
14 puts it in the permanent, you know, just to prepare  
15 it for the permanent file.  
16 **Q I understand that's the process.**  
17 A Okay.  
18 **Q But, apparently, and I don't mean to**  
19 **misquote you, you don't have a specific**  
20 **recollection that that process was followed with**  
21 **respect to the May 3rd documents, do you?**  
22 A I don't have any recollection that it was  
23 not followed.  
24 **Q Do you have any recollection either way?**

1 A I assume it was followed because we do  
2 that -- we always follow that process. It never,  
3 never varies. These are very important records  
4 that you have to keep forever. So I take my  
5 management responsibilities pretty seriously or  
6 record management responsibilities.  
7 **Q But it's fair to say you do not have a**  
8 **specific recollection of giving the May 3rd**  
9 **documents to Megan Fulara?**  
10 A I'd say they're in my office until I hand  
11 them off to a trusted person.  
12 **Q You don't remember specifically handing**  
13 **these off, is that true?**  
14 A Well, they are no longer in my office. So  
15 I must have handed them off.  
16 **Q But you don't remember actually handing**  
17 **them off?**  
18 A No. I don't remember that.  
19 **Q Thank you. Now, based upon your procedure,**  
20 **though, how would the handoff process be different**  
21 **if there weren't minutes being prepared and there**  
22 **was just a transcript?**  
23 A Because when the minutes are prepared, what  
24 you do is listen to the tape of the meeting along

1 with the handwritten notes -- and Megan Fulara has  
2 been doing this now for about eight months. I used  
3 to do it myself -- and creating the minutes.  
4 In this case, we did not need to do that  
5 because we had a transcript of the meeting. So we  
6 waited -- we would wait for the transcript; and,  
7 you know, we didn't have to do the job we usually  
8 have to do with minutes because of the transcript.  
9 **Q Do you know whether anyone ever approved**  
10 **the single page of findings typed up by Karen**  
11 **Raithel on May 3rd?**  
12 A Yes. I believe the county board voted to  
13 approve those.  
14 **Q The county board voted to approve Karen**  
15 **Raithel's single page of findings?**  
16 A Yes. Because they were amending the -- the  
17 findings of fact were approved at that meeting.  
18 **Q Maybe I'm not being clear.**  
19 A Okay.  
20 **Q My understanding is that there was a motion**  
21 **made at the meeting by Mr. Mayer, and then Karen**  
22 **Raithel typed up a single page of findings based**  
23 **upon that motion which she believed corresponded to**  
24 **the motion?**

1 A That was an amendment.  
2 **Q Right. And that she gave it to you, and**  
3 **you agreed with her that she accurately put it**  
4 **together?**  
5 A Yes.  
6 **Q My question is, did anyone on -- did the**  
7 **county board or any county board member ever**  
8 **approve that page after it was prepared?**  
9 A Well, they voted to accept the amendment  
10 presented by Allen, and Allen approved that page as  
11 what he had said.  
12 **Q Okay. Now, you've just added another**  
13 **twist. You're saying that Allen Mayer also**  
14 **approved what he typed?**  
15 A He had just said this, and then she wrote  
16 it. It was the same thing. What he said she  
17 wrote. So, I mean --  
18 **Q Do you remember whether --**  
19 A Maybe it was my perception of what the  
20 amendment was, but the county board voted to accept  
21 his amendment and the page just put in writing what  
22 he had said.  
23 **Q But do you remember whether any county**  
24 **board member ever approved the page as being an**

1 accurate representation of what had been said and  
2 voted on?  
3 A No, I don't remember.  
4 Q Do you know whether Karen Raithel had Allen  
5 Mayer review that single page?  
6 A No, I do not.  
7 Q Do you know whether that single page was  
8 ever given to Peoria Disposal Company?  
9 A I don't know. It is part of the record.  
10 So the company could have a copy if they wanted.  
11 MR. MUELLER: We're going to take a  
12 short break.  
13 (Recess from 10:10 to 10:20)  
14 MR. MUELLER: Back on the record.  
15 BY MR. MUELLER:  
16 Q JoAnn, do you have any recollection about  
17 Brian Meginnes coming to the county clerk's office  
18 on June 7th, 2006, to look for various documents  
19 relating to the landfill application?  
20 A I remember Brian Meginnes coming to our  
21 office. I do not remember the date.  
22 Q Did you ever show him any landfill related  
23 documents when he came to the office?  
24 A I don't remember.

1 Q Did you ever have any conversation with  
2 Megan Fulara about Brian Meginnes coming in to look  
3 for documents and records?  
4 A I don't believe so.  
5 Q Did you ever have any conversation with  
6 Karen Raithel about Brian Meginnes coming to the  
7 office to look for records or documents?  
8 A No.  
9 Q Are you familiar with the Peoria County  
10 code?  
11 A Yes.  
12 Q Did you review the portions of the county  
13 code pollution control facility siting ordinance  
14 relating to the clerk's responsibilities regarding  
15 the record?  
16 A No.  
17 Q Well, you said you were aware that the  
18 county clerk shall be responsible for keeping the  
19 record of a pollution control facility siting  
20 proceeding?  
21 A The State's Attorney advises us on our  
22 responsibilities. So I didn't look at the code  
23 myself is what I'm saying.  
24 Q Are you aware that Section 7.5-45 of the

1 Peoria County code specifies that the record of a  
2 pollution control facility siting proceeding would  
3 include a complete transcript of the public  
4 hearings?  
5 A No.  
6 Q Are you aware that that same section  
7 specifies that the record would include a copy of  
8 the resolution containing the final decision of the  
9 county board?  
10 A No, I'm not familiar with any of that.  
11 Q In this case, was there such a resolution  
12 containing the final decision of the Peoria County  
13 board?  
14 A Yes, there was.  
15 Q Can you direct us to that resolution?  
16 A I would look in the county board record  
17 when it was -- when that resolution was passed.  
18 Q Do you remember the resolution that was  
19 passed which contained the final decision of the  
20 county board?  
21 A I remember that there was one.  
22 Q A resolution passed?  
23 A Yes.  
24 Q What did that resolution say?

1 A I don't remember.  
2 Q Did you ever see a copy of that resolution?  
3 A Yes.  
4 Q Where did you see it?  
5 A At the county board meeting when it was  
6 approved.  
7 Q Do you remember what the resolution said?  
8 A No.  
9 Q Did that resolution then go back to your  
10 office with you?  
11 A I'm certain it did.  
12 Q You would have locked it in your personal  
13 office?  
14 A You know, I'm not remembering this  
15 specifically, but this is the procedure. So I'm  
16 saying yes.  
17 Q If you don't remember it specifically,  
18 don't guess based on procedure.  
19 A I don't remember.  
20 Q We're talking about a resolution passed at  
21 the May 3rd meeting?  
22 A I don't remember.  
23 Q So you don't remember whether a resolution  
24 containing the final decision of the county board

1 was passed at the May 3rd meeting or not, is that  
2 fair?

3 A Well, I believe it was. I mean, I do  
4 remember that it was -- something was passed, that  
5 the resolution was passed or the findings of fact  
6 were passed.

7 Q Well, all right. That's not a resolution.

8 A Different than the resolution. I guess I  
9 don't remember exactly when that resolution was  
10 passed.

11 Q Do you even remember if a resolution was  
12 passed?

13 A I guess I don't remember.

14 Q Okay. Fair enough.

15 A I would have to look at the record.

16 Q When the PDC application was delivered to  
17 the clerk's office, were you present? Now we're  
18 going back to November 9th of 2005.

19 A I can't remember if I was there when it  
20 was -- when it was filed or not.

21 Q Did you issue a receipt for the filing fee?

22 A I'm sure our office -- my office issued a  
23 receipt.

24 Q Did you personally issue it?

1 A I don't remember.

2 Q Did you personally instruct anyone to issue  
3 the receipt?

4 A Yes. The receipt had to be issued by  
5 someone. So it would have been Megan Fulara or me.

6 Q You don't remember, though, whether it was  
7 you or her?

8 A No.

9 Q Were you involved in any way in reviewing  
10 the application after it was received to determine  
11 whether it was complete?

12 A No. The State's Attorney did that.

13 Q In fact, when the application was  
14 physically delivered and received by your office,  
15 it was file stamped, correct?

16 A Yes.

17 Q You're telling me that the State's Attorney  
18 did the completeness review on the application?

19 A Yes. They helped Megan Fulara.

20 Q Did anyone else participate in completing  
21 this review?

22 A I don't remember. I don't believe. Maybe  
23 Karen Raithel.

24 Q Are you just speculating or do you have a

1 specific recollection that she did it?

2 A I don't have a specific recollection. I  
3 know that I delegated the job to Megan Fulara.  
4 period.

5 Q I'm going to show you what's been marked as  
6 Exhibit A, and we have an extra copy for you,  
7 Mr. Brown, and one for the court reporter, which  
8 purports to be the minutes of the county board  
9 meeting of May 11th, 2006.

10 Does that look to you like an accurate copy  
11 of the minutes of the May 11th, 2006, board  
12 meeting?

13 A Yes.

14 Q Now, there is nothing in those minutes  
15 relating to approval of the transcript of the  
16 May 3rd meeting?

17 A Yes, correct.

18 Q I think you had indicated that an eight-day  
19 difference between the dates of the meetings might  
20 be too short of a period of time to get the  
21 transcript done and to the board?

22 A Right, correct.

23 Q So it's your belief that the reason the  
24 May 3rd transcript isn't approved in the

1 May 11th meeting because it wasn't available yet?

2 A Yes. It was not on the agenda. The  
3 administration sets the agenda.

4 Q Is it fair to say that approval of the last  
5 minutes or the last meeting's minutes or transcript  
6 is on the agenda if the transcript or minutes are  
7 available?

8 A I don't do that. So I don't know.

9 Q Let me show you then what's been marked as  
10 Exhibit B. Again, I will hand Mr. Brown a copy and  
11 hand the court reporter a copy.

12 Does this appear to you to be a true and  
13 accurate copy of the board -- county board meeting  
14 minutes of June 8th, 2006?

15 A Yes.

16 Q If you go down about halfway down the first  
17 page, you'll see that there's approval of  
18 May 11th county board meeting minutes; May 3rd,  
19 2006, special county board meeting transcripts; and  
20 May 6th, 2006, regional pollution control site  
21 hearing committee meeting transcripts?

22 A Yes.

23 Q Does this refresh your recollection as to  
24 when the transcripts of the May 3rd meeting were

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1 approved?

2 A Yes. They were approved June 8th, 2006.

3 Q That, in fact, confirms your recollection  
4 that they would have been approved at some point?

5 A Right.

6 Q Were any other records from the  
7 May 3rd meeting approved at either the  
8 May 11th meeting or the June 8th meeting?

9 A If it's not in the record, it wasn't done.  
10 Because everything that was done is in the record.

11 MR. MULLER: JoAnn, thank you. We  
12 have no further questions.

13

14 (Further deponent saith not:  
15 signature waived by agreement of counsel.)

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<p style="text-align: center;"><b>A</b></p> <p><b>Aana</b> 1:10 56:3.21  <b>ability</b> 28:7  <b>able</b> 27:13  <b>about</b> 3:19 4:17.21  4:24 5:1.10 7:10  10:13 12:9 16:21  19:13 24:7 28:21  29:2 30:21 34:12  36:18 45:2 47:16  48:2.6 50:20  54:16  <b>Absolutely</b> 33:5  <b>accept</b> 46:9.20  <b>acceptance</b> 8:17  <b>accordance</b> 3:10  <b>accounts</b> 9:20  <b>accurate</b> 5:19 47:1  53:10 54:13  <b>accurately</b> 46:3  <b>act</b> 13:8  <b>action</b> 17:2.4.8  <b>active</b> 8:10  <b>activities</b> 13:4  <b>actual</b> 12:7 14:21  <b>actually</b> 8:22 12:13  20:2 36:3 43:6  44:16  <b>added</b> 46:12  <b>address</b> 6:6  <b>adjudicator</b> 7:2  <b>administration</b>  31:5 54:3  <b>administrator</b>  12:21 38:10 39:3  <b>adult</b> 7:4  <b>advice</b> 25:5  <b>advises</b> 48:21  <b>affidavit</b> 5:8 14:6  36:19.21 37:3.7  37:12 38:24 39:17  43:1</p>	<p><b>affixed</b> 56:17  <b>afford</b> 15:8  <b>aforsaid</b> 56:9.11  <b>after</b> 16:18 17:16  30:7.9.13 41:5  42:18 46:8 52:10  <b>afterwards</b> 56:10  <b>Again</b> 54:10  <b>agencies</b> 9:6  <b>agenda</b> 54:2.3.6  <b>ago</b> 7:19  <b>agreed</b> 5:19 46:3  <b>agreement</b> 3:11  55:15  <b>agreements</b> 10:23  <b>ahead</b> 14:5  <b>Allen</b> 29:13 30:20  31:5 46:10.10.13  47:4  <b>almost</b> 6:11  <b>along</b> 44:24  <b>aloud</b> 38:19  <b>altogether</b> 23:7  42:6  <b>always</b> 15:9.17  25:3 35:7 42:16  44:2  <b>amended</b> 16:6  <b>amending</b> 45:16  <b>amendment</b> 46:1.9  46:20.21  <b>among</b> 5:7 15:24  <b>another</b> 43:13  46:12  <b>answered</b> 21:8  <b>answers</b> 4:22 5:1  <b>anyone</b> 25:7.11  35:17 36:7 41:11  45:9 46:6 52:2.20  <b>anything</b> 6:1 10:21  21:9 25:15 26:14  26:21.22 28:9.24  39:12</p>	<p><b>apparently</b> 43:18  <b>appear</b> 54:12  <b>APPEARANCES</b>  1:14  <b>appeared</b> 56:4  <b>application</b> 21:23  22:6.19 24:15  25:10 26:3 27:3  27:16 28:11 31:14  32:4 47:19 51:16  52:10.13.18  <b>applications</b> 22:2  <b>appropriate</b> 11:4  <b>approval</b> 16:2.6  20:9 21:6 53:15  54:4.17  <b>approve</b> 16:14.18  16:19.20 17:4  45:13.14 46:8  <b>approved</b> 15:20  16:9.11.13 17:10  17:12.14.20.24  20:11.13.14.17  21:3 29:24 45:9  45:17 46:10.14.24  50:6 53:24 55:1.2  55:4.7  <b>approximately</b>  11:15  <b>April</b> 29:15 30:9.13  30:22 33:12 34:10  34:12  <b>archives</b> 18:19  34:18  <b>around</b> 34:3  <b>Article</b> 20:6  <b>asked</b> 7:13 21:7  27:7 34:11  <b>asking</b> 19:10 35:4.9  <b>assist</b> 30:15  <b>Assistant</b> 36:6  <b>assume</b> 31:15 38:18  38:18 44:1</p>	<p><b>assuming</b> 30:2 38:1  43:7  <b>attached</b> 37:7  <b>Attorney</b> 5:12  25:18 26:5 36:6  48:21 52:12.17  <b>attorneys</b> 32:19  <b>Attorney's</b> 25:4.6  27:18  <b>author</b> 31:6  <b>authority</b> 8:22  12:23 14:20.24  <b>automatically</b>  26:24  <b>available</b> 35:13  54:1.7  <b>Avenue</b> 6:7  <b>aware</b> 13:1 14:20  19:16 21:20 33:17  35:1 48:17.24  49:6  <b>a.m</b> 1:12</p> <p style="text-align: center;"><b>B</b></p> <p><b>B</b> 2:12 54:10  <b>bachelor's</b> 6:14.16  <b>back</b> 6:5 9:20 13:2  14:11 19:1 23:9  24:14 32:1.1.8  42:7.8.9.10 47:14  50:9 51:18  <b>background</b> 6:13  <b>bank</b> 19:3  <b>base</b> 14:3  <b>based</b> 40:18 44:19  45:22 50:18  <b>basic</b> 6:5 7:4  <b>basically</b> 14:15  19:2  <b>basket</b> 22:20.23  <b>became</b> 7:14.17  <b>become</b> 13:1 21:20  <b>before</b> 1:1.10 3:16</p>	<p>4:3 8:8.9 30:13  34:18 37:14 56:5  <b>beginning</b> 22:9  <b>behalf</b> 1:19.23  <b>being</b> 3:2 32:6  44:21 45:18 46:24  <b>belief</b> 53:23  <b>believe</b> 5:12.23 7:3  13:17 14:17 15:14  16:16 17:7 20:24  33:19 36:8 39:2.7  40:20.21 42:9.10  45:12 48:4 51:3  52:22  <b>believed</b> 45:23  <b>besides</b> 25:7  <b>between</b> 53:19  <b>beyond</b> 26:17  <b>big</b> 9:12  <b>bigger</b> 22:23  <b>bills</b> 9:14.17  <b>birth</b> 9:24  <b>bit</b> 36:18  <b>Black</b> 1:21.21  <b>board</b> 1:2.6 3:11  8:6 9:4.6 10:24  13:4.5.9.12.15.21  13:24 14:7 15:10  15:24 16:10.13.14  16:23 17:4.16.20  17:24 18:13.17.20  19:17.21 20:7.12  20:14.17.20 23:20  24:10 29:6.18  30:1.6 31:19.21  31:24 32:8.12.20  32:21.22 33:2.3.4  33:12.13.16.18.22  33:24 34:4.12.15  34:16.24 35:4.20  37:15.23 38:6.12  38:16 39:16 40:9  40:24 41:9 42:4.7</p>
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A Regular Meeting of the County Board, County of Peoria, Illinois was held on Thursday, May 11, 2006, at six o'clock p.m. the Courthouse, Room 403.

The meeting was called to order by David T. Williams, Sr., Chairman.

CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

ROLL CALL BY THE COUNTY CLERK

Megan Fulara, Chief Deputy County Clerk, called attendance and the following members of the Board were present: Baietto, Elsasser, Hidden, Joyce, Kennedy, Mayer, O'Neill, Pearson, Phelan, Polhemus, Prather, Rigggenbach, Salzer, Thomas, Trumpe, Watkins, Widmer, and Williams, 18 present.

APPROVAL OF April 13, 2006, COUNTY BOARD MINUTES

Prather and Kennedy moved for the approval of the April 13, 2006 County Board Minutes. The motion was approved by a unanimous roll call vote of 18 ayes.

PRESENTATIONS & PROCLAMATIONS:

- A proclamation from your Chairman recognizing Illinois Central College Women's Basketball Team for winning the 2006 National Junior College Athletic Association (NJCAA) Tournament.

Thomas presented the proclamation noting that head coach Steve Garber was also named Coach of the Year.

- A proclamation from your Chairman recognizing Chillicothe Illinois Valley Central High School Boy's Basketball Team for winning Second Place in the 2006 Illinois High School Association (IHSA) Class A Boy's Basketball Championship.

Prather presented the proclamation. Baietto thanked Coach Thornton.

- A proclamation from your Chairman recognizing Richwoods High School Boy's Basketball Team for winning Second Place in the 2006 Illinois High School Association (IHSA) Class AA Boy's Basketball Championship.

Baietto presented the proclamation. Coach Ellis introduced his players and thanked the Board.

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- A proclamation from your Chairman recognizing the Bradley University Men's Basketball Team for a successful 2006 season.

O'Neill presented the proclamation. The assistant Coach accepted it and thanked the Board.

- A proclamation from your Chairman recognizing June 1, 2006, as the *kick off date* for the NACo Prescription Drug Card.

Phelan presented the proclamation and thanked Shauna Musselman, Risk Manager. Musselman accepted the award and thanked the Board for the opportunity to work in this capacity.

- A proclamation from your Chairman congratulating the participants of the Peoria County Civic Leadership program for completing the course.

Phelan presented the proclamation and thanked Communications Director, Jennifer Zinkel for her leadership with the group. Zinkel thanked the Board as well as the participants in the program.

- A proclamation from your Chairman proclaiming the month of May, 2006 as "Older Americans Month".

Hidden presented the award to Kate Van Beek, Human Resource Director who accepted on behalf of the residents and staff at Bel-Wood Nursing home.

- A presentation of the Illinois Sheriff's Association Scholarship Award.

Sheriff McCoy presented the award to Thomas Couri of Peoria Notre Dame High School. Couri thanked the Board, the Sheriff, and his parents for the scholarship.

## CONSENT AGENDA

- C1. A communication from the Illinois Department of Transportation dated April 5, 2006, regarding Motor Fuel Tax allotment and transactions for the County for the month of March 2006.
- C2. A revenue and expenditure report was received from the County Auditor and County Treasurer for the month ending April 30, 2006, and filed.
- C3. Appointments

Kennedy and Prather moved for the approval of the Consent Agenda. Hidden asked that item C3, Limestone Fire Protection District be pulled from the agenda. Joyce asked that the Dunlap Community Fire Protection District be voted on separately. The Consent Agenda was approved by a unanimous roll call vote of 18 ayes.

The Dunlap Community Fire Protection District Appointment was approved by a roll call vote of 17 ayes and 1 abstention, with Joyce abstaining. Joyce noted the woman being appointed was his sister-in-law.

### **CITIZENS' REMARKS**

*(To address the County Board, fill out a card and submit it to the Chairman before the Board Meeting.)*

Joyce Blumenshine, 2419 E. Reservoir, Peoria, thanked the Board on behalf of the Heart of Illinois Sierra Club and distributed flowers to the Board.

Tom Edwards, 902 W. Moss Ave., Peoria thanked the Board on behalf of the health and well being of the community. Edwards gave a brief history of Peoria Disposal Company's applications for expansion.

Widmer requested a copy of Edward's testimony.

### **ZONING ORDINANCES & RESOLUTION**

1. Case #025-06-U (Kimberly Kang)

The petitioner is requesting a Special Use to allow a campground in the "A-2" Agricultural District. The property is located in Chillicothe Township.

The Zoning Board of Appeals recommends approval with restrictions. The Land Use Committee concurs.

Trumpe and Elsasser moved for the approval of the resolution with restrictions. The resolution passed by a roll call vote of 17 ayes and 1 abstention with Prather abstaining.

2. Case #029-06-U (Ronald Weber)

The petitioner is requesting a Special Use to divide a 38-acre parcel into two parcels of approximately 16 and 22 acres. The property is located in Kickapoo Township.

The Zoning Board of Appeals recommends approval with restrictions. The Land Use Committee concurs.

Trumpe and Pearson moved for the approval of the Special Use with restrictions. There was discussion about the restrictions concerning the use of City water. Assistant State's Attorney Lyn Schmidt noted that no additional restrictions could be put on this special use. The Special Use passed by a roll call vote of 15 ayes and 3 nays with Kennedy, Joyce and Thomas voting nay.

3. Case #W01-06 (Thomas Ballard)

A resolution from your Land Use Committee recommending denial of a waiver of compliance from Section 20-61 of the Subdivision Ordinance, which requires all new subdivisions to have a public water supply. The

petitioner proposes to divide two parcels of approximately 1.9 acres each from a 41.2-acre tract. The property is located in Hallock Township.

Trumpe and Pearson moved for the adoption of recommendation of denial by resolution. The resolution passed by a roll call vote of 18 ayes.

Joyce noted that he learned from the siting hearings of a number of contaminated wells in the County. He asked that the Health Department report to the Land Use Committee on the number of tainted wells noting if they are tainted by septic or farm chemicals.

4. Case #W03-06 (Timothy Durdell)

A resolution from your Land Use Committee recommending approval of a waiver of compliance from Section 20-4-2.C.2.b(1) of the Subdivision Ordinance, which requires a minimum frontage of 30 feet on a public road for parcels being created of less than 10 acres. The petitioner proposes to divide a 10-acre parcel into two parcels of approximately 5 acres each. The property is located in Limestone Township.

Trumpe and Hidden moved for the approval of the resolution. The resolution passed by a roll call vote of 18 ayes.

5. A resolution from your Management Services Committee recommending approval of salaries of Elected Officials to be elected in 2006.

Phelan and Elsasser moved for the approval of the resolution. Phelan noted it is a 4% increase with a \$5000 one time stipend for the Treasurer and a \$5000 annual stipend for the Sheriff. Baietto noted that the County salaries should reflect comparable counties. Phelan noted that Peoria County would like to be considered an employer of choice. He also noted that if this raise is not approved in some departments subordinates will earn more than the Elected Official. The resolution passed by a roll call vote of 17 ayes and 1 nay, with Mayer voting nay.

6. A resolution from your Judicial Committee recommending approval of an appropriation of \$10,677.31 to the appropriate expense and revenue line items in the Sheriff's Office budget for overtime expenses related to ILEAS (Illinois Law Enforcement Alarm System) training.

Kennedy and Joyce moved for the approval of the resolution. The resolution passed by a roll call vote of 18 ayes.

7. A resolution from your Health & Environmental Issues Committee recommending approval of an additional appropriation of \$100,000.00 to the Recycling & Resource Conservation budget to pay the engineering expenses, outside legal counsel, and other costs associated with review of the hazardous waste landfill facility application submitted by Peoria Disposal Company.

Hidden and Widmer moved for the approval of the resolution. The resolution passed by a roll call vote of 18 ayes.

8. A resolution from your Transportation Committee recommending approval of RPCCA's Application for a Rolling Stock Assistance Grant.

O'Neill and Baietto moved for the approval of the resolution. The resolution passed by a roll call vote of 18 ayes.

9. A resolution from your Transportation Committee recommending approval to lower the speed limit to 35 mph on Jones Hollow Road (TR 230) from Norwood Boulevard northerly to Conley Road in Limestone Township.

O'Neill and Watkins moved for the approval of the resolution. The resolution passed by a roll call vote of 18 ayes.

10. A resolution from your Transportation Committee recommending approval to place a stop sign at the intersection of Alder and Starr Streets in Limestone Township.

O'Neill and Elsasser moved for the approval of the resolution. The resolution was approved by a roll call vote of 18 ayes.

11. A resolution from your Transportation Committee recommending approval of an Engineering Services Agreement for engineering design to replace the Lancaster Road (D55) Bridge and \$4,600,000.00 be appropriated from the County's share of MFT funds to cover costs.

O'Neill and Baietto moved for the approval of the resolution. The resolution was approved by a roll call vote of 18 ayes.

12. A resolution from your Tax/EDC Committee recommending approval of the appointment of Election Judges for 2006 and ensuring years.  
{List of judges on file in County Administration Office}

Prather and Pearson moved for the approval of the resolution. The resolution was approved by a roll call vote of 18 ayes.

## ANNOUNCEMENTS

O'Neill noted the Transportation Meeting on Wednesday will be canceled.

Salzer encouraged everyone to attend the Spring Celebrations at lunch and thanked Gerry Brookhart.

Phelan noted that Monday is the first minority business meeting at 4:00 p.m.

Joyce wished his wife a happy 26th wedding anniversary.

Riggenbach noted that the Community Builders Fundraiser will be at the Civic Center at 6:00 p.m. on June 2nd. The fundraiser benefits District 150. He also noted that his wife is featured in a new Peoria magazine, Numero publishing.

Elsasser noted a new bank opened at the Shoppes at Grand Prairie.

Prather invited everyone to attend a fundraiser in Chillicothe, June 1st-3rd.

Hidden wished all mothers a Happy Mother's Day.

#### **ADJOURNMENT**

Kennedy and Pearson moved to adjourn. The meeting was adjourned at 7:14 p.m. by a unanimous voice vote of 18 ayes.

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\*\* REVISED 07/13/2006 \*\*

A Regular Meeting of the County Board, County of Peoria, Illinois was held on Thursday, June 8, 2006, at six o'clock p.m. the Courthouse, Room 403.

#### CALL TO ORDER

The meeting was called to order by David T. Williams, Sr., Chairman.

#### MOMENT OF SILENCE

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL BY THE COUNTY CLERK

JoAnn Thomas, County Clerk, called attendance and the following members of the Board were present: Baietto, Elsasser, Hidden, Kennedy, Mayer, O'Neill, Pearson, Phelan, Polhemus, Prather, Riggenbach, Salzer, Thomas, Watkins, Widmer, and Williams, 16 present. Joyce and Trumpe were absent.

- Approval of May 11, 2006 County Board Meeting minutes, May 3, 2006 Special County Board Meeting transcripts, and April 6, 2006 Regional Pollution Control Site Hearing Committee Meeting transcripts.

Prather and Pearson moved for the approval of the May 11, 2006 County Board minutes. The motion was approved by a unanimous voice vote of 16 ayes.

#### PRESENTATIONS & PROCLAMATIONS:

- A proclamation from your Chairman recognizing the Limestone Walters School 8th Grade Girls' Volleyball Team for winning the 2006 "8A" State Girls Volleyball Tournament.

O'Neill presented the proclamation to the team. Coach Huber thanked the Board.

Williams and Pearson moved to approve the May 3, 2006 Special County Board Meeting transcripts, and April 6, 2006 Regional Pollution Control Site Hearing Committee Meeting transcripts. The motion was approved by a unanimous voice vote of 16 ayes.

- A proclamation from your Chairman recognizing the 2006 "Bel-Wood Legends in our Own Time."

Hidden presented the proclamation.

- A proclamation from your Chairman recognizing State Farm Insurance Company, the International Brotherhood of Electrical Workers Local 34, the National Electrical Contractors Association and the Tri-County Construction Labor-Management Council for their donations toward the

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start-up cost of administering and enforcing the County's Building and Property Maintenance Code.

Phelan presented the proclamation. Marty Clinch, IBEW local 34, thanked the Board and Matt Wahl, director of Planning and Zoning.

- A presentation of the Annual *Correctional Officer of the Year* Award.

Sheriff Mike McCoy presented the award to Officer David Landi Vittori and Officer Randy Weber. Superintendent Smith read the award.

- A presentation of the Annual *Deputy of the Year* Award.

Chief Deputy Sheriff, Joe Needham presented the award to Deputy Mark Confort.

- A presentation by Mike Hughes, Community Outreach Liaison for Attorney General Lisa Madigan, informing of the types of information available in the Attorney General's Office.

Hughes introduced himself and the services that the Attorney General's Office offers. Widmer asked that Hughes look into the current landfill expansion in Peoria County.

- An update on the Workforce Network.

Bruce Marsten updated the Board on the Workforce Network and distributed literature, a copy of which is included in these minutes. Widmer asked if the Network will be working with Manual High School. Marsten outlined a plan for the students. Riegenbach stressed the importance of this program.

#### **CONSENT AGENDA**

- C1. A communication from the Illinois Department of Transportation dated May 9, 2006, regarding Motor Fuel Tax allotment and transactions for the County for the month of April 2006.
- C2. A revenue and expenditure report was received from the County Auditor and County Treasurer for the month ending May 31, 2006, and filed.
- C3. Appointments

Kennedy and Prather moved for the approval of the Consent Agenda. The Consent Agenda was approved by a unanimous roll call vote of 16 ayes.

#### **CITIZENS' REMARKS**

*(To address the County Board, fill out a card and submit it to the Chairman before the Board Meeting.)*

Tom Edwards, 902 W. Moss Ave., Peoria addressed the Board concerning some correspondence to be sent to U.S. Senators Barrack Obama and Dick Durbin. Baietto questioned Edwards on some of his literature. Edwards promised to respond to him.

## **ZONING ORDINANCES & RESOLUTION**

1. Case #032-06-U (Randall Rush)  
The petitioner is requesting a Special Use to divide a 32.03-acre parcel into two parcels of approximately 25 acres and 7 acres. The parcel is located in Chillicothe Township.

The Zoning Board of Appeals recommends approval with restrictions. The Land Use Committee concurs.

Elsasser and Hidden moved for the approval of the resolution. The resolution was approved by a roll call vote of 16 ayes.

2. A resolution from your Land Use Committee recommending approval of the appointment of Kathi Lowder and Anuja Lala as Deputy Plat Officers.

Elsasser and Hidden moved for the approval of the resolution. The resolution was approved by a roll call vote of 16 ayes.

3. A resolution from your Executive Committee recommending approval of an appropriation of \$250,000.00 from Fund Balance to be used to train and certify lead abatement contractors in the community.

Polhemus and O'Neill moved for the approval of the resolution. The resolution was approved by a roll call vote of 16 ayes.

4. A resolution from your Management Services Committee recommending approval of the appropriation of funds in the amount of \$50,461.54 to the appropriate line items in the Sheriff's budget for a new SLATE Auto Theft Task Force position.

Phelan and Kennedy moved for the approval. Phelan noted this resolution is in response to the new positions previously approved by the Board. The resolution was approved by a roll call vote of 16 ayes.

5. A resolution from your Management Services Committee recommending approval of a new Planner II position for the Planning & Zoning Department.

Phelan and Thomas moved for the approval. The resolution was approved by a roll call vote of 16 ayes.

6. A resolution from your Management Services Committee recommending approval of the acquisition of Northern Telecom Release 4.5 and Voicemail

Upgrades, including installation services, from AT&T (SBC) for Peoria County Courthouse PBX System.

Phelan and Hidden moved for the approval of the resolution. The motion was approved by a roll call vote of 16 ayes.

7. A resolution from your Health and Environmental Issues Committee recommending approval of various bids for Food Products and Supplies for Bel-Wood Nursing Home.

Daniel Whitson of 433 E. High Point Rd. and Peter Pasquel of 459 E. High Point Rd. addressed the Board on behalf of George Pasquel Company. Pasquel noted that the current bid for food service is costing the County money. Whitson spoke about concerns in the bidding process. Thomas asked for a copy of the figures presented.

Hidden and Widmer moved to defer the resolution. Phelan questioned the EEO compliance for the bids. Assistant State's Attorney Bill Atkins cautioned the Board on deferring the resolution. Watkins also questioned the EEO compliance. Elsasser asked how much time they would have to review the bid. County Auditor Steven Sonnemaker stated it was a six month bid. O'Neil asked that the Board review this in six months while accepting these current bids. Hidden disagreed with O'Neill and stated that this problem was supposed to be addressed six months ago. Baietto agreed that he thought this had been resolved six months ago. Sonnemaker explained the history of the market basket bid. Whitson stated that none of Pasquel's customers have a market basket bid. The motion was approved by a roll call vote of 16 ayes. Urich stated that the department manager makes the final decision to order supplies for Bel-Wood.

8. A joint resolution from your Facilities and Health and Environmental Issues Committees recommending approval of an agreement with STS Consultants, Ltd., Peoria, IL, for design of Water Booster Pump at Bel-Wood Nursing Home subject to General Conditions satisfactory to the State's Attorney's Office.

Polhemus and Hidden moved for the approval of the resolution. Urich stated that the EEO certification will be updated. The motion was approved by a roll call vote of 16 ayes.

Mayer left the meeting

9. A resolution from your Facilities Committee recommending approval of an agreement with PSA Dewberry, Peoria, IL, for design work for Phase II of the Courts Remodel Project subject to PSA and the County Administrator agreeing on a work schedule for the project.

Polhemus and O'Neill moved for the approval of the resolution. The motion was approved by a roll call vote of 15 ayes.

Mayer returned to the meeting.

10. A resolution from your Facilities Committee recommending that the Committee be authorized to award or reject bids for the World War I & II Memorial and the Plaza Ramp construction projects.

Polhemus and Watkins moved for the approval of the resolution. The motion was approved by a roll call vote of 16 ayes.

11. A resolution from your Judicial Committee recommending approval of the lowest responsible bid of Bradford Systems, E. Peoria, IL, in the amount of \$19,118.80 for file folders and traffic jackets for the offices of the Circuit Clerk and State's Attorney.

Kennedy and Hidden moved for the approval of the resolution. The motion was approved by a roll call vote of 16 ayes.

12. A resolution from your Judicial Committee recommending approval of the 2006 Public Safety Crime Prevention Grant Awards.

Kennedy and Phelan moved for the approval of the resolution. Pearson stated this was a good move to help District 150. Kennedy asked that the remaining money be budgeted for next year. The motion was approved by a roll call vote of 16 ayes.

13. A resolution from your Finance/Legislative Study Committee recommending approval of a contract with Clifton Gunderson LLP, Peoria, IL, in the amount of \$13,864.00 for professional financial management training.

Riggenbach and Thomas moved for the approval of the resolution. Riggenbach noted that this training is a result of the management letter from the County's external auditors. Mayer noted some concern in awarding this contract to the same company that performs the County's audit. Mayer also suggested mandatory auditor rotation as policy. Riggenbach noted this training was approved by the State's Attorney's Office. Atkins noted that the State's Attorney's office is not endorsing this training, but rather has approved it. Williams noted that the County Board crafts these policies and the State's Attorney's Office advises. The motion was defeated by a roll call vote of 8 ayes and 8 nays with Prather, Pearson, Kennedy, Watkins, Elsasser, Phelan, Mayer, and Williams voting nay.

Phelan requested items 14 and 15 be discussed after Executive Session.

- 16 A review of the County Board Executive Session minutes.

Kennedy and Pearson moved that the Executive Session minutes not be released per the State's Attorney's recommendation. The motion was approved by a roll call vote of 16 ayes.

17 Executive Session - Labor Relations

Phelan and Elsasser moved to go into Executive Session. The motion was approved by a unanimous voice vote of 16 ayes.

14. A resolution from your Management Services Committee recommending approval of the contract with the Highway Maintenance Unit (Laborers, Operating Engineers, and Teamsters).

Phelan and O'Neill moved for the approval of the resolution. The resolution was approved by a roll call vote of 16 ayes.

15. A resolution from your Management Services Committee authorizing the County Administrator to withdraw the pending Worker's Compensation (Case #010015-003752-WC-01) lien in return for a \$26,550.00 payment in an attempt to settle the case.

Phelan and Hidden moved for the approval of the resolution. The resolution was approved by a roll call vote of 16 ayes.

**MISCELLANEOUS**

O'Neill noted the Highway transportation trip will be in the fall.

**ANNOUNCEMENTS**

Watkins would like to get a proclamation for the Chillicothe baseball team.

**ADJOURNMENT**

Watkins and O'Neil moved to adjourn. The meeting was adjourned by a unanimous voice vote of 16 ayes.