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STATE OF ILLINOIS
Pollution Control Board

PC 222

Ila Minson
6459 Hopedale Road
Hopedale, Illinois 61747

Clerk of the Board
Illinois Pollution Control Board
100 W. Randolph St. Suite 11-500
Chicago, Illinois 60601

Re: Case# AS 08-10: Objection to PDC Change description of K061 Hazardous waste

To the Illinois Pollution Control Board,

This is an objection to PDC request to change K061 from Hazardous waste to non-Hazardous so they can put it in a landfill less than ten feet above the Aquifer that supplies all the surrounding communities with drinking water.

I have attached documents August 12 Hopedale Township Meeting agenda, where PDC presented Resolution to be approved by the Township Board. The Same resolution, not on the agenda, approved on August 12, 08, Hopedale supervisor Mr. J. Slager presented to Illinois Pollution board. The attached copy August 12 Hopedale township agenda and copy of Court ruling that is clear this resolution between Hopedale Township and PDC is null and void because it was not on the agenda and was orchestrated by PDC **and should not be consider by this board in this decision.**

These attached Documents support objection to Allowing Hopedale Township Resolution to this Pollution Control Board:

- 1) Remove Hopedale Township public body resolutions recommendation written by PDC because it is in direct Violation of Illinois law and back by an attached 4th Appellate court ruling that clearly states: "if it is not on the Agenda, the public body cannot take action on it." On Aug 12 Hopedale Township board passed resolution, NOT ON THE AGENDA supporting PDC.
- 2) My husband and I have cancer due to residing for 15years in a small subdivision build on an old dumping site on the south edge of Pekin, Ill boundaries prior to moving to rural Hopedale. This information was discovered recently when contacted by a family member whose mother had passed due to cancer, this was also a newspaper articles on the extremely high cancer rate among residents who have lived in this small community due to the dumping grounds that lie underneath. There is no history on either side of cancer, we come from different backgrounds, and the odds of husband and wife each dealing with a cancer are overwhelming and support an environmental cause.

This is why the NEED, you as a board should look to the future in making this decision.

Question: Do you have any objective outside research or study on the long-term effects of durability of PDC claim, along with the factor of constant freezing and thawing of Illinois weather and its adverse effect on concrete?

Common sense that over time concrete crumbles into dust due to Illinois weather? Add this to pressure building on top, it will break down and release the toxic into the water for the next generation! These liners only been know to last 30 years, irregardless how many liners is use, they will degrade at the same rate. PDC will have made their fortune and moved on.

It would be wise to avoid putting this into the ground until you have more intensive research by an independent, objective study group that cannot be purchase by PDC money.

I beg of you to get the long term information before you make a decision there will be no turning back. Protect the future generation right to clean water and forgo the humanistic need for greed for the few at the cost of the many.

Sincerely,

A handwritten signature in cursive script that reads "Ila Minson".

Ila Minson
6459 Hopedale Rd.
Hopedale, Illinois 61747

Township Meeting

August 12, 2008

7:30 P.M.

taped
audio &
video

Minutes of last meeting

Township Business

Supervisor Report

Land Surveying Approval

Road Commissioner Report

Pay the bills

Other Business

Public Comment

Adjourn

* note: Hopedale Township
Passed Resolution between ADC &
Hopedale Township
Not on agenda.

filed: January 24, 2002

NO. 4-01-0327

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

BRUCE A. RICE,)	Appeal from
Plaintiff-Appellee,)	Circuit Court of
v.)	Adams County
)	No. 99MR2
THE BOARD OF TRUSTEES OF ADAMS)	
COUNTY, ILLINOIS, and THE COUNTY OF)	Honorable
ADAMS, ILLINOIS,)	Thomas L. Brownfield,
Defendants-Appellants.)	Judge Presiding.

PRESIDING JUSTICE McCULLOUGH delivered the opinion of the court:

On January 7, 1999, plaintiff, Bruce A. Rice, filed a complaint against defendants, the Board of Trustees of Adams County, Illinois (Board), and the County of Adams, Illinois (County), and an amended complaint on May 18, 1999, alleging a failure by the Board to comply with the Open Meetings Act (Act) (5 ILCS 120/1 through 6 (West 1998)). Plaintiff sought an order voiding a resolution adopted by the Board. The resolution provided for an alternative benefit program for elected county officers (ECO) pursuant to section 7-145.1 of the Illinois Pension Code (40 ILCS 5/7-145.1 (West 1998)). Plaintiff and defendants filed motions for summary judgment. On May 10, 2000, the trial court granted summary judgment in favor of plaintiff, declaring the actions of the Board in adopting the resolution null and void. On March 16, 2001, the trial court entered an order denying defendants' motion for reconsideration. Defendants appeal the grant of summary judgment for plaintiff. We affirm.

The entry of summary judgment is appropriate where there are no questions of fact and judgment can be entered as a matter of law. County of Knox ex rel. Masterson v. Highlands, L.L.C., 188 Ill. 2d 546, 550-51, 723 N.E.2d 256, 260 (1999), quoting 735 ILCS 5/2-1005(c) (West 1998). The interpretation of a statute is a matter of law for the court and properly decided by summary judgment. County of Knox, 188 Ill. 2d at 551, 723 N.E.2d at 260. Courts of review consider the entry of summary judgment de novo. County of Knox, 188 Ill. 2d at 551, 723 N.E.2d at 260.

It is the intent of the Act to protect the citizen's right to know. The Act requires an agenda for each regular meeting of a public body, the agenda to be posted at the principal office of the public body and at the location where the meeting is to be held and at least 48 hours in advance of the holding of the meeting. 5 ILCS 120/2.02(a) (West 1998). The portion of the Act at issue in the present case provides that "[t]he requirement of a regular meeting agenda shall not preclude the consideration of items not specifically set forth in the agenda." (Emphasis added.) 5 ILCS 120/2.02(a) (West 1998).

The agenda in the present case, dated November 10, 1998, provides for 34 items, 25 of which appear to be the reports of various individuals. Item No. 32 references "NEW BUSINESS." We find also in the record agendas dated September 8, 1998, and October 13, 1998. They are, in appearance, nearly identical to the agenda dated November 10, 1998.

The minutes of the meeting held November 10, 1998, provide that, under "NEW BUSINESS," a Mr. Heidbreder stated "there is another resolution to present." The resolution, providing for an alternative benefit program for ECO pursuant to section 7-145.1 of the Illinois Pension Code, was read aloud, and Mr. Heidbreder "moved to adopt." A discussion was had and sufficient affirmative votes carried the motion.

Defendants acknowledge that the alternative benefit program for ECO was not specifically set forth in the agenda. Defendants argue, however, that pursuant to section 2.02 of the Act, "the consideration of" an item not specifically set forth in the agenda references an opportunity for action by the public body. 5 ILCS 120/2.02(a) (West 1998). We disagree. In County of Knox, 188 Ill. 2d at 556, 723 N.E.2d at 263, the supreme court opined:

"The fundamental rule of statutory interpretation is to give effect to the intention of the legislature. A court first looks to the words of the statute. The language of the statute is the best indication of the legislative intent. When the statutory language is clear, it must be given effect without resort to other tools of interpretation. In interpreting a statute, it is never proper for a court to depart from plain language by reading into a statute exceptions, limitations, or conditions which conflict with the clearly expressed legislative intent."

The Act, in setting forth the policy, provides:

"It is the public policy of this State that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business. In order that the people shall be informed, the General Assembly finds and declares that it is the intent of this Act to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly.

The General Assembly further declares it to be the public policy of this State that its citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way." 5 ILCS 120/1 (West 1998).

The Act references the "actions of public bodies" and, in a separate reference, "their deliberations," and also "business *** discussed" and, in a separate reference, business "acted upon." We find "the consideration of" items not specifically set forth in the agenda to be in the nature of deliberations and discussion and not actions taken.

We do not find the item "NEW BUSINESS" to provide sufficient advance notice to the people of a resolution providing for an alternative benefit program for ECO. We note also a reference in the minutes of the meeting held November 10, 1998, that "several years ago this was discussed," contrary to the Board's assertion of "new" business.

Defendants also argue that the ECO who chose to participate in the alternative benefit program are not bound by the judgment declaring the actions of the Board, in adopting the resolution, null and void because they were not made parties to the suit. On May 10, 2000, the trial court held that defendants' actions, "in adopting the resolution approving the ECO Plan, as taken on November 10, 1998, are herewith declared null and void." The "pension rights" referenced by defendants have no force, binding power, or validity.

For the reasons stated above, we affirm the trial court's judgment.

Affirmed.

KNECHT and STEIGMANN, JJ., concur.