

AISWCD Resolution 2016-1

AISWCD Insurance Package Policy

Whereas, Soil and Water Conservation Districts need access to affordable liability, worker's compensation and equipment insurance.

Whereas, the AISWCD holds a package insurance policy with R.W. Troxell which allows SWCDs access to affordable coverage.

Whereas, AISWCD does not currently have a policy regarding how to manage or handle the coverage for up to 97 SWCDs.

Whereas, AISWCD needs to establish a policy with guidelines on the Package Insurance Policy to help guide SWCD Directors and Employees on payment deadlines and requirements that need to be met in order to keep this affordable insurance for the SWCD.

Therefore, be it resolved that the Association of Illinois Soil and Water Conservation Districts (AISWCD) shall develop a policy to list guidelines and requirements in order for SWCDs to remain on the AISWCDs Package Insurance Policy with R.W. Troxell.

Approved By:

AISWCD Resolution 2016-2

SWCD Dedicated Funding Source

Whereas, Soil and Water Conservation Districts need a dedicated funding source to remain sustainable.

Whereas, the AISWCD Resolution 2008-1 Stable Funding states a need for SWCDs to have dedicated funds for Soil and Water Conservation Districts.

Whereas, AISWCD will seek legislation beginning in 2017 to identify a source of dedicated funding for Soil and Water Conservation Districts.

Therefore, be it resolved that the Association of Illinois Soil and Water Conservation Districts (AISWCD) shall pursue legislation to invest in Soil and Water Conservation Districts' conservation efforts and partner with natural resources and environmental organizations to protect and conserve the natural resources of Illinois with a one-tenth of one percent statewide sales tax.

Approved By:

#3

Resolution in support of the Bond County Soil and Water Conservation District

For the past 71 years the Bond County Soil and Water Conservation District (SWCD) has assisted Bond County with the conservation and wise use of our natural resources through education, policies, programs and actions.

Whereas, the Bond SWCD has worked together with Bond County government providing technical expertise in erosion control, wetland mapping and identification, drainage and stormwater issues, abandoned well sealings, recycling programs, environmental stewardship efforts, and water conservation & drought education programs, and;

Whereas, the Bond County SWCD also provides important services to the county by maintaining permanent conservation easements for the Conservation Reserve Enhancement Program, property that has been bequeathed to them and other covenants and titles to lands that are to remain in a protected state in perpetuity, and;

Whereas, the Bond SWCD provides soil sampling services, equipment rental programs, fish and tree sales, nutrient application recommendations, and community & school education programs, and;

Whereas, the County of Bond recognizes the importance and value that the Bond County SWCD provides through its services, expertise and dedicated Board and Staff, and;

Whereas, Illinois' Soil and Water Conservation districts are local units of government authorized by Illinois State Statue, and;

Whereas, each of the 97 Soil and Water Conservation Districts was duly created by local referendum, and;

Whereas, Soil and Water Conservation Districts were not given taxing authority but were intended to be funded by appropriations made by the Illinois General Assembly through the Partners for Conservation Program as provided to Soil and Water Conservation Districts through the Illinois Department of Agriculture, and;

Whereas, The County of Bond recognizes that the lack of fiscal year 2016 operational funding within the State budget and pending loss of employee health insurance is a significant threat to the future of the Illinois SWCD's, and;

Therefore, be it resolved that the County of Bond requests the State of Illinois to include the Illinois Soil and Water Conservation Districts in the fiscal year 2016 State budget.

Adopted by the _____ this _____ day of _____ in the year 2015.

#4

2016

Resolution to Include Transparency Within AISWCD Policies

Whereas Illinois Soil and Water Conservation Districts are public bodies and operate with transparency in complying with the Open Meetings Act and the Freedom of Information Act.

Whereas The Illinois Association of Soil and Water Conservation Districts is an organization in existence to operate and function on behalf of the interests of Illinois SWCDs.

Whereas SWCDs have an expectation that the AISWCD operate in a similar atmosphere of transparency to each of the 97 Districts.

Therefore Be it resolved that, in the spirit of partnership, the AISWCD will structure its business conduct in the same fashion as that required by the districts.

Approved Council 16
Approved Council 8
Approved Council 4

May 26, 2016
May 27, 2016
May 31, 2016

#5

2016

Resolution to Update AISWCD Dues Formula to Exclude Employee Health Insurance

Whereas the Bureau of Land and Water Resources has, in the past, directly paid health insurance, basic life insurance, Worker's Compensation insurance, and long-term disability insurance premium allocations prior to disbursement of state appropriated funds to districts for operations and cost-share programs; and

Whereas the Bureau of Land and Water Resources has, in the past, sent these insurance allocations directly to the appropriate plan administrator; and

Whereas, in the past, due to this aforementioned arrangement, SWCD dues paid to the AISWCD have never included any insurance premium allocations in the dues calculation; and

Whereas the Bureau of Land and Water Resources has informed SWCDs and the plan administrators that it can no longer pay the aforementioned insurance premium allocations in this manner, but instead will now need to send the aforementioned insurance funds for SWCDs directly to SWCDs in the form of operations monies; and

Whereas the Bureau of Land and Water Resources has reassured SWCDs that any money received for operations can be used for any of the aforementioned insurance premiums; and

Whereas AISWCD's current Resolutions, Policy and Procedures Manual states under the Finances section that SWCD "Dues will be based on 3% of the SWCD operational funds received from [from] the Department of Agriculture but will not include funds used for health insurance"; and

Whereas AISWCD's current Resolutions, Policy and Procedures Manual states under the Membership section that SWCD "Dues are to be 3% of the Operations line contained in the State of Illinois Budget as approved by the General Assembly and signed by the Governor. Partners for Conservation Cost share funds may also be considered when calculating the 3% dues when those funds are designated as operational funds by the Department of Agriculture; and

Whereas for the first time, all of the aforementioned insurance premiums will be included in the operations grant agreements between the BLWR and SWCDs and, therefore, under current AISWCD ~~rules~~ Policies and Procedures some of the aforementioned insurance premium allocations would have AISWCD dues assessed on them;

Therefore, be it resolved that the AISWCD should omit any operations funds being used by SWCD boards to pay or to assist employees in paying any and all of the aforementioned insurance premiums from the dues calculation and the AISWCD will make the following Policy and Procedure Manual change, and any other necessary rule changes to reflect changes in dues calculations from the passing of this Resolution:

AISWCD Resolutions, Policy & Procedures Manual, Page 41, Finances, paragraph 2, shall now read:

#6

2016

Resolution to Eliminate the Dues Requirement for Participation With Contribution Sub-Agreements

Whereas Illinois' 97 Soil and Water Conservation Districts (SWCDs) have participated with the USDA/Natural Resources Conservation Service CRP Contribution Agreements and have successfully carried out those agreements

Whereas SWCD participation in the Association of Illinois Soil and Water Conservation Districts (AISWCD) Contribution Sub-Agreements has been just as successful

Whereas many SWCDs have participated to the fullest extent of their capability to use Contribution Agreement and/or Sub-Agreement funds to replace reduced levels of state operations dollars since 2008

Whereas many SWCDs are able to only write Contribution Sub-Agreements for amounts which are insufficient to pay both AISWCD dues as well as operational expenses

Whereas AISWCD is being fully compensated for their administration of Sub-Agreements by USDA/NRCS

Therefore, be it resolved that the AISWCD shall eliminate the dues requirement of SWCDs in order to participate with NRCS Contribution Sub-Agreements as it presents a financial hardship on those districts who would have minimal gain from said agreements.

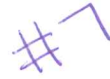
Approved by:

Montgomery County SWCD	04/11/2016
Christian County SWCD	04/28/2016
Greene County SWCD	04/28/2016
Macoupin County SWCD	05/04/2016
Clinton County SWCD	05/10/2016
Bond County SWCD	05/11/2016
Hancock County SWCD	05/11/2016
Effingham County SWCD	05/17/2016
Land Use Council 16	05/26/2016

Land Use Council 8—approved with changes to wording to address the need to change Article 1, Section 5A of the by-laws to read “Districts do not need to be in good standing to participate in any agreement where the AISWCD receives funds to administer said agreement”. 05/27/2016

Land Use Council 4 05/31/2016

Resolution



No Confidence in the current AISWCD President and Executive Director

Whereas the Association of Illinois Soil and Water Conservation Districts (Association) is a trade organization that was formed in 1948 “to represent and empower Illinois’ Soil and Water Conservation Districts.” The Association itself is not a unit of government or even a unit of local government or political subdivision of the state as its member Soil and Water Conservation Districts (Districts) are as classified by the Illinois constitution and relevant statutes. The Association is neither a part of the formal organizational structure of any individual District nor a part of the formal organizational structure of any State of Illinois agency; and

Whereas the Association has no control over any individual member District or combination of Districts and has no authority to act on behalf of or bind any individual District. Further, the Association’s officers, board of directors and membership are not appointed by any State of Illinois agency or official, including but not limited to the Illinois Department of Agriculture (Department); and

Whereas the body of the Association of Illinois Soil and Water Conservation District Directors expect that the Association President and Executive Director would as stated in the Association Policies and Procedures:

- strengthen the basic American principle that the function of government is to serve and not to dominate or control;
- seek effective support for Soil and Water Conservation Districts wherever it may be found;
- supply reliable information concerning the purposes and activities of the Districts;
- encourage and assist Districts;
- expressly reject any and all partisan political affiliations;
- honor the principles of shared governance which require authentic opportunities for both the Association and the 97 Soil & Water Conservation Districts and their employees; and

Whereas the body of the Association expect the President and Executive Director;

- to be persons of great integrity;
- to treat (District board members, District staff and cooperating agencies) with respect and dignity;

District directors and their employees to communicate about, or to take part in, the decision making process; and

- Whereas it is widely known that many Districts and their employees have a lack of trust in the current Association President and Executive Director's leadership due to the repeated misinformation to its members and their partners. On numerous occasions' District directors and their employees have found themselves having to respond to Legislators, their partners and the community, in an attempt to explain the reasoning behind decisions being made by the current Association President and Executive Director. Case in point: a number of Legislators have questioned why a sitting Association President and Executive Director would devise a funding plan that was haphazardly put together by a committee restrictively organized by the President and drafted by the Executive Director, and that will reduce district funding by 33% of what was proposed in the Illinois Department of Agriculture's FY 17 Budget, and that also proposes 25% of the funding be withheld as a performance based initiative. The result of the plan proposed by the Association will diminish Districts ability to do the work mandated them within the Illinois Soil and Water Conservation District Act, directly causing reduced staffing levels and the inability to work with neighboring counties for technical or administrative support; and
- Whereas the State of Illinois' fiscal crisis has resulted in unforeseen circumstances for Illinois' 97 Soil and Water Conservation Districts, the inability to seek effective support for funding by the Association has added additional challenges for the State's 97 Soil and Water Conservation Districts. The current Association President and Executive Director have repeatedly shown that they do not have the best interest of the Districts in mind by agreeing with a new Governor that Districts are bloated and ineffective. The first priority when meeting with a newly elected Governor or his staff should have been to educate the Governor and staff as to who Soil and Water Conservation Districts are and what they do for the State of Illinois. By insisting on presenting funding scenarios that reduce employee hours, salaries, benefits, and in some scenarios eliminate staff position all together, the current Association President and Executive Director have shown they have very little understanding of the day to day functions of the Districts. Said actions of the current Association President and Executive Director have also shown how little they respect District employees by not recognizing the hardships Districts and their employees have already endured over the past several years and by not recognizing how the decision-making process of the current Association President and Executive Director have affected people's lives, not just District functions; and
- Whereas it is the duty of the Association to supply reliable information concerning the purposes and activities of the districts, the current Association

Department had been working on a funding plan for distribution of state funding to individual soil and water conservation districts. The Department had asked the Association to inquire with its members whether they would be supportive of the proposed funding plan. Accordingly, the Association sought opinions of its members. Regardless of the outcome or feedback from that survey, the Association has no authority to bind the individual districts as members, the individual districts have no authority to bind or compel the Department. In other words, the survey of the Association's membership was nothing more than informational. This was not the action of a public body, but that of an interest group providing feedback from its membership to a state agency that was poised to take action that could directly affect its members' interests." If that was, in fact, the case, as written by the AISWCD's Lawyer, then the current Association President should not have dictated who served on the task force to write the funding plan, should not have demanded the outcome of the contents of the written funding plan, and should not have hand delivered said funding plan to the Governor nor the Governor's Office of Management and Budget representing it as the one and only funding plan developed by the 97 Soil and Water Conservation Districts.

Therefore be it resolved that it is in the best interest of the 97 Soil and Water Conservation Districts and the Association of Illinois Soil and Water Conservation Districts that the current sitting President and Executive Director either resign from their positions or be removed from their positions by a vote of no confidence by the Association of Illinois Soil and Water Conservation Districts membership as a whole.

Approved by Greene County Soil and Water Conservation District: March 28, 2016

Approved by Christian County Soil and Water Conservation District: April 28, 2016

Approved by McHenry-Lake Counties Soil and Water Conservation District: May 3, 2016

Approved by Macoupin County Soil and Water Conservation District: May 4, 2016

Approved by Clinton County Soil and Water Conservation District: May 10, 2016

Approved by Madison County Soil and Water Conservation District: May 10, 2016

Approved by Montgomery County Soil and Water Conservation District: May 11, 2016

Approved by Hancock County Soil and Water Conservation District: May 11, 2016

Approved by Will-South Cook Soil and Water Conservation District: May 11, 2016

Approved by Winnebago County Soil and Water Conservation District: May 24, 2016

Approved by LUC 16: May 26, 2016

Approved by LUC 8: May 27, 2016

Proposed AISWCD By-laws amendment 2016-1

The following By-laws amendment is to address the issue of no dues received in 2016 by District Members and to clarify the position of the Affiliate Members.

ARTICLE #1 Section #6: Dues

B. Dues Deadline Variance

Proposed Amendment

Add letter C. and move text to letter C.

C. Dues Deadline Variance

Proposed Amendment

Add new language to letter B. New language addresses the membership or dues cost per SWCD.

B. Dues Structure: Soil and Water Conservation Districts shall pay \$750 each year in order to be considered a member in good standing. The dues structure shall be revisited each year during Annual Meeting and voted on to either increase or decrease the amount paid by each Soil and Water Conservation District for the next calendar year.

Note: This By-Law Amendment, if approved by voting delegates, will be effective January 1, 2017.

ARTICLE#1 Section #5 Membership

B. Affiliate Members: Affiliate Members of the Association shall consist of any individual, company, corporation or agency interested in supporting, financially or through active participation, the conservation, improvement, management, and multiple use of the natural resources of the State of Illinois

Proposed amendment

Affiliate Members: Affiliate Members of the Association shall consist of any individual, company, corporation or agency interested in supporting, financially or through active participation, the conservation, improvement, management, and multiple use of the natural resources of the State of Illinois. Affiliate Members shall not: vote in Association matters or hold an Association Director position.

who are not elected

Approved by:

Illinois Soil & Water Conservation District Employee Association

AC Co-Chair – Spring Duffey

AC Co-Vice Chair – Terina Coffey

Secretary – Tara Hopkins

RC Co-Chair – Thad Eshleman

RC Co-Vice Chair – Stephen Miller

Treasurer – Vicki Heath

June 2016



REGION 1 REPRESENTATIVES

Lorna Chezem
Brenda Merriman
Shannon Pence
Mindy Pratt

REGION 2 REPRESENTATIVES

Sondra Baker
Spring Duffey
Thad Eshleman
Vicki Heath

REGION 3 REPRESENTATIVES

Betty Buckert
Jami Kelly
Kris Reynolds
Vacant

REGION 4 REPRESENTATIVES

Terina Coffey
Kristie Cooley
Tara Hopkins
Stephen Miller

REGION 5 REPRESENTATIVES

Jodi Hawkins
Keith Livesay
Phyllis Mace
Vacant

AISWCD Quarterly Board Highlights:

- State Budget: We remain concerned with the funding crisis Districts are facing and the impact on employees. We continue to lose tenured employees and those remaining are continually having to adapt to increased workloads and often times reduced hours in which to get their work completed. Employee moral seems to be at an all-time low.
- Summer Conference: Due to employee input and expense issues, we have cancelled our Monday 3:45-5:00 pm Employee Forum Session. Instead we will focus on our Tuesday 9-11:15 am session. We plan to have a variety of topics including current NREC NLRs Grant Proposal Update, Cover Crops and Soil Health Position of RC Kris Reynolds (Montgomery), Current District Water Nitrate Testing Programs, Nutrient Loss Activities, Pollinator Programs, Records Retention (if a district has to close), CREP District Leases and other current district programs.
- Fundraisers: We will be again holding two fundraisers during summer conference, our 50/50 Raffle and Gun Raffle. This years Gun Raffle Package includes a Mossberg 500 Turkey Thug Shotgun, Avian Hen Decoy, Flextone Calls, HS Strut Deluxe Seat, 2 Boxes of Winchester Shells and Turkey Targets. Tickets for the 50/50 are \$1 each or \$5 for 6. Tickets for the Gun Raffle are \$10. You need not be present to win.
- Proposed Policy and By-Law Changes: At our last meeting we reviewed our current policies and By-Laws and a proposed By-Law Change was brought forward. The proposed change is regarding the perceived conflicts pertaining to an AISWCD President and Co-Chair of the ISWCDEA being from the same county. Proposed language is currently being drafted but reads along the lines of "If an ISWCDEA Co-Chair's Director becomes AISWCD President or Vice-President, said ISWCDEA Co-Chair shall resign position but shall remain on as an ISWCDEA voting board representative" or "ISWCDEA Co-Chairs cannot be from the same District as the AISWCD President for Vice-President". This By-Law change would be voted on at our 2016 Winter Training Annual Meeting.
- ISWCDEA Scholarship (\$500): Scholarship applications are due June 30, 2016 to Joe Bybee, IDOA. Those eligible to apply must be an employee of a SWCD within the state of Illinois who is an active member in good standing of the Illinois Soil and Water Conservation District Employees Association, an employee member's spouse or an employee member's legal dependents. The primary intent of this scholarship is to assist with professional development of current employees and/or family members for assistance with tuition, registration, books, etc. for courses in the next fall semester.
- SB2758 Illinois Secure Choice Savings Program Act: We are currently researching the details of this act and how it might affect Districts. Basically the act establishes a retirement savings program in the form of an automatic enrollment payroll deduction IRA with the intent of promoting greater retirement savings for private-sector employees in a convenient, low-cost and portable manner.
- Prevailing Wage Act: We are recommending at this time that all district comply with the Act in the event our funding is restored.

Sincerely,

Spring Duffey & Thad Eshleman
ISWCDEA Co-Chairs

ISWCDEA'S GUN RAFFLE Package



Raffle Package Includes:

- *Mossberg 500 Turkey Thug Shotgun — 12 Gauge
- *Avian Hen Decoy *Flexitone Calls *HS Strut Deluxe Seat
- *Winchester Shells *Turkey Targets

Eligibility Requirements: Only Illinois Residents and Residents of Contiguous States to Illinois are eligible to win. Illinois residents must possess a valid F.O.I.D. card at the time of the drawing, and are subject to any and all background checks. All other residents of Contiguous States must possess a valid drivers license or state issued ID, and are subject to all necessary background checks. Winner must contact Gander Mountain, 2371 Chuckwagon Dr., Springfield, IL 62629, (217) 726-8219 to arrange for transfer to winner's nearest Gander Mountain store.

- Drawing will be held on 7/26/2016. Need not be present to win.
- Must be at least 18 years of age to win.
- The Illinois Soil & Water Conservation Districts Employees Association (ISWCDEA) is not responsible for any illegal, reckless, or improper use of this weapon.

**Tickets
\$10 each**

4:11 PM
06/02/16
Cash Basis

Association of IL Soil and Water Conservation Districts
Balance Sheet
As of June 2, 2016

	Jun 2, 16
ASSETS	
Current Assets	
Checking/Savings	
1 · GENERAL FUND- BOS Cash	50,530.01
2 · ENVIROTHON - BOS Cash	4,292.90
3 · GRANTS - BOS Cash	77,625.14
4 · BUILDING - WSB Cash	6,601.34
Total Checking/Savings	139,049.39
Total Current Assets	139,049.39
Fixed Assets	
1401 · FIXED ASSETS	
1550 · ACCUMULATED DEPRECIATION	-122,239.63
1500 · FURNITURE, FIXTURES & EQUIP	41,928.05
1450 · BUILDING	273,416.19
1475 · Vehicles	19,371.86
Total 1401 · FIXED ASSETS	212,476.47
Total Fixed Assets	212,476.47
TOTAL ASSETS	351,525.86
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
2100 · Payroll Liabilities	
2105 · FWT, FICA, Medicare Payable	23,057.00
2115 · FUTA PAYABLE	433.78
2120 · SUTA PAYABLE	40.58
Total 2100 · Payroll Liabilities	23,531.36
Total Other Current Liabilities	23,531.36
Total Current Liabilities	23,531.36
Long Term Liabilities	
Lease - Copier	4,465.00
2550 · N/P-National Bank of Petersburg	12,254.82
Total Long Term Liabilities	16,719.82
Total Liabilities	40,251.18
Equity	
3200 · RETAINED EARNINGS - PRIOR	142,907.23
3900 · Retained Earnings	123,984.12
Net Income	44,383.33
Total Equity	311,274.68
TOTAL LIABILITIES & EQUITY	351,525.86

4:10 PM
06/02/16
Cash Basis

Association of IL Soil and Water Conservation Districts
Profit & Loss
January 1 through June 2, 2016

	<u>Jan 1 - Jun 2, 16</u>
Ordinary Income/Expense	
Income	
GRANT ADMINISTRATIVE REVENUE	100,038.60
GRANT ACCOUNT INVOICES	751,109.97
BUILDING ACCOUNT INCOME	687.22
Pass Through Income	42,518.64
ANNUAL MEETING REVENUE	6,839.53
ENVIROTHON ACCOUNT INCOME	10,830.25
Checking Account Interest	125.35
Total Income	<u>912,149.56</u>
Expense	
Building Fund Monthly Transfer	600.00
WORKSHOPS/TRAINING/CONFERENC...	1,500.00
PASS THROUGH FUNDS	44,192.67
PAYROLL	41,868.13
AISWCD EMPLOYEE INSURANCE	5,584.55
5300 - CONTRACTUAL SERVICES	10,000.00
PROFESSIONAL SERVICES	1,530.00
TRAVEL	495.37
QUARTERLY BOARD MEETINGS	1,843.69
LEGISLATIVE	1,844.95
OFFICER EXPENSES	1,047.41
ENVIROTHON ACCOUNT EXPENSE	8,782.40
OFFICE EXPENSES	5,085.78
BUILDING ACCOUNT EXPENSES	743.19
MEMBERSHIP	800.00
GRANT EXPENSES	737,144.85
VEHICLE	2,102.97
NACD EXPENSES	1,424.98
OTHER	1,175.29
Total Expense	<u>867,766.23</u>
Net Ordinary Income	<u>44,383.33</u>
Net Income	<u><u>44,383.33</u></u>

Association of IL Soil and Water Conservation Districts Profit & Loss Budget vs. Actual January 1 through June 2, 2016

Ordinary Income/Expense	Jan 1 - Jun 2, 16	Budget	\$ Over Budget	% of Budget
Income				
GRANT ADMINISTRATIVE REVENUE	100,038.60	192,166.67	-92,128.07	52.1%
GRANT ACCOUNT INVOICES	751,109.97	2,855,709.99	-2,104,600.02	26.3%
BUILDING ACCOUNT INCOME	687.22	2,400.00	-1,712.78	28.6%
Pass Through Income	42,518.64	84,600.00	-42,081.36	50.3%
MEMBERSHIP DUES (SWCD)	0.00	0.00	0.00	0.0%
ANNUAL MEETING REVENUE	6,839.53	14,000.00	-7,160.47	48.9%
ENVIROTHON ACCOUNT INCOME	10,830.25	19,810.00	-8,979.75	54.7%
Miscellaneous REVENUE	0.00	0.00	0.00	0.0%
Checking Account Interest	125.35	250.00	-124.65	50.1%
Total Income	912,149.56	3,168,936.66	-2,256,787.10	28.8%
Expense				
Building Fund Monthly Transfer	600.00	1,200.00	-600.00	50.0%
SWCD Invoices From AISWCD	0.00	0.00	0.00	0.0%
WORKSHOPS/TRAINING/CONFERENCE...	1,500.00	2,540.00	-1,040.00	59.1%
PASS THROUGH FUNDS	44,192.67	84,600.00	-40,407.33	52.2%
PAYROLL	41,868.13	108,000.00	-66,131.87	38.8%
AISWCD EMPLOYEE INSURANCE	5,584.55	12,900.00	-7,315.45	43.3%
5300 - CONTRACTUAL SERVICES	10,000.00	24,000.00	-14,000.00	41.7%
PROFESSIONAL SERVICES	1,530.00	6,600.00	-5,070.00	23.2%
TRAVEL	495.37	2,000.00	-1,504.63	24.8%
ANNUAL MEETING	0.00	7,000.00	-7,000.00	0.0%
QUARTERLY BOARD MEETINGS	1,843.69	4,000.00	-2,156.31	46.1%
LEGISLATIVE	1,844.95	1,500.00	344.95	123.0%
OFFICER EXPENSES	1,047.41	6,750.00	-5,702.59	15.5%
ENVIROTHON ACCOUNT EXPENSE	8,782.40	19,810.00	-11,027.60	44.3%
OFFICE EXPENSES	5,085.78	10,300.00	-5,214.22	49.4%
BUILDING ACCOUNT EXPENSES	743.19	1,000.00	-256.81	74.3%
MEMBERSHIP	800.00	1,040.00	-240.00	76.9%
GRANT EXPENSES	737,144.85	2,855,709.99	-2,118,565.14	25.8%
VEHICLE	2,102.97	5,675.64	-3,572.67	37.1%
NACD EXPENSES	1,424.98	2,500.00	-1,075.02	57.0%
OTHER	1,175.29	1,695.00	-519.71	69.3%
Total Expense	867,766.23	3,158,820.63	-2,291,054.40	27.5%
Net Ordinary Income	44,383.33	10,116.03	34,267.30	438.7%
Net Income	44,383.33	10,116.03	34,267.30	438.7%

4:18 PM
06/02/16
Accrual Basis

Association of IL Soil and Water Cons. Dist. Foundation
Balance Sheet
As of June 2, 2016

	<u>Jun 2, 16</u>
ASSETS	
Current Assets	
Checking/Savings	
1020 · CHECKING-BOS FOUNDATION	0.99
1021 · BOS Affiliate Membership	31,077.61
1022 · CASH-BANK OF SPFLD SAVINGS	2,068.69
1026 · FOUND. ENDOWMENT BOS-Building	3,857.09
Total Checking/Savings	<u>37,004.38</u>
Total Current Assets	<u>37,004.38</u>
TOTAL ASSETS	<u><u>37,004.38</u></u>
LIABILITIES & EQUITY	
Equity	
3210 · TEMP RESTRICTED NET ASSETS	4,925.19
3220 · NET ASSETS RESTRICTED	25,545.74
3900 · Retained Earnings	6,543.43
Net Income	-9.98
Total Equity	<u>37,004.38</u>
TOTAL LIABILITIES & EQUITY	<u><u>37,004.38</u></u>

4:18 PM

06/02/16

Accrual Basis

Association of IL Soil and Water Cons. Dist. Foundation
Profit & Loss
January 1 through June 2, 2016

	<u>Jan 1 - Jun 2, 16</u>
Income	0.00
Expense	
6600 · Foundation Affiliate Membership	
6605 · Bank Service Charge	<u>9.98</u>
Total 6600 · Foundation Affiliate Membership	<u>9.98</u>
Total Expense	<u>9.98</u>
Net Income	<u><u>-9.98</u></u>

Survey Monkey Results: Legislative Day 2016

Question 1 : If you joined the group for the Poe's Catering portion of lunch, how did you feel about it?

Answer	Percent of Answers	Total Answered
I thought Poe's Catering was a good lunch choice	26.32%	5
I would like a different option for next year.	26.32%	5
I did lunch on my own.	47.37%	9

Comments:

- It's nice to be able to eat together, but to keep costs down, we ate elsewhere.
- It was fairly expensive. That's why I decided to do lunch on my own.
- Food was good but \$13.50 was a little pricey. I enjoyed the sandwiches from 2015.
- As a vegetarian, having one lunch option through the catering company forced me to have to go get my own lunch. A veggie option would be much appreciated in the future! Thanks!
- Mexican was really good
- I missed having dessert!! Otherwise...very handy to have food here and not worry about finding parking/lunch elsewhere. Gave more time for prepping meeting with legislators.
- Its a waste of time. I wish we would meet early and then go to the capital.
- We need to encourage networking. For example suggestions of groups to meet and review their strategy in approaching legislatures or locating offices
- Good
- Overpriced

Question 2 : Concerning the information presented at the EPA

Answer	Percent of Answers	Total Answered
The information was easily understood and I felt prepared for the day.	45.00%	9
The information could have been presented better.	30.00%	6
There needed to be more information.	30.00%	6

Comments:

- I would have like to see more copies of the information to give to other legislators besides the ones on our list. We should be passing out information to every legislator. We need to emphasis more on how many dollars we can bring into the economy not all legislators have an understanding about saving soil. Does Meijer get a kick back for SWCD's walking around with their bags??
- It would have been nice to announce that Myron and Kelly would be offsite at the beginning. I think someone asked about their whereabouts later, and the question was answered, but people were wondering where they were. Maybe it was announced before we arrived.
- Gina did a good job. However I feel that the Pres, ED, and especially Mr. Hoffman, our lobbyist, should have absolutely been there. A conflicting meeting should not have been scheduled for that time.
- The information presented was a little redundant, as many individuals are not first time Legislative Day attendees... Also more moderation of the discussion is needed, as there were many times where the group began to veer off topic.
- Our lobbyist should have been present. It could have been stated that Myron and Kelly had a meeting with the Governor's office instead of saying they were just at a meeting.
- We are the Association of Illinois Soil and Water Conservation Districts. You would think that on officer of AISWCD would know this.....
- I wish we could have heard more like Steve Stierwalt talked about....talking points/big themes. Also, hearing from our lobbyist would have been great!
- Where was Mike Hoffman? We pay how much for the guy and never see him.
- The groups should have an opportunity to look at their packets/ gifts before the review.
- Probably the packets should have been handed out then went through as not all of us printed the whole packet and brought it along so we were somewhat lost.
- Van and Gina were excellent

Question 3 : How many legislators were you able to meet with at the Capitol and the Stratton Building?

Answer	Percent of Answers	Total Answered
0	30.00%	6
1	15.00%	3
2	25.00%	5
3	25.00%	5
4 or more	5.00%	1

Comments:

- The Reps were in session and we had to call them off the floor. 2 of the 3 came out and spoke to us but the Rep that was not from our area did not. Same with the Senators the one from our area met with us the one not would not meet with us. Our group was waiting to meet with the Senator on our list and another group came in. He was not on their list to meet with. What's the point of the list if some individuals do not follow it? Two groups meeting with the same Senator seems like a waste. They could have choose to meet with legislators not on their list if they had free time.
- We talked with the office assistants and left packets. I don't mind calling our local legislator's off the floor, but I don't feel right calling one off the floor who does not know us, as we are not one of their constituents.
- I think we need to be at the Capitol either earlier or later in the day, when the legislators aren't in session. We arrived about the time they went into session, so we weren't able to speak to anyone until the end of the day. What about scheduling visits with legislators that the AISWCD specifically wants to talk to, that would guarantee at least a few minutes of their time.
- I believe I suggested this last year: It would be extremely helpful if someone could get the House and Senate calendars for the day we are there so that we know whether or not they are in session. Because as we saw, NONE of them were in their offices because they were either on the House/Senate floor or in
- It is inevitable that materials have to be left with many of the legislators staffers and secretaries, therefore I believe we need to customize them more and reference their constituents. A one page print out referencing activities in that legislators county specifically might motivate them to actually read our materials.
- Our own legislators were in favor of us, but down on the other party, blaming them, typical politicians. The other one we saw had just been visited by his own constituents and basically brushed us off, saying he was in favor of SWCDs , but acted like he didn't have time for us.
- we need information to disburse to all legislative offices, not just those on the ag or appropriations committees
- Seems the Legislators are either in session or attending a committee mtg. Difficult catch them in their
- Very poorly timed with everyone in session. all we saw was the secretary and secretaries don't vote on our budget. If we are to spend the kind of time, money and effort to attend legislative day then appointments need to be made to insure some face time with our elected officials. This includes making an appointment to see the Governor and Speaker which I do know you can do but no one made the effort.
- We should go in the mornings...

Question 4 : What did you like about the reception?

Answer	Percent of Answers	Total Answered
Location	68.75%	11
Time	62.50%	10
Food/Drink	87.50%	14
Conversation	62.50%	10

Question 5 : What did you DISLIKE about the reception?

Location	25.00%	1
Time	50.00%	2
Food/Drink	0.00%	0
Conversation	25.00%	1

Comments on Reception:

- I realize the reception is held later so that legislators are able to attend, but it is a long day for those of us who have to drive home afterwards. As employees, we are not supposed to receive pay for the day, but the time spent away from home was way over my normal work day and cut into my family obligations.
- Great reception. Good food, good drink, nice turnout.
- The reception was well done wouldn't change a thing!
- We didn't stay very long. Needed to get back home for another event.
- It is a close location but a little tight in there.
- I believe the legislative breakfast of days gone by should be restarted. all legislators hear the same message
- Since we did not get to have face time with our legislator it was difficult to know if they were even at the reception, I didn't know who they were and as a result I didn't know who to approach. I think the reception is a bad idea all together, a bar is not the appropriate place to speak to our elected officials.
- To small not enough table and chairs for all that were there.
- Good reception.
- 3Only legislators that come are those that support us but is nice of us to have this to show our appreciation to them for their support. Also nice to be able to visit in a more relaxed setting with them.

**SWCD of Illinois Insurance
Plan Administrator's
Report to AISWCD
May, 2016**

COBRA –One employee is enrolled in COBRA. No COBRA notices were mailed out.

Administration – Administration included:

1. The June billing shows a total of 87 enrolled members, with 64 on Managed Care, 8 on Quality Care, and 17 having waived coverage.
2. Prepared monthly reports and shared with AISWCD, IDoA, ISWCDEA and the insurance committee
3. Collected May invoices and payments.
4. Paid all May bills
5. Sent out open enrollment period information and new rate information
6. Contacted several districts about missing payments health
7. Terminated coverage on two SWCD employees and all of the AISWCD CREP Specialists
8. Began collecting data on number of districts in financial crisis to determine how long they will continue to function without state dollars

Financials – Income for May was \$45,933.54 with expenses totaling \$65,718.82, resulting in a net income of \$-19,785.28. The balance in the account at the end of May is \$2,799.98. The balance in the Illinois Funds Investment Account is \$5,085.71.

Billings for June are as follows:

CMS (estimated):	\$ 61,290.00
The Standard:	\$ 3,944.80
The Standard (vision):	\$ 171.16

Sincerely,
Melissa Cauble
Montgomery County SWCD

10:41 AM
06/01/16
Accrual Basis

SWCD OF ILLINOIS INSURANCE
Balance Sheet Prev Year Comparison
As of June 1, 2016

	<u>Jun 1, 16</u>	<u>Jun 1, 15</u>	<u>\$ Change</u>	<u>% Change</u>
ASSETS				
Current Assets				
Checking/Savings				
AISWCD - Illinois Funds	5,085.71	492,939.88	-487,854.17	-98.97%
SWCD of Illinois Insurance Check	2,589.46	0.00	2,589.46	100.0%
Total Checking/Savings	7,675.17	492,939.88	-485,264.71	-98.44%
Accounts Receivable				
Accounts Receivable	2,475.42	-891.04	3,366.46	377.81%
Total Accounts Receivable	2,475.42	-891.04	3,366.46	377.81%
Other Current Assets				
Undeposited Funds	0.00	834.00	-834.00	-100.0%
Total Other Current Assets	0.00	834.00	-834.00	-100.0%
Total Current Assets	10,150.59	492,882.84	-482,732.25	-97.94%
TOTAL ASSETS	<u>10,150.59</u>	<u>492,882.84</u>	<u>-482,732.25</u>	<u>-97.94%</u>
LIABILITIES & EQUITY				
Equity				
Retained Earnings	369,781.03	402,505.32	-32,724.29	-8.13%
Net Income	-359,630.44	90,377.52	-450,007.96	-497.92%
Total Equity	10,150.59	492,882.84	-482,732.25	-97.94%
TOTAL LIABILITIES & EQUITY	<u>10,150.59</u>	<u>492,882.84</u>	<u>-482,732.25</u>	<u>-97.94%</u>

10:46 AM
06/01/16
Accrual Basis

SWCD OF ILLINOIS INSURANCE Profit & Loss Budget Performance May 2016

Ordinary Income/Expense	May 16	Budget	Jul '15 - May 16	YTD Budget	Annual Budget
Income					
AISWCD Life-LTD Premiums	0.00	91.67	834.66	1,008.37	1,100.04
Basic Life Self Pay	30.23		3,514.42		
COBRA Paid Premiums	0.00	0.00	5,004.00	0.00	0.00
Employee Paid Own Premiums	45,497.00	24,166.67	683,870.64	265,833.37	290,000.04
Family Vision Coverage	39.00	40.00	1,704.72	440.00	480.00
Interest	0.00	4.17	54.42	45.87	50.04
LTD/Self pay	55.89		5,555.98		
Miscellaneous Income	0.00	33.33	0.00	366.63	399.96
State Allocation	0.00	115,216.24	0.00	1,267,378.64	1,382,594.88
STD Insurance	309.05	2,458.33	24,386.01	27,041.63	29,499.96
Voluntary Life Insurance	2.37	875.00	9,841.55	9,625.00	10,500.00
Total Income	45,933.54	142,886.41	734,766.40	1,571,739.51	1,714,624.92
Expense					
Administrator Expenses	0.00	1,108.63	12,173.07	12,194.93	13,303.56
AISWCD Life/LTD Expense	0.00	91.67	0.00	1,008.37	1,100.04
Family Vision Care Expense	171.16		1,663.96		
Fiduciary Liability Expense	0.00	797.04	0.00	8,767.44	9,564.48
LTD Premiums	690.19	33.33	7,362.44	366.63	399.96
Miscellaneous	270.24	0.00	2,576.35	0.00	0.00
Monthly Employee Paid Premiums	0.00	24,166.67	0.00	265,833.37	290,000.04
Monthly Premium Health	61,290.00	112,590.00	1,028,720.00	1,238,490.00	1,351,080.00
Monthly Premium Life	462.90	554.32	6,415.71	6,097.52	6,651.84
Monthly Premium Voluntary Life	728.44	875.00	8,950.12	9,625.00	10,500.00
Postage	0.00		0.00	0.00	0.00
Reconciliation Discrepancies	0.00	0.00	64.03	0.00	0.00

10:46 AM
06/01/16
Accrual Basis

SWCD OF ILLINOIS INSURANCE Profit & Loss Budget Performance May 2016

	May 16	Budget	Jul '15 - May 16	YTD Budget	Annual Budget
STD Insurance Premiums	2,105.89	2,458.33	24,406.91	27,041.63	29,499.96
Uncategorized Expenses	0.00		64.25		
Wrk Comp - Liability Insurance	0.00	0.00	0.00	0.00	0.00
Yearly CPA Audit	0.00	166.67	2,000.00	1,833.37	2,000.04
Total Expense	65,718.82	142,841.66	1,094,396.84	1,571,258.26	1,714,099.92
Net Ordinary Income	-19,785.28	43.75	-359,630.44	481.25	525.00
Net Income	-19,785.28	43.75	-359,630.44	481.25	525.00

06/01/16

SWCD OF ILLINOIS INSURANCE **Transaction Detail by Account** **May 2016**

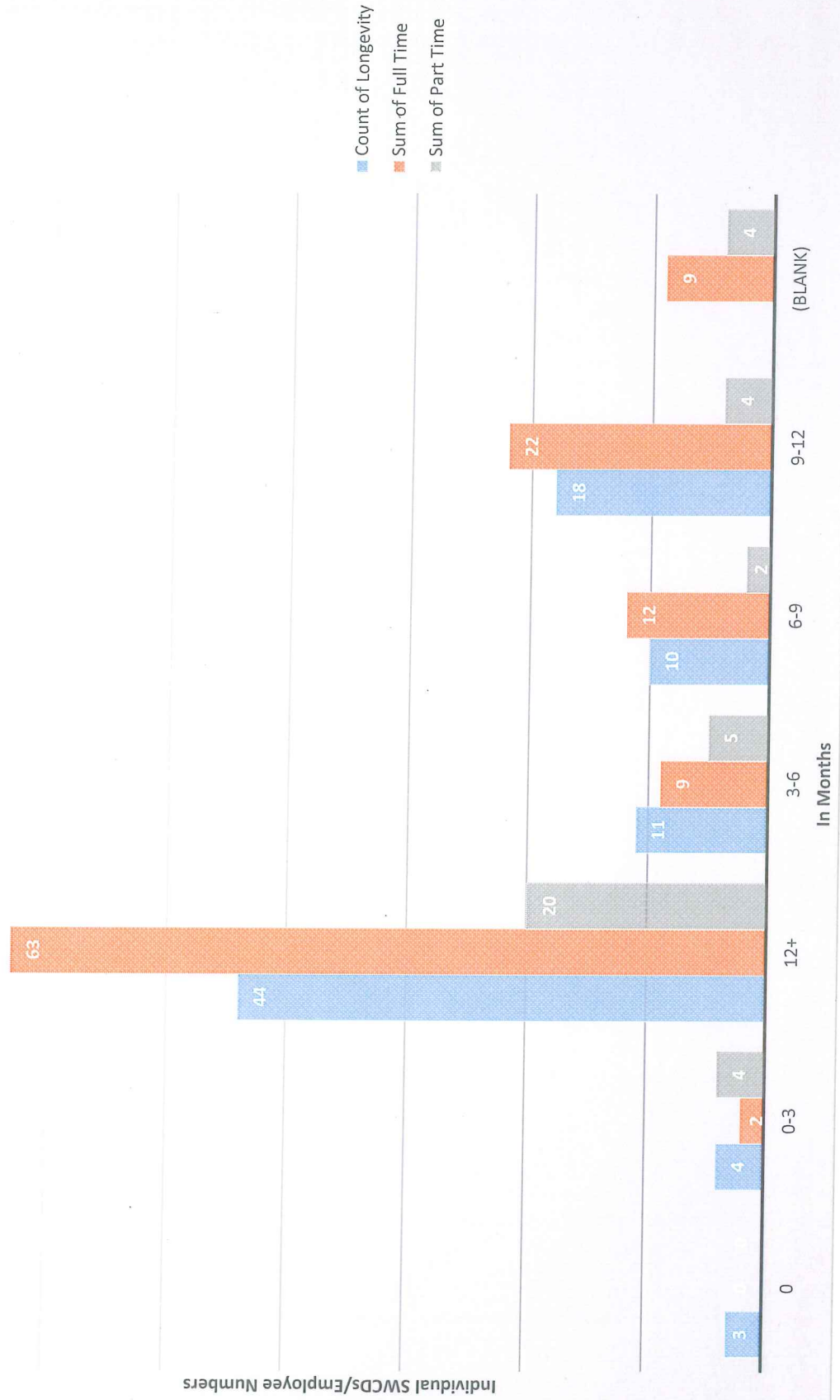
SWCD of Illinois Insurance Check	Type	Date	Num	Name	Memo	Split	Amount	Balance
	Deposit	05/06/2016			Deposit	-SPLIT-	8,615.08	8,615.08
	Deposit	05/16/2016			Deposit	-SPLIT-	34,079.21	42,694.29
	Bill Pmt -Check	05/17/2016	1010	CMS	health insurance-May 2016	Accounts Payable	-61,290.00	-18,595.71
	Bill Pmt -Check	05/17/2016	1011	AISWCD	Repayment of June premiums	Accounts Payable	-210.52	-18,806.23
	Bill Pmt -Check	05/17/2016	1012	Ogle SWCD	Repayment of June premiums	Accounts Payable	-50.76	-18,856.99
	Bill Pmt -Check	05/17/2016	1013	Woodford SWCD	Repayment of June premiums	Accounts Payable	-8.96	-18,865.95
	Deposit	05/27/2016			Deposit	-SPLIT-	1,706.84	-17,159.11
Total SWCD of Illinois Insurance Check							-17,159.11	-17,159.11
TOTAL							-17,159.11	-17,159.11

INSURANCE ADMINISTRATION LOG SHEET--MELISSA CAUBLE

DATE	TYPE OF ACTIVITY	HOURS	POSTAGE	SUPPLIES	MILEAGE	HOTEL/ MEALS
5/2/2016	Completed April reports and sent to IDOA, AISWCD, Insurance Committee and ISWCDEA	5				
5/9/2016	Processed invoices, prepared bank deposits, filing, reconciled CMS bill and Standard bills	8				
5/16/2016	Processed payments, made bank deposit, paid bills to CMS, Standard, AISWCD, Woodford County and Ogle County SWCD	5				
5/23/2016	Processed payments, worked on district survey, sent June Invoices to districts	5				
5/30/2016	Processed payments, sent survey reminder to districts, made bank deposit	4				
	Total hours	27		0	0	\$0.00
	Total hours x \$16.75=wages	\$452.25				
	Website reimbursement	\$10.00				
	Total of reimburseable expenses		0	0	\$ -	0
	Total wages+expenses	\$462.25				

Expected Longevity of Illinois SWCDs as of 06/01/2016

93% of Districts Reporting



Association of IL Soil and Water Conservation Districts Profit & Loss Detail January 1 through May 27, 2016

Type	Date	Num	Name	Memo	Class	Clr	Split	Amount	Balance
Ordinary Income/Expense									
Income									
ENVIRONMENTAL ACCOUNT INCOME									
TEAM REGISTRATION FEES									
Deposit	4/8/2016	1139	LUC 5	Team: LUC 5			2 · ENVIROT...	150.00	150.00
Deposit	4/8/2016	8771	Champaign County ...	Team: LUC 7			2 · ENVIROT...	150.00	300.00
Deposit	4/8/2016	6541	Clay County SWCD	Team: LUC 13			2 · ENVIROT...	150.00	450.00
Deposit	4/8/2016	37	Perry County SWCD	Team: LUC 15			2 · ENVIROT...	150.00	600.00
Deposit	4/12/2016	1046	Richland County S...	Team: LUC 11			2 · ENVIROT...	150.00	750.00
Deposit	4/12/2016	12388	Boone County SWCD	Team: LUC 16			2 · ENVIROT...	150.00	900.00
Deposit	4/12/2016	17176	Richland County Co...	FFA Team: L...			2 · ENVIROT...	100.00	1,000.00
Deposit	4/12/2016	17177	Richland County Co...	FFA Team M...			2 · ENVIROT...	50.00	1,050.00
Deposit	4/21/2016	1003	Okaw Valley Conse...	LUC 10 Regi...			2 · ENVIROT...	150.00	1,200.00
Deposit	4/21/2016	1505	Warren County SW...	LUC 4 Regist...			2 · ENVIROT...	150.00	1,350.00
Deposit	4/21/2016	13697	Livingston County S...	LUC 3 Regist...			2 · ENVIROT...	150.00	1,500.00
Deposit	4/21/2016	8099	Heritage CUSD	LUC 7 FFA R...			2 · ENVIROT...	100.00	1,600.00
Deposit	4/21/2016	5949	Calhoun County S...	LUC 8 Regist...			2 · ENVIROT...	150.00	1,750.00
Deposit	4/21/2016	1000	Ford County SWCD	LUC 6 Regist...			2 · ENVIROT...	150.00	1,900.00
Deposit	4/21/2016	323	Madison Co. CARE...	LUC 12 Regi...			2 · ENVIROT...	150.00	2,050.00
Deposit	4/21/2016	12480	Beecher City CUSD	LUC 10 FFA ...			2 · ENVIROT...	100.00	2,150.00
Deposit	4/21/2016	5774	Williamson County ...	LUC 15 Regi...			2 · ENVIROT...	100.00	2,250.00
Deposit	5/11/2016	1038	LUC 2	LUC 2 Regist...			2 · ENVIROT...	150.00	2,400.00
Deposit	5/11/2016	2091	LUC 1	LUC 1 Regist...			2 · ENVIROT...	150.00	2,550.00
Deposit	5/11/2016	335	PBL FFA	LUC 6 FFA R...			2 · ENVIROT...	100.00	2,650.00
Total TEAM REGISTRATION FEES								2,650.00	2,650.00
VOLUNTEER/PRESENTER MEALS									
Deposit	4/8/2016	6142	Loleta Yonaka	Lunch: Loleta...			2 · ENVIROT...	5.70	5.70
Deposit	4/8/2016	7400	Mason County SWCD	Lunch: Amy I...			2 · ENVIROT...	6.25	11.95
Deposit	4/8/2016	3577	AlSWCD	Lunch: Matt ...			2 · ENVIROT...	8.00	19.95
Deposit	4/8/2016	9379	AlSWCD	Lunch: Gina ...			2 · ENVIROT...	16.45	36.40
Deposit	4/21/2016	7961	Mindy Pratt	Mindy Pratt L...			2 · ENVIROT...	6.25	42.65
Deposit	4/21/2016	11132	DeWitt County SW...	Steve Fairba...			2 · ENVIROT...	8.00	50.65
Deposit	4/21/2016	8580	Cumberland County...	Judy Meislah...			2 · ENVIROT...	7.45	58.10
Deposit	4/21/2016	8518	Cumberland County...	Randy Hurt L...			2 · ENVIROT...	6.25	65.55
Deposit	4/21/2016	8250	Marshall-Putnam S...	Stacy Hill lunch			2 · ENVIROT...	7.45	71.80
Deposit	4/21/2016	8252	Marshall-Putnam S...	D Leigh Lunch			2 · ENVIROT...	6.25	78.05
Deposit	5/11/2016	1402	Cindy Zipfel	Volunteer Lu...			2 · ENVIROT...	6.25	84.30
Deposit	5/11/2016	11136	DeWitt County SW...	Volunteer Lu...			2 · ENVIROT...	6.25	90.55
Deposit	5/11/2016	1507	Warren County SW...	Volunteer Lu...			2 · ENVIROT...	6.70	97.25
Deposit	5/11/2016	6245	Ford County SWCD	Volunteer Lu...			2 · ENVIROT...	8.00	105.25
Total VOLUNTEER/PRESENTER MEALS								105.25	105.25
SPONSORSHIPS									
Deposit	1/20/2016	1317 ...	Illinois Farm Bureau	2016 Envirot...			2 · ENVIROT...	900.00	900.00
Deposit	2/3/2016	3290	Henry County SWCD	2016 Donatio...			2 · ENVIROT...	150.00	1,050.00
Deposit	2/3/2016	1103	McLean County SW...	2016 Donatio...			2 · ENVIROT...	50.00	1,100.00
Deposit	2/3/2016	4147	Platt County SWCD	2016 Donatio...			2 · ENVIROT...	50.00	1,150.00
Deposit	2/3/2016	6608	Tazewell County S...	2016 Donatio...			2 · ENVIROT...	50.00	1,200.00

11:21 AM

05/27/16

Accrual Basis

Association of IL Soil and Water Conservation Districts Profit & Loss Detail January 1 through May 27, 2016

Type	Date	Num	Name	Memo	Class	Clr	Split	Amount	Balance
Deposit	2/3/2016	7337	Will South Cook S...	2016 Donatio...			2 · ENVIROT...	150.00	1,350.00
Deposit	2/3/2016	8573	Cass County SWCD	2016 Donatio...			2 · ENVIROT...	50.00	1,400.00
Deposit	2/3/2016	11120	Iroquois County SW...	2016 Donatio...			2 · ENVIROT...	50.00	1,450.00
Deposit	2/3/2016	8228	Marshall-Putnam S...	2016 Donatio...			2 · ENVIROT...	100.00	1,550.00
Deposit	2/3/2016	5927	Calhoun County S...	2016 Donatio...			2 · ENVIROT...	100.00	1,650.00
Deposit	2/3/2016	2115	Kankakee County S...	2016 Donatio...			2 · ENVIROT...	100.00	1,750.00
Deposit	2/10/2016	109	DeKalb County SW...	2016 Donatio...			2 · ENVIROT...	25.00	1,775.00
Deposit	2/10/2016	10697	Vermillion County S...	2016 Envirot...			2 · ENVIROT...	100.00	1,875.00
Deposit	3/9/2016	1032	AISWCD Auxiliary	2016 Sponso...			2 · ENVIROT...	200.00	2,075.00
Deposit	3/9/2016	6642	Tom Beyers	2016 Sponso...			2 · ENVIROT...	100.00	2,175.00
Deposit	3/9/2016	14938	Winnabago County ...	2016 Sponso...			2 · ENVIROT...	50.00	2,225.00
Deposit	3/21/2016	3468	Madison County S...	2016 Sponso...			2 · ENVIROT...	100.00	2,325.00
Deposit	3/21/2016	7389	Mason County SWCD	2016 Sponso...			2 · ENVIROT...	100.00	2,425.00
Deposit	3/22/2016	525	Dick Breckenridge	2016 Sponso...			2 · ENVIROT...	100.00	2,525.00
Deposit	3/22/2016	6229	Ford County SWCD	2016 Sponso...			2 · ENVIROT...	50.00	2,575.00
Deposit	4/8/2016	21332	Trees Forever	Sponsorship			2 · ENVIROT...	500.00	3,075.00
Deposit	4/12/2016	1503	Warren County SW...	Sponsorship			2 · ENVIROT...	250.00	3,325.00
Deposit	4/21/2016	6246	Pheasants Forever,...	2016 Sponso...			2 · ENVIROT...	1,500.00	4,825.00
Deposit	4/21/2016	567	ISWCDEA	2016 Sponso...			2 · ENVIROT...	250.00	5,075.00
Deposit	5/11/2016	2500...	American Water	Sponsorship			2 · ENVIROT...	2,500.00	7,575.00
Deposit	5/23/2016	1994...	Country Financial	2016 Sponso...			2 · ENVIROT...	250.00	7,825.00
Deposit	5/23/2016	3056...	Growthmark	2016 Sponso...			2 · ENVIROT...	250.00	8,075.00
Total SPONSORSHIPS									
Total ENVIROTHON ACCOUNT INCOME								8,075.00	8,075.00
Total Income								10,830.25	10,830.25
Expense								10,830.25	10,830.25
ENVIROTHON ACCOUNT EXPENSE									
Miscellaneous Expenses									
Check	4/26/2016	1421	Brown Bag	2016 Lunche...	ENVIRO...		2 · ENVIROT...	158.80	158.80
Total Miscellaneous Expenses								158.80	158.80
Envirothon Coordinator									
Check	1/6/2016	1415	DeWitt County SW...	January 2016...	ENVIRO...		2 · ENVIROT...	675.00	675.00
Check	2/3/2016	1416	DeWitt County SW...	February 201...	ENVIRO...		2 · ENVIROT...	675.00	1,350.00
Check	3/10/2016	1419	DeWitt County SW...	March 2016 ...	ENVIRO...		2 · ENVIROT...	675.00	2,025.00
Check	4/5/2016	1420	DeWitt County SW...	April 2016 Co...	ENVIRO...		2 · ENVIROT...	675.00	2,700.00
Check	5/3/2016	1422	DeWitt County SW...	May 2016 Co...	ENVIRO...		2 · ENVIROT...	675.00	3,375.00
Total Envirothon Coordinator								3,375.00	3,375.00
National Expenses									
Check	2/16/2016	1417	NCF-Envirothon	Illinois - 2016...	ENVIRO...		2 · ENVIROT...	300.00	300.00
Total National Expenses								300.00	300.00
State Expenses									
Check	2/16/2016	1418	TelSpan	Envirothon C...	ENVIRO...		2 · ENVIROT...	19.28	19.28
Check	2/16/2016	1418	TelSpan	Usage Fee	ENVIRO...		2 · ENVIROT...	2.03	21.31

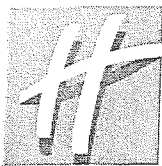
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05/27/16

Accrual Basis

Association of IL Soil and Water Conservation Districts
Profit & Loss Detail
January 1 through May 27, 2016

Type	Date	Num	Name	Memo	Class	Clr	Split	Amount	Balance
Check	5/13/2016	1423	ECO Promotional P...	2016 Awards...	ENVIRO...		2 · ENVIROT...	284.57	305.88
Check	5/13/2016	1423	ECO Promotional P...	Shipping and ...	ENVIRO...		2 · ENVIROT...	29.72	335.60
Check	5/24/2016	1424	4-H Memorial Camp	2016 Compet...	ENVIRO...		2 · ENVIROT...	4,613.00	4,948.60
Total State Expenses									
								4,948.60	4,948.60
Total ENVIROTHON ACCOUNT EXPENSE									
								8,782.40	8,782.40
Total Expense									
								8,782.40	8,782.40
Net Ordinary Income									
								2,047.85	2,047.85
Net Income									
								2,047.85	2,047.85



Holiday Inn
& Suites

Peoria At Grand Prairie

TODAY'S DATE: May 2nd 2016

GROUP BOOKING PROPOSAL

GROUP NAME: Illinois Land & Water Resources Conference & Annual Meeting

CONTACT: Kelly Thompson & Gina Bean

ADDRESS: 4285 N Walnut Street Road

CITY: Springfield STATE: IL ZIP: 62707

PHONE: 217-321-3024 FAX:

ARRIVAL DATE: July 23rd 2017 DEPARTURE DATE: July 25th 2017

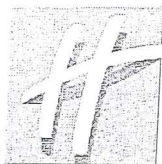
The Holiday Inn & Suites is the new premiere hotel in the Peoria area. Conveniently located across from the Shoppes at Grand Prairie, this contemporary hotel offers everything you need when you're away from home. The modern rooms and suites feature high-speed internet, 42" flat screen TV's, large desk areas and clean and comfortable beds for the ultimate sleep experience. Other hotel amenities include a relaxing indoor mineral pool, on-site upscale casual restaurant and lounge, fully equipped fitness center, 24-hour E-Bar business center, flexible event space and complimentary parking. The team at the Holiday Inn & Suites are proud to offer superior customer service and conveniences to make your stay easy and enjoyable.

FEATURED ACCOMODATIONS

- 113 Luxurious Rooms
- Elegant Executive Suites
- On-Site Upscale Casual Dining
- 24 Hour Market
- Valet and Guest Laundry Services
- Indoor Mineral Pool
- On-Site E-Bar Business Center
- Complimentary High-Speed Internet
- Fully Equipped Fitness Center
- IHG Reward Program
- 100% Smoke Free

GRAND PRAIRIE BALLROOM

- 6,000 SqFt of Event Meeting Space
- Professional Convention Services
- Audiovisual Services
- Beautiful Pre-Function Social Space
- Exquisite Menu Options
- Complimentary Parking



Holiday Inn & Suites

Peoria At Grand Prairie

Holiday Inn & Suites Peoria at Grand Prairie

DAY	MON	TUE	WED	THU	FRI	SAT	SUN	GROUP RATE
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DATE:
7/23-25, 2017

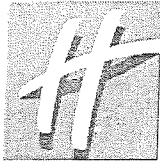
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74

89.00/
109.00

Date	Time	Meeting Room	Event	Number of Attendees	Set-up	Rental
Monday, July 24th 2017	7:00am-6:00pm	Pre function area	Registration		See Diagram	
Monday, July 24th 2017	8:00am-10:15pm	Grand Prairie Ballroom	Opening Ceremony/General Session/Live Auction (9pm-1am)	220	Crescent Rounds of 6	4,500.00
Monday, July 24th 2017	10:30am-12:00pm	Prairie Room A	Break Out	TBD	Existing	Inclusive
Monday, July 24th 2017	10:30am-12:00pm	Prairie Room B	Break Out	TBD	Existing	Inclusive
Monday, July 24th 2017	10:30am-12:00pm	Prairie Room C	Break Out	TBD	Existing	Inclusive
Monday, July 24th 2017	12:15pm-1:45pm	Grand Prairie Ballroom	Recognition Luncheon	175-200	Rounds	Inclusive
Monday, July 24th 2017	2:00pm-4:00pm	Prairie Room A	Break Out	60	Existing	Inclusive
Monday, July 24th 2017	2:00pm-4:00pm	Prairie Room B	Break Out	90	Existing	
Monday, July 24th 2017	2:00pm-4:00pm	Prairie Room C	Break Out	120	Existing	
Monday, July 24th 2017	2:00pm-4:00pm	Pre Function Area	Break Out	50	Theatre Style	
Monday, July 24th 2017	4:15pm-5:15pm	Prairie Room A	Break Out	75	Existing	
Monday, July 24th 2017	2:00pm-4:00pm	Suite	Children's Activities	35	Existing	175.00
Monday, July 24th 2017	4:15pm-5:15pm	Prairie Room C	Director's Forum	100	Existing	
Monday, July 24th 2017	5:30pm-6:15pm	Pre Function Area	Farm Family Photos		See Diagram	
Monday, July 24th 2017	5:30pm-6:15pm	Suite	Farm Family Reception	50-60	Existing	

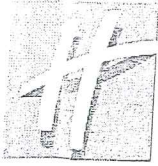
7501 N. Orange Prairie Road Peoria, IL 61615 309-683-3333



Holiday Inn
& Suites

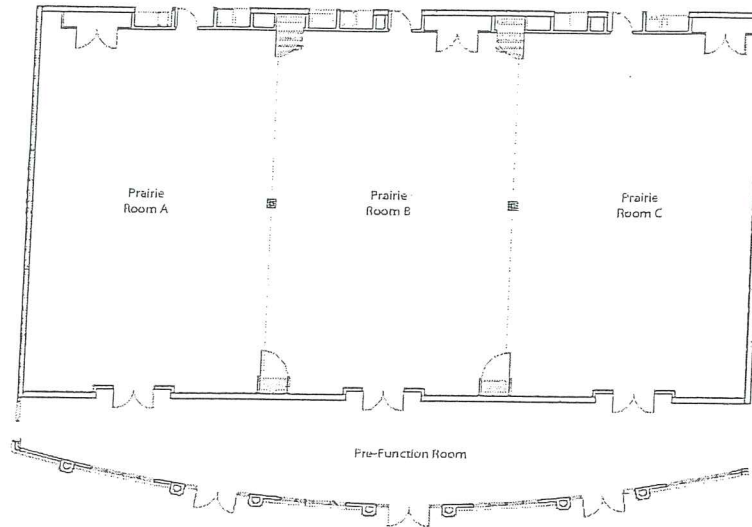
Peoria At Grand Prairie

Date	Time	Meeting Room	Event	Number of Attendees	Set-up	Rental
Monday, July 24th 2017	6:15pm-9:00pm	Grand Prairie Ballroom	Farm Family Banquet	150-200	Rounds	
Tuesday, July 25th 2017	7:00am-11:00am	Pre-Function Area	Registration		Existing	
Tuesday, July 25th 2017	8:45am-12:00pm	Grand Prairie Ballroom	General Session	250	Rounds of 8	4,500.00
Tuesday, July 25th 2017	12:00pm-1:30pm	Grand Prairie Ballroom	Soil Stewardship Lunch	150-200	Existing	
Tuesday, July 25th 2017	1:30pm-3:00pm	Grand Prairie Ballroom	Annual Meeting	200	Existing	
Tuesday, July 25th 2017	3:30pm	Suite	Officers Staff Meeting	10	Existing	175.00



Holiday Inn
& Suites

The Grand Prairie Ballroom



The Holiday Inn & Suites Peoria at Grand Prairie would like to offer you;

- Complimentary state of the art projector and screen Monday & Tuesday Ballroom Only
- Complimentary Vendor tables
- Guest room rate \$89.00 with a guarantee of 2 night stay, one night guest room rate 109.00.
- One (1) complimentary Executive Suite upgrade at the group rate
- One (VIP) fruit basket
- Meeting space will be provided complimentary with a minimum function meal guarantee of over \$2,000.00 combined on July 24th & 25th.
- Holiday Inn & Suites Peoria at Grand Prairie will offer attendees the group rate 1 day prior and 1 day after the event
- Pre-Convention Introduction of the Holiday Inn & Suites Peoria at Grand Prairie Team
- Post-Convention meeting with Sales Team

We would like to thank you for considering the new Holiday Inn & Suites Peoria at Grand Prairie for your 2017 Illinois Land & Water Resources Conference & Annual Meeting.

Sincerely,

Victoria Martin
Sales Manager
Holiday Inn & Suites Peoria at Grand Prairie
7601 N Orange Prairie Rd
Peoria, IL 61615
vmartin@petersenhoteles.com

344 Ill.App.3d 856
Appellate Court of Illinois,
First District, First Division.

The UNIVERSITY PROFESSIONALS
OF ILLINOIS, LOCAL 4100 OF THE
ILLINOIS FEDERATION OF TEACHERS,
a labor organization, and Mitch Vogel,
a taxpayer and a citizen of the State
of Illinois, Plaintiffs–Appellants,

v.

James STUKEL, Sylvia Manning, Nancy
Cantor, Richard Ringeisen, James Walker,
Walter Wendler, David Werner, John Peters,
Victor Boschini, Louis Hencken, Donald
Spencer, Elnora Daniel, Salme Steinberg,
and Stuart Fagan, Defendants–Appellees.

No. 1–02–3429.

|

Dec. 8, 2003.

Synopsis

Background: State university teachers union brought action alleging that Council of Presidents was a group formed to give advice and to make recommendations to Illinois Board of Higher Education (IBHE) and thus, was subject to provisions of Open Meetings Act. The Circuit Court, Cook County, Gay-Lloyd Lott, J., granted Council's motion to dismiss, and union appealed.

[Holding:] The Appellate Court, McBride, J., held that union's unsupported allegations were insufficient to support claim that Council was an “advisory body” subject to Open Meetings Act.

Affirmed.

West Headnotes (5)

[1] Education

↔ Meetings

State university teachers union's unsupported allegations that presidents and chancellors of various state universities in state formed Council of Presidents in order to give advice and to make recommendations to Illinois Board of Higher Education (IBHE) were insufficient to support claim that Council was an “advisory body” subject to Open Meetings Act; union failed to allege that any Council members were members of IBHE, that Council had any duties assigned to it from IBHE, that Council had a deliberative or investigative function in relation to IBHE or that Council was subject to government control. S.H.A. 5 ILCS 120/1 et seq.

Cases that cite this headnote

[2] Administrative Law and Procedure

↔ Meetings in general

In deciding whether an entity is a “public body” or an “advisory body” under Open Meetings Act, factors trial court should consider include: (1) who appoints members of entity, formality of their appointment, and whether they are paid for their tenure; (2) entity's assigned duties, including duties reflected in entity's bylaws or authorizing statute; (3) whether its role is solely advisory or whether it also has a deliberative or investigative function; (4) whether entity is subject to government control or otherwise accountable to any public body; (5) whether group has a budget; (6) its place within larger organization or institution of which it is a part; and (7) impact of decisions or recommendations that group makes. S.H.A. 5 ILCS 120/1 et seq.

1 Cases that cite this headnote

[3] Pretrial Procedure

↔ Matters considered in general

Factual conclusions that are unsupported by allegations of specific facts will be disregarded in ruling on a motion to dismiss.

1 Cases that cite this headnote

[4] **Education**

☞ Meetings

That Council of Presidents was comprised of senior public officials who had great responsibilities had no bearing on whether Council was a public body under Open Meetings Act; state university teachers union alleged that Council was formed to give advice and to make recommendations to Illinois Board of Higher Education (IBHE). S.H.A. 5 ILCS 120/1 et seq.

1 Cases that cite this headnote

[5] **Administrative Law and Procedure**

☞ Meetings in general

Open Meetings Act must be construed to avoid unintended results. S.H.A. 5 ILCS 120/1 et seq.

Cases that cite this headnote

Attorneys and Law Firms

****1055 *857 ***110** Cornfield and Feldman, Chicago (Stephen A. Yokich, of counsel), for Defendants–Appellees.

Jenner & Block, Chicago (William D. Heinz, Shelley Malinowski and Laura A. Thomas, of counsel), for Plaintiffs–Appellants.

Opinion

Justice McBRIDE delivered the opinion of the court:

Plaintiff, University Professionals of Illinois, Local 4100 of the Illinois Federation of Teachers, is a labor organization that represents workers employed by state universities (Local 4100). Plaintiff, Mitchell

Vogel, is the president of Local 4100. The Illinois Board of Higher Education (IBHE) is a public body that coordinates educational, research, and public service programs for the state universities in Illinois. Defendants, James Stukel, Sylvia Manning, Nancy Cantor, Richard Ringeisen, James Walker, Walter Wendler, David Werner, John Peters, Victor Boschini, Louis Hencken, Donald Spencer, Elnora Daniel, Salme Steinberg, and Stuart Fagan, are all presidents or chancellors of various state universities in Illinois. The defendants formed an organization called the Council of Presidents (Council) to give advice and to make recommendations to the IBHE. The Council of Presidents meets prior to IBHE meetings and designates ****1056 ***111** one of its members to speak on behalf of the Council.

Plaintiffs filed a complaint alleging that the Council, which held meetings closed to the public, was meeting as a public body and was subject to the provisions of the Open Meetings Act (Meetings Act) (5 ILCS 120/1 et seq. (West 2000)). Defendants moved to dismiss the complaint under section 2–615 of the Illinois Code of Civil Procedure on the ground that the Council was not a public body under the Meetings Act. 735 ILCS 5/2–615 (West 2000). On October 9, 2002, the trial court granted their motion to dismiss.

The only issue on appeal is whether the trial court properly granted defendants' section 2–615 motion to dismiss. An order granting a section 2–615 motion to dismiss is reviewed *de novo*. *Wakulich v. Mraz*, 203 Ill.2d 223, 228, 271 Ill.Dec. 649, 785 N.E.2d 843 (2003). In reviewing a motion to dismiss:

“We take as true all well-pled facts and reasonable inferences therefrom and consider only those facts in the pleading and ***858** included in attached exhibits. [Citation.] We will not affirm dismissal of a complaint unless it is clear that a plaintiff cannot prove a set of facts that will entitle him to the relief sought. [Citation.] However, legal conclusions and factual conclusions that are unsupported by allegations of specific facts will be disregarded in ruling on a motion to dismiss. [Citation.]” *Safeway Insurance Co. v. Daddono*, 334 Ill.App.3d 215, 218, 267 Ill.Dec. 890, 777 N.E.2d 693 (2002).

After reviewing the complaint, we agree that the Council is not a public body under the Meetings Act and we therefore affirm.

The following facts are alleged in the complaint. The IBHE was set to meet in Chicago on December 11, 2001. At this meeting, one of the topics to be discussed was IBHE budget recommendations for the 2002–2003 academic year. The complaint alleged that these budget recommendations would have a substantial impact on the salaries of faculty members represented by Local 4100.

According to Local 4100, the Council was to give advice and recommendations to the IBHE concerning the positions of the presidents and the chancellors of the state universities in regard to annual budget and appropriations issues as well as other subjects that related to affording higher education to the citizens of Illinois. The complaint alleged that the Council met prior to the IBHE meetings and designated one of its members to speak on its behalf at the IBHE meeting. According to Local 4100, the meetings of the Council are paid for out of funds appropriated by the state. It also alleged that at its meetings, the Council discussed issues relating to public higher education in the state and to the funding thereof.

The complaint also alleged that the meetings of the Council were closed to the public, that the Council published no agenda for the meetings, and that no notice of the meetings was given to the public. According to Local 4100, the Council published no minutes or other public record of its meetings.

Paragraph 22 of the complaint alleged:

“The meetings of public bodies in Illinois are governed by the Open Meetings Act, 5 ILCS Section 120/1, et seq. The policy behind the Open Meetings Act is ‘that public bodies exist to aid in the conduct of people's business and that the people have a right to be informed as to the conduct of their business.’ Exceptions to this policy are permitted ‘only in those limited circumstances where the General Assembly has specifically determined that the public interest would be ****1057 ***112** clearly endangered or the personal privacy or

guaranteed rights of individuals would clearly be in danger of unwarranted invasion.’ ”

The complaint went on to state that the definition of the term “public body” in the Meetings Act included advisory bodies to state ***859** boards such as the IBHE. The complaint then stated that the Council constituted an “advisory body” to the IBHE and was supported by tax revenues. As a result, the Council fell within the definition of public body in the Meetings Act.

The complaint claimed that the failure of the Council to publish its meeting agendas or to open the meetings to the public constituted a violation of the Meetings Act. Local 4100 additionally asserted that, unless enjoined, the Council would continue to hold its meeting in secret.

Section 1.02 of the Meetings Act states, in pertinent part:

“ ‘Public body’ includes all legislative, executive, administrative or advisory bodies of the State * * * and all * * * boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees * * *.” 5 ILCS 120/1.02 (West 2000).

Section 2 of the Meetings Act states, in pertinent part:

“Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.” 5 ILCS 120/2 (West 2000).

Local 4100 contends that the Council is an “advisory body” under the plain language of section 1.02 of the Meetings Act. Local 4100 concludes that because the Council advises the IBHE of its position on various matters, the Council is an “advisory body” and falls within the definition of a public body under section 1.02. Although the term “advisory body” is not defined in the Meetings Act, the question of what constitutes an advisory body has been addressed by the Illinois courts.

[1] In *People ex rel. Cooper v. Carlson*, 28 Ill.App.3d 569, 328 N.E.2d 675 (1975), the petitioner-newspaper

publisher filed a suit seeking a writ of *mandamus* to compel the defendant Kane County to allow the petitioner and the general public to attend meetings of the staff of the Kane County development committee, which concerned a proposed development project by the Mark VII Corporation. The petition also sought an injunction prohibiting future meetings without giving prior public notice. The trial court dismissed the suit and an appeal followed.

In *Carlson*, the Kane County Board of Supervisors (Board) established a development committee, which was comprised of nine of the Board members for the purpose of considering and making recommendations to the entire Board concerning zoning and land planning development. The Board approved subdivision regulations that had been adopted by the development committee. To more adequately perform its functions, the development committee created a development *860 department and divided staff into five separate divisions due to the specialization, technical knowledge, and expertise necessary in each division. Each of these divisions included clerical and technical employees.

The directors of these various divisions voluntarily arranged for weekly "technical staff meetings." These meetings were not required by the Board or by the development committee. The record showed that the meetings were held for interdepartmental convenience and efficiency with the objective of saving the development committee time. No secretary was appointed to keep minutes of these meetings. Instead, **1058 ***113 an employee would take either longhand or type written notes. Based on the discussions at the technical meetings, recommendations were made to the development committee.

The petitioner learned that the "staff" of the development committee had scheduled a meeting on a certain date which concerned the actions of a development project that involved the Mark VII Corporation in Kane County. The petitioner requested to attend the meeting, was denied access, and filed suit.

After hearing all the evidence, the trial court dismissed petitioner's action finding that the staff was not a public body within the meaning of the Meetings Act.

The trial court held that to construe the Meetings Act in the manner suggested by the petitioner would unnecessarily burden the staff.

In affirming the trial court, the appellate court found that there was no statute, ordinance, resolution, or other official action by the Board or by the development committee designating the technical staff as a public body or subsidiary body. *Carlson*, 28 Ill.App.3d at 571, 328 N.E.2d 675. It further noted that the function of the technical meetings was to provide more efficient service to the development committee and the Board whose meetings were held in compliance with the Meetings Act. *Carlson*, 28 Ill.App.3d at 571, 328 N.E.2d 675.

The petitioner also argued that if any number of development committee or Board members met, they would become an advisory committee or public body giving professional advice. The petitioner pointed out that such an advisory committee did not fall within a specific exception to the Meetings Act which, at the time, allowed closed meetings where an advisory committee was appointed to provide a public body with professional consultation on matters of professional ethics or performance. *Carlson*, 28 Ill.App.3d at 572, 328 N.E.2d 675.

The appellate court also rejected this argument, holding that the provision relied upon applied to an advisory committee appointed to provide such consultation, not to employees who voluntarily met in the interest of efficiency and to enhance the performance of their duties. *861 *Carlson*, 28 Ill.App.3d at 572, 328 N.E.2d 675. The appellate court ultimately concluded that the Meetings Act was directed to meetings of public commissions, committees, boards, and councils, and not to voluntary meetings or conferences of department heads or employees who seek to improve their performance in conducting business. *Carlson*, 28 Ill.App.3d at 572, 328 N.E.2d 675.

In *Pope v. Parkinson*, 48 Ill.App.3d 797, 6 Ill.Dec. 756, 363 N.E.2d 438 (1977), the plaintiff, a student reporter for a University of Illinois newspaper, attended a meeting held by the defendant University of Illinois Assembly Hall Advisory Committee (Committee). After members of the Committee voted to exclude

the plaintiff from the meeting, the plaintiff refused to leave. The Committee then moved the meeting and refused admission to the plaintiff. The plaintiff filed a complaint against the chairman of the Committee and the University of Illinois board of trustees.

Plaintiff's complaint sought a writ of *mandamus* commanding the defendants to open and give notice of the Committee's meetings. After hearing evidence, the trial court entered an order issuing a writ of *mandamus* which instructed the Committee to open its meetings to the public. The defendants then appealed.

In *Pope*, the appellate court found that the Committee, by its very nature, did not ****1059 ***114** have deliberations that fell within the scope of the Meetings Act because it was not appointed by, or accountable to, any public body of the state. *Pope*, 48 Ill.App.3d at 799, 6 Ill.Dec. 756, 363 N.E.2d 438. Specifically, the court stated:

“[T]he Committee is an internal committee within the University whose sole function is to advise University administrators on matters pertaining to internal university affairs. No statute creates the Committee or defines the limits of its authority. The Committee's unpaid members are not ‘officially’ appointed by the chancellor, although they are informally appointed by the chancellor to an annual term and can be dismissed by the chancellor at any time. In the event of such a dismissal, the public tax burden will be neither increased nor decreased.” *Pope*, 48 Ill.App.3d at 799, 6 Ill.Dec. 756, 363 N.E.2d 438.

Relying upon the decision in *Carlson*, noted above, the court concluded that the Meetings Act was intended to apply to public commissions, committees, boards, councils, and other public agencies, but was not intended to open to the public the deliberations of merely informal advisory committees who discuss internal university affairs. *Pope*, 48 Ill.App.3d at 800, 6 Ill.Dec. 756, 363 N.E.2d 438.

Local 4100 attempts to distinguish *Carlson* and *Pope* on the ground that both cases “dealt with internal committees composed of the staff of public officials,” whereas here, the Council is “not the staff of the ***862** IBHE and [is] not subordinate to it.” Local 4100 contends that the Council advises the IBHE

on public issues and not the internal affairs of the agency and therefore should not be exempted from the requirements of the Meetings Act.

Local 4100 contends that *People ex rel. Difanis v. Barr*, 83 Ill.2d 191, 46 Ill.Dec. 678, 414 N.E.2d 731 (1980), is controlling. In *Difanis*, nine members of the Urbana city council decided to hold a pre-arranged party caucus immediately prior to a special session of the Urbana city council on October 23, 1978. Eight of the nine council members attending the party caucus were democrats. Notably, eight persons constituted a quorum of the council. The party caucus was held in the home of a city council member approximately 90 minutes before the city council meeting and it was called to discuss matters the city council would consider at the meeting later that night. No agenda was set for the caucus and no votes were taken.

The parties agreed that the nine defendant council members were not meeting at the caucus as a committee of the Urbana city council and that they received no compensation for attending the meeting. Four of the five matters to be discussed at the city council meeting were discussed at the caucus. The record indicated that three votes were taken at the city council session on matters discussed at the caucus. On a vote to approve a ward map, the nine defendants voted as a bloc and the measure was passed by the city council 9 votes to 4. The defendants stipulated that they had caucuses of this nature in the past and would continue to do so in the future.

The plaintiff, the Champaign County State's Attorney, filed a declaratory judgment action seeking a declaration that the conduct of the nine defendants violated the Open Meetings Act. The trial court entered judgment in the plaintiff's favor and the appellate court affirmed.

On review, the supreme court held that the clearly enunciated public policy of the Meetings Act would be poorly served if the court were to carve out exceptions other than those expressly stated in the Act for informal political caucuses where, in that case, public business was deliberated and it appeared that a consensus on at least ****1060 ***115** one issue was reached outside the public view. *Difanis*, 83 Ill.2d at 199, 46 Ill.Dec. 678, 414 N.E.2d 731. The court further found that the

Meeting Act had been amended to include unofficial or informal meetings. *Difanis*, 83 Ill.2d at 200, 46 Ill.Dec. 678, 414 N.E.2d 731. In support of this proposition, the court quoted the California decision in *Sacramento Newspaper Guild, Local 92 v. Sacramento County Board of Supervisors*, 263 Cal.App.2d 41, 69 Cal.Rptr. 480 (1968), which stated:

“ ‘An informal conference or caucus permits crystallization of *863 secret decisions to a point just short of ceremonial acceptance. There is rarely any purpose to a non-public pre-meeting conference except to conduct some part of the decisional process behind closed doors. Only embracing the collective inquiry and discussion stages as well as the ultimate step of official action can an open meeting regulation frustrate these evasive devices.’ ” *Difanis*, 83 Ill.2d at 200, 46 Ill.Dec. 678, 414 N.E.2d 731, quoting *Sacramento Newspaper Guild, Local 92 v. Sacramento County Board of Supervisors*, 263 Cal.App.2d at 50–51, 69 Cal.Rptr. at 487.

Thus, the *Difanis* court found that to allow the nine defendants to circumvent the Meetings Act simply because the meeting was designated as an informal gathering or informal caucus would thwart the intent of the Meetings Act. *Difanis*, 83 Ill.2d at 200, 46 Ill.Dec. 678, 414 N.E.2d 731.

Local 4100 claims that the Council here has all the earmarks of a public body. The Council members are all “high public officials” who have “round the clock responsibilities.” In addition to other issues pertaining to higher education, the Council advises the IBHE on budgetary and appropriations issues. In turn, the IBHE advises the General Assembly on these issues and coordinates the teaching, research and service missions of the institutions run by defendants. Local 4100 alleges that the meetings in question concern public issues and are financed by public funds, and further allege that defendants meet prior to regularly scheduled meetings of the IBHE and then designate one of the Council members to speak on their behalf. Local 4100 alleges that “the obvious purpose of the meetings is to foster the presentation of a ‘unified front’ and to maximize the weight of the recommendations of the Presidents and chancellors as a whole.” Thus, Local 4100 concludes that defendants’ actions are precisely the conduct prohibited by *Difanis*

and fall squarely within the meaning of public business that must be open to the public under the Meetings Act.

Defendants rely on *Carlson, Pope*, and another decision, *Board of Regents of the Regency University System v. Reynard*, 292 Ill.App.3d 968, 227 Ill.Dec. 66, 686 N.E.2d 1222 (1997), to support their position on appeal.

In *Reynard*, the plaintiff, the Board of Regents of the Regency University System (Board), filed a declaratory judgment action against the defendant, the local State’s Attorney, seeking a determination that the Meetings Act did not apply to the Athletic Council (Athletic Council) of Illinois State University (ISU). The defendant had previously informed the Board that the Meetings Act did apply to Athletic Council meetings and he had threatened criminal prosecution for violating the Meetings Act.

In *Reynard*, the record indicated that the Illinois General Assembly created the Board and that the academic senate (senate), which *864 was the primary body that determined education policy at ISU, reported to the president who, in turn, reported to the Board. External senate committees were those composed of people **1061 ***116 who are not on the senate. The role of the senate committees was to make reports and recommendations to the senate. The bylaws of the Athletic Council provided that it was an external standing committee of the senate. The record also showed that, in reality, the Athletic Council functioned as an advisory body to the athletic director, with primary advisory responsibilities to the president. Further, the Athletic Council gave advice on the development of budgets and policies governing the intercollegiate athletic program.

The ISU athletic director testified that the Athletic Council’s recommendations were not binding on him or the president. He stated that the Athletic Council was an advisory body providing advice and feedback to the president and the athletic director on athletic issues. He said the Athletic Council only dealt with internal ISU matters, it had no budget, and none of its members was paid for its work.

After a bench trial, the trial court found that the Athletic Council was a public body subject to the

Meetings Act. The issue on appeal was whether that decision was proper. Before providing its analysis, the reviewing court noted that the “fact the [Athletic] Council [was] an advisory body [did] not exempt it” from the application of the Meetings Act. *Reynard*, 292 Ill.App.3d at 977, 227 Ill.Dec. 66, 686 N.E.2d 1222.

In affirming the trial court, the appellate court noted that, “[i]t is clear from a reading of the definition of ‘public body’ in [the Meetings Act] that inclusion within that definition depends primarily upon organizational structure.” *Reynard*, 292 Ill.App.3d at 977, 227 Ill.Dec. 66, 686 N.E.2d 1222. Thus, the court looked to the structure of ISU, the Senate, and the Athletic Council to determine whether the Athletic Council was subject to the Meetings Act. *Reynard*, 292 Ill.App.3d at 977, 227 Ill.Dec. 66, 686 N.E.2d 1222.

The appellate court also observed that the senate was the primary body set up to determine educational policy at ISU and the Athletic Council was created by the senate, which had delegated specific duties to the Athletic Council. *Reynard*, 292 Ill.App.3d at 977, 227 Ill.Dec. 66, 686 N.E.2d 1222. The court distinguished the Athletic Council from the informal, *ad hoc* committee in *Pope*, finding that the Athletic Council was part of the formal organizational structure of ISU and its duties and responsibilities were set forth in the senate's supplemental bylaws. Specifically, the court stated that the committee in *Pope*, appointed by the chancellor of the university, rendered advice to the chancellor on one specific internal university matter. However, the broad scope of the Athletic Council's responsibilities set forth in the supplemental bylaws contrasted sharply with the limited duties of the committee in *Pope*. *865 *Reynard*, 292 Ill.App.3d at 978, 227 Ill.Dec. 66, 686 N.E.2d 1222. Finally, the court concluded that the senate and the Athletic Council were both public bodies under the Meetings Act. *Reynard*, 292 Ill.App.3d at 978, 227 Ill.Dec. 66, 686 N.E.2d 1222. It therefore determined that the Athletic Council had to comply with the Meetings Act. *Reynard*, 292 Ill.App.3d at 978, 227 Ill.Dec. 66, 686 N.E.2d 1222.

Defendants claim that the holding in *Reynard* undermines Local 4100's analysis of *Carlson* and *Pope*. As noted above, Local 4100 argues that the

Meetings Act did not apply in *Carlson* and *Pope* because they dealt with “internal committees” that dealt with the agency's “internal affairs.” Defendants point out that, in *Reynard*, the Meetings Act was held to apply to the Athletic Council in that case even though it was an internal committee of ISU. Further, defendants assert that Local 4100 provides no contrary authority to the rule announced in *Reynard* that “organizational **1062 ***117 structure” is a primary consideration in determining whether an organization is a public body under the Meetings Act. *Reynard*, 292 Ill.App.3d at 977, 227 Ill.Dec. 66, 686 N.E.2d 1222.

[2] We find that *Carlson*, *Pope*, and *Reynard* are instructive on the question of whether the Council of Presidents is an advisory body of the state under the Meetings Act. These cases set forth a number of factors a court should review in deciding whether an entity is a “public body” or an “advisory body” under the Meetings Act. Those factors include who appoints the members of the entity, the formality of their appointment, and whether they are paid for their tenure; the entity's assigned duties, including duties reflected in the entity's bylaws or authorizing statute; whether its role is solely advisory or whether it also has a deliberative or investigative function; whether the entity is subject to government control or otherwise accountable to any public body; whether the group has a budget; its place within the larger organization or institution of which it is a part; and the impact of decisions or recommendations that the group makes. *Carlson*, 28 Ill.App.3d at 571–72, 328 N.E.2d 675; *Pope*, 48 Ill.App.3d at 799–800, 6 Ill.Dec. 756, 363 N.E.2d 438; *Reynard*, 292 Ill.App.3d at 974, 977–78, 227 Ill.Dec. 66, 686 N.E.2d 1222.

Because most of what Local 4100 pled amounts to conclusions and because it did not plead any of the factors listed in *Reynard*, we find the complaint was properly dismissed.

The following is only a summary of what the complaint states but contains the allegations we find significant for our review. First, it alleges that presidents and chancellors of the various state universities “formed an organization called the Council of Presidents.” Next, it states that the “purpose of the [Council] is to give advice and recommendations to the IBHE regarding

the positions of the Presidents and Chancellors of the State Universities regarding annual budget and appropriations issues and other issues which relate to provision of public *866 higher education to the citizens of Illinois." It states that the "meetings of the Council are paid for out of appropriated funds." It further states that the Council "constitutes an advisory body to the IBHE and is supported by tax revenues." The complaint concludes that the Council "falls within the definition of a public body [under] the Open Meetings Act." Although these are not all of the allegations contained in the complaint, these are the primary allegations that relate to the Council's formation and its structure.

[3] These allegations, however, are conclusions unsupported by any specific facts, and "factual conclusions that are unsupported by allegations of specific facts will be disregarded in ruling on a motion to dismiss." *Daddono*, 334 Ill.App.3d at 218, 267 Ill.Dec. 890, 777 N.E.2d 693. Because these allegations provide no facts, they are insufficient to support the claim that the Council is an "advisory body" under the Meetings Act.

In our view, what is absent from the complaint is even more significant than the conclusory allegations described above. For example, the complaint does not allege that the Council is part of the formal organizational structure of IBHE. It does not allege that any of the Council members are members of the IBHE. There are no facts in the complaint to suggest that the Council members are "paid for their tenure." The complaint does not state that the Council has any duties assigned to it from the IBHE. As far as we can tell, the Council does not have any bylaws; and there is no state statute that created the **1063 ***118 Council. As pointed out above, the Council was formed by the presidents and chancellors of the various state universities to express its views to the IBHE. Granted, its role is advisory but that role is one that the Council created. There are no allegations to suggest that the Council has a deliberative or investigative function in relation to the IBHE or that the Council is subject to government control. It does not appear that the Council is otherwise accountable to any public body. It does not appear to have a budget; if it does, no budget is reflected as an allegation in the complaint. Although each member is part of a larger organization

or institution, specifically, the university he or she heads, no member of the Council is a member of the IBHE. Finally, there is no allegation regarding the impact of the Council's recommendations upon the IBHE. Because the factors set out in *Reynard* are totally absent from the complaint, we find it was properly dismissed.

Notably, Local 4100 does not discuss the holding in *Reynard* which states that inclusion within the definition of a public body under the Meetings Act depends primarily on organizational structure. *Reynard*, 292 Ill.App.3d at 977, 227 Ill.Dec. 66, 686 N.E.2d 1222. In *Reynard*, the court found that the Athletic Council in that case was part of the formal organizational structure of *867 ISU. *Reynard*, 292 Ill.App.3d at 978, 227 Ill.Dec. 66, 686 N.E.2d 1222. It also found that the duties of the Athletic Council as an advisory body were set forth in the supplemental bylaws of the Senate. *Reynard*, 292 Ill.App.3d at 978, 227 Ill.Dec. 66, 686 N.E.2d 1222. Because the senate in *Reynard* was a creature of the Board, it was a subsidiary public body of the Board and, in turn, the Athletic Council was a public body under the Meetings Act as it was an advisory body to the senate. *Reynard*, 292 Ill.App.3d at 978, 227 Ill.Dec. 66, 686 N.E.2d 1222. The Council in this case is not part of the organizational structure of the IBHE and is clearly not a creature of the IBHE.

We also find that *Difanis*, the primary authority relied upon by Local 4100, is distinguishable from this case. In *Difanis*, nine Urbana city council members held a party caucus 90 minutes prior to a city council meeting to discuss matters the city council would consider at its public meeting later that night. On one of the issues discussed at the council meeting, the nine defendants voted as a bloc consistent with the consensus they had reached at the earlier meeting. The court found that this conduct fell within the hard core of the proscriptions set forth in the Meetings Act. *Difanis*, 83 Ill.2d at 211, 46 Ill.Dec. 678, 414 N.E.2d 731.

Difanis did not consider whether the defendants were an "advisory body" under the Meetings Act. Unlike the Council in this case, the defendants comprised a faction of city council members that held a closed-door meeting 90 minutes before the city council meeting. As pointed out above, the Council is not part of the

IBHE. Instead, the complaint alleged that its purpose was to give advice and recommendations to the IBHE. It did not allege that the Council had authority to make any IBHE decisions, to vote on issues on the IBHE agenda, or to issue determinative recommendations to the IBHE. For these reasons, we do not find *Difanis* to be persuasive.

[4] We agree with defendants that the fact that the Council in this case was comprised of “high” or “elite” public officials who had “round the clock” responsibilities had no bearing on whether the Council was a public body under the Meetings Act. Local 4100 does not offer any authority in support of the fact that, because the Council was made up of important public officials, ****1064 ***119** it should be considered an advisory and or a public body under the statute.

[5] Finally, we agree with defendants that the Meetings Act must be construed to avoid unintended results. When the applicability of a statute is ambiguous, it “will be given a construction that is reasonable and that will not produce absurd, unjust, or unreasonable results, which the legislature could not have intended.” *In re Application of the County Collector of DuPage County for Judgment for Taxes for the Year 1993*, 187 Ill.2d 326, 332, 240 Ill.Dec. 683, 718 N.E.2d 164 (1999). As the court noted in *Pope*, the University in that case had 294 advisory committees

***868** and “it would be an intolerable burden for [a] court to require that each of those committees open their doors to the general public.” *Pope*, 48 Ill.App.3d at 801, 6 Ill.Dec. 756, 363 N.E.2d 438. We do not believe that the legislature intended the Meetings Act to be so broadly interpreted that every time public officials informally meet or converse, those conversations become a matter of public entitlement.

We do not suggest to curtail the intent of the Meetings Act, which is to “ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly.” 5 ILCS 120/1 (West 2000). However, the Meetings Act cannot be triggered every time public officials meet and converse. 5 ILCS 120/2(a) (West 2000).

For the reasons above, the trial court's order of October 9, 2002, is affirmed.

Affirmed.

GORDON and McNULTY, JJ., concur.

All Citations

344 Ill.App.3d 856, 801 N.E.2d 1054, 280 Ill.Dec. 109, 184 Ed. Law Rep. 462

2012 IL App (1st) 112785U

UNPUBLISHED OPINION. CHECK COURT
RULES BEFORE CITING.

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circumstances allowed under Rule 23(e)(1).

Appellate Court of Illinois,
First District, Second Division.

MENTAL HEALTH AMERICA
OF ILLINOIS, Petitioner,

v.

The ILLINOIS DEPARTMENT
OF HEALTHCARE AND FAMILY
SERVICES, Respondent.

No. 1–11–2785.

|

Sept. 28, 2012.

Appeal from the Circuit Court of Cook County, No. 10
CH 18705, Mary Anne Mason Judge Presiding.

ORDER

Justice MURPHY delivered the judgment of the court:

*1 ¶ 1 *HELD*: The circuit court did not err in granting
respondent's motion to dismiss petitioner's petition for
a writ of *mandamus* where respondent was not subject
to the requirements of the Open Meetings Act because
it was not a “public body,” as that term is defined in
the statute.

¶ 2 Petitioner, Mental Health America of Illinois,
appeals from an order of the circuit court of Cook
County dismissing its petition for a writ of *mandamus*
to compel respondent, the Illinois Department of
Healthcare and Family Services, to ensure that the
Drug and Therapeutics Committee (Committee) of
the Illinois State Medical Society (Medical Society)
comply with the Open Meetings Act (5 ILCS 120/1
et seq. (West 2010)). On appeal, petitioner contends
that the court erred by dismissing its petition because
the Committee was subject to the Open Meetings Act's
requirements where it was a “public body,” as that

term is defined therein. For the reasons that follow, we
affirm.

¶ 3 BACKGROUND

¶ 4 Petitioner filed an amended petition for a writ of
mandamus alleging that the Committee was operating
in violation of the Open Meetings Act where it had
refused to allow petitioner to attend its meetings,
failed to adequately notify the public of the time and
location of its meetings, and failed to provide the
public with written minutes of its meetings. Petitioner
asserted that Illinois participated in the federal
Medicaid program and that respondent was the state
agency responsible for providing healthcare under that
program. Respondent maintained a preferred drug list
to promote the cost-effective use of pharmaceuticals
whereby medications on that list would be available
to Medicaid recipients without prior authorization by
respondent. In order for a physician to be reimbursed
for a medication that was not on the list, the physician
was required to obtain prior authorization from
respondent by identifying the reason that particular
medication was necessary for treatment. In addition,
petitioner asserted that Illinois maintained a formulary
consistent with the provisions of the federal Social
Security Act (42 U.S.C. § 1396r–8(d)(4) (2006))
to limit the medications that were covered by the
program.

¶ 5 Petitioner also asserted that respondent
was required by the Illinois Administrative Code
(Administrative Code) to consult with “individuals
or organizations which possess appropriate expertise
in the areas of pharmacology and medicine” in
determining which medications would require prior
authorization (89 Ill. Adm.Code 140.442(a)(1) (2010))
and consult with a panel from such an organization
“to review and make recommendations regarding
prior approval” (89 Ill. Adm.Code 140.442(a)(2)
(2010)). To satisfy those requirements, respondent
contracted with the Medical Society to create the
Committee, which it then consulted with to review
and make recommendations regarding prior approval.
The contract between respondent and the Medical
Society assigned to the Committee those duties and
functions set forth in the Administrative Code (89 Ill.
Adm.Code 140.442(a) (2010)). Respondent accepted

nearly all of the Committee's recommendations, and by doing so, determined how a substantial amount of State funds were to be expended. In addition, petitioner asserted that the creation of the Committee satisfied the requirement in the Social Security Act that a formulary be developed by such a committee (42 U.S.C. § 1396r-8(d)(4)(A) (2006)).

*2 ¶ 6 Petitioner further asserted that the Committee thus satisfied the definition of a "public body" set forth in the Open Meetings Act and was therefore subject to the statute's requirements. Petitioner requested the court issue a writ of *mandamus* compelling respondent to comply with the Open Meetings Act by notifying the public of the time, date, and location of the Committee's meetings; opening up the Committee's meetings to the public; and making the minutes of the Committee's meetings available to the public.

¶ 7 Petitioner attached a number of documents to its amended petition, including the contract between respondent and the Medical Society. Under the terms of the contract, the Medical Society was to establish a committee comprised of its member physicians to review pharmaceutical literature and provide respondent with consultation and advice regarding drug coverage decisions in accordance with the Administrative Code (89 Ill. Adm. Code 140.442 (2010)). The Medical Society was to assemble that committee quarterly to review the therapeutic efficacy of drug products proposed for coverage under the Illinois Medical Assistance program, develop recommendations regarding which medications should require prior authorization, and produce a quarterly newsletter. Respondent was to provide the Medical Society with \$9,650 in compensation for each quarterly meeting and \$12,000 for each newsletter. In addition, the Medical Society was classified in the contract as an independent contractor, and not an agent or employee of, or joint venturer with, the State.

¶ 8 Respondent filed a motion to dismiss petitioner's amended petition pursuant to section 2-619(a)(9) of the Illinois Code of Civil Procedure (735 ILCS 5/2-619(a)(9) (West 2010)) and a supporting memorandum of law. Respondent asserted therein that the Committee was not subject to the requirements of the Open Meetings Act because it was not a "public body" under the statute and that respondent operated a


prior authorization program to limit its coverage of medications under the Social Security Act and had not developed a formulary. Petitioner filed a response to respondent's motion, in which it asserted that the Committee was part of respondent's organizational structure and performed advisory, deliberative, and investigative functions for respondent.


¶ 9 The circuit court subsequently entered a written memorandum opinion and order granting respondent's motion to dismiss based on its determination that the Committee was not a "public body" under the Open Meetings Act. In doing so, the court found that Illinois operated a prior authorization program and that the Committee did not meet the minimum requirements of a formulary under the Social Security Act. The court also found that the Committee was not part of respondent's organizational structure or its subsidiary, noting that its members were appointed by the Medical Society and were not subject to dismissal or control by respondent. Petitioner now appeals from this order.



¶ 10 ANALYSIS

*3 ¶ 11 Petitioner contends that the circuit court erred in dismissing its amended petition for a writ of *mandamus* because the Committee was subject to the requirements of the Open Meetings Act where it met the definition of a "public body" under that statute. *Mandamus* is a remedy to enforce, as a matter of right, the performance of an official duty by a public officer who has no discretion in the performance of that duty. *Noyola v. Board of Education of the City of Chicago*, 179 Ill.2d 121, 133 (1997). "To be entitled to a writ of *mandamus*, a party must establish a clear right to relief, a clear duty of the public official to act, and a clear authority in the public official to comply with the writ." *Burris v. White*, 232 Ill.2d 1, 7 (2009). A motion to dismiss brought under section 2-619(a)(9) admits the legal sufficiency of the complaint and asserts an affirmative matter outside the pleading that avoids the legal effect of or defeats the claim.


735 ILCS 5/2-619(a)(9) (West 2010); *Czarowski v. Lata*, 227 Ill.2d 364, 369 (2008). When ruling on such a motion, a court must interpret all pleadings and supporting documents in the light most favorable to the nonmoving party, and we will review the circuit

court's ruling on such a motion *de novo*.  *Hubble v. Bi-State Development Agency of the Illinois-Missouri Metropolitan District*, 238 Ill.2d 262, 267 (2010).

¶ 12 The Open Meetings Act ensures “that the actions of public bodies be taken openly and that their deliberations be conducted openly” by providing that citizens “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 2010). The term “public body” is defined as including “all legislative, executive, administrative or advisory bodies of the State” and any of their subsidiaries.  5 ILCS 120/1.02 (West 2010). In determining whether an entity is a “public body” under the Open Meetings Act, a court should consider:


“who appoints the members of the entity, the formality of their appointment, and whether they are paid for their tenure; the entity's assigned duties, including duties reflected in the entity's bylaws or authorizing statute; whether its role is solely advisory or whether it also has a deliberative or investigative function; whether the entity is subject to government control or otherwise accountable to any public body; whether the group has a budget; its place within the larger organization or institution of which it is a part; and the impact of decisions or recommendations that the group makes.” *University Professionals of Illinois, Local 4100 of the Illinois Federation of Teachers v. Stukel*, 344 Ill.App.3d 856, 865 (2003) (citing  *Board of Regents of the Regency University System v. Reynard*, 292 Ill.App.3d 968, 974 (1997);  *Pope v. Parkinson*, 48 Ill.App.3d 797, 799–800; *People ex rel. Cooper v. Carlson*, 28 Ill.App.3d 569, 571–72 (1975)).

*4 Petitioner asserts that all the factors listed above weigh in favor of determining that the Committee is a “public body” under the Open Meetings Act.



¶ 13 The most important factor in determining whether an entity is a “public body” is the entity's place within the organizational structure of the larger institution of which it is a part. *Stukel*, 344 Ill.App.3d at 866;  *Reynard*, 292 Ill.App.3d at 977. Petitioner maintains that the Committee holds a significant position within respondent's organizational

structure because its creation was required by the Administrative Code and the Social Security Act. Respondent asserts that the Committee is not part of its organizational structure where it was created by and is a part of the Medical Society, which is a private professional organization.

¶ 14 In this case, the allegations set forth in petitioner's petition and the terms of the contract attached thereto show that the Committee was created by the Medical Society and was comprised of its members and that the Medical Society operated as an independent contractor under its contract with respondent. Thus, petitioner's allegations and supporting documents do not show that the Committee was a part of the organizational structure of respondent in any way, but rather that it was entirely within the organizational structure of the Medical Society.

¶ 15 Petitioner, however, asserts that the Committee holds a significant position within respondent's organizational structure because its creation was required by the Administrative Code. In doing so, petitioner cites to  *Reynard*, 292 Ill.App.3d at 977–78, in which this court held that the entity at issue was a “public body” where it was created by a State organization pursuant to its own bylaws. In this case, the Administrative Code requires only that respondent consult with the appropriate groups and panels in determining which medications will require prior authorization, and does not require respondent to create any entities. 89 Ill. Adm.Code 140.442(a)(1), (a)(2) (2010). Moreover, unlike *Reynard*, where the entity at issue was created by a State organization, here the Committee was not part of respondent's organizational structure in any way where it was created by and is a part of the Medical Society, a private organization.

¶ 16 Petitioner further asserts that respondent was required to create the Committee by the Social Security Act because Illinois maintains a formulary. A state may place limitations on its coverage of drugs under the Social Security Act by establishing a formulary or operating a prior authorization program.

 42 U.S.C. § 1396r–8(d)(4),  (d)(5) (2006). For a formulary to comply with the requirements of the Social Security Act, it must have been developed “by a committee consisting of physicians, pharmacists,

and other appropriate individuals appointed by the Governor of the State” or, at the option of the State, its drug use review board established under the statute.

¶ 42 U.S.C. § 1396r-8(d)(4)(A) (2006). As the circuit court noted, the members of the Committee have not been appointed by the Governor or respondent and the Committee does not act as a drug review board where it does not make final determinations regarding drug coverage, but merely provides recommendations to respondent. Thus, Illinois limits drug coverage under the Social Security Act by operating a prior authorization program, rather than by establishing a formulary, and respondent therefore was not required to create the Committee by that statute.

*5 ¶ 17 We therefore determine that the Committee is not a part of respondent's organizational structure in any way where it was created by and is a part of the Medical Society and neither the Administrative Code nor the Social Security Act mandated its creation. As such, this most important factor weighs heavily in favor of concluding that the Committee is not a “public body,” and we now turn our consideration to the remaining factors in our inquiry.

¶ 18 Petitioner maintains that respondent exercises significant control over the appointment of the Committee's members through its contract with the Medical Society, which requires that the Committee be comprised of physicians from the Medical Society who are licensed to practice all branches of medicine and who represent multiple specialties, as required by the Administrative Code. However, under the terms of the contract between respondent and the Medical Society, the task of establishing the Committee was given to the Medical Society. In addition, the Administrative Code merely requires that respondent consult with a panel of an organization that is composed of physicians, pharmacologists, or both, and has an expertise in pharmacology and medicine, and delegates the responsibility of selecting the members of the panel to that organization. 89 Ill. Adm.Code 140.442(a)(1), (a)(2) (2010). Thus, the power to appoint members of the Committee rests with the Medical Society, and not respondent, and the contract and Administrative Code impose only the most basic requirements on the composition of the Committee by requiring the Medical Society to appoint practicing physicians who represent a wide variety of medical fields. As such,

respondent's lack of authority over appointments to the Committee indicates that the Committee is not a “public body” under the Open Meetings Act. *Pope*, 48 Ill.App.3d at 799.

¶ 19 Petitioner also maintains that respondent assigns duties to the Committee through its contract with the Medical Society and the Administrative Code. In this case, respondent assigns some duties to the Committee through its contract with the Medical Society where the contract requires the Committee assemble quarterly to review the therapeutic efficacy of drug products proposed for coverage, develop recommendations regarding which medications should require prior authorization, and produce a quarterly newsletter. Thus, while this factor weighs in favor of determining that the Committee is a “public body,” the mere delegation of some duties to a private party does not render an entity a “public body” under the Open Meetings Act (*Rockford Newspapers, Inc. v. Northern Illinois Council on Alcoholism and Drug Dependence*, 64 Ill.App.3d 94, 97 (1978)).

¶ 20 Petitioner also maintains that the Committee performs deliberative, investigative, and advisory functions for respondent where it reviews new pharmaceutical products and makes prior authorization recommendations, considers manufacturer appeals of previous recommendations, and reviews materials submitted by drug manufacturers and respondent. While the majority of these functions appear to be advisory in that the Committee advises respondent on the basis of the materials provided to it by respondent and drug manufacturers, the Committee may perform some deliberative function as well, and the Open Meetings Act explicitly includes advisory bodies of the State in its definition of a “public body” anyway. Thus, the application of this factor does not seem to weigh in favor of either party, and if it does favor petitioner, it does so only slightly.

*6 ¶ 21 Petitioner also maintains that respondent exerts significant control over the Committee through its contract with the Medical Society and the requirements of the Administrative Code and that the Committee therefore is accountable to it. In *Hopf v. Topcorp, Inc.*, 256 Ill.App.3d 887, 894 (1993), this court determined that an entity was

only under the influence, rather than the control, of government bodies where those bodies owned half of the outstanding shares of the entity and appointed half its directors. In this case, respondent has a lesser amount of control than the government bodies in *Hopf* where it requires the Committee, through its contract with the Medical Society, to meet quarterly, review drug products, develop recommendations, and produce a newsletter. Thus, respondent only has control over the general manner in which the Committee's services will be carried out and has no way of controlling the Committee's internal operations or the substance of its recommendations, and the Committee is therefore accountable to respondent only to the limited degree that it must comply with these very general procedural provisions. As such, this factor weighs in favor of determining that the Committee is not a "public body."

¶ 22 Petitioner also maintains that the Committee has a budget funded by respondent. In this case, respondent was required to provide the Medical Society with \$9,650 in compensation for each of the Committee's quarterly meetings and \$12,000 for each newsletter it provided under the terms of their contract. Thus, although this factor weighs in favor of determining that the Committee is a "public body," public funding alone will not render an entity subject to the Open Meetings Act (*Rockford Newspapers*, 64 Ill.App.3d at 96)).

¶ 23 Petitioner further maintains that the Committee's recommendations have a significant impact on respondent and the citizens of Illinois where the task of designating medications as requiring prior authorization affects a sizeable portion of the population and respondent accepts nearly all of the Committee's recommendations. In this case, the Administrative Code makes clear that the Committee's recommendations "shall be non-binding upon [respondent] and can in no way bind or otherwise limit [respondent's] right to determine in its sole discretion those drugs which shall be available without prior approval." 89 Ill. Adm.Code 140.442(a)(2) (2010). In addition, although petitioner asserts that respondent has accepted nearly all of the Committee's recommendations, the only fact it alleged in its petition to support that conclusion is that on September 15, 2010, respondent accepted 77% of the Committee's recommendations where it accepted 10 of the Committee's 13 recommendations.

Thus, even when interpreting that fact in the light most favorable to petitioner to show that respondent consistently accepted a similar percentage of the Committee's recommendations, that fact shows that respondent actually rejects a reasonable proportion of the Committee's recommendations where it does so 23% of the time. It only makes sense that respondent would continue to solicit recommendations from a panel that oftentimes provides recommendations it subsequently determines are sound. As such, this factor weighs in favor of determining that the Committee is a "public body."

*7 ¶ 24 Thus, the most important factor in determining whether an entity is a "public body," the entity's place within the organizational structure of the larger institution of which it is a part, weighs heavily in favor of the conclusion that the Committee is not a "public body" where the Committee is not within respondent's organizational structure at all. As to the other factors, some weigh in favor of determining that the Committee is a "public body" while other factors weigh in favor of determining that it is not. For example, respondent's assignment of duties to the Committee and the Committee's budget indicate that the Committee is a "public body," while respondent's lack of control over appointment of the Committee members and the Committee in general and the non-binding nature of the Committee's recommendations indicate that it is not. As such, we determine that the Committee is not a "public body" under the Open Meetings Act and therefore conclude that the court did not err in granting respondent's motion to dismiss the petition for a writ of *mandamus*.

¶ 25 CONCLUSION

¶ 26 Accordingly, we affirm the judgment of the circuit court of Cook County.

¶ 27 Affirmed.

HARRIS, P.J., and CONNORS, J., concurred in the judgment.

All Citations

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