

reappointed to a 3-year term. Motion by Dick Clark that the appointment be made. Seconded by Fred Miller. Motion carried.

In a previous county board meeting Barry Lawrence was appointed as trustee to the Shelbyville Fire Protection District. We now have his bond being presented for approval. Motion by Dick Clark that the bond be approved. Seconded by Jeff Price. Motion carried.

Sheriff Randy Sims told the board that the Illinois Juvenile Justice Commission was doing a study of juvenile detention facilities in downstate Illinois regarding a need for additional juvenile detention facilities in the area of the 4th Judicial Circuit. He said that Effingham County was involved in the study. He asked that the county board chairman be granted permission to send a letter to the commission in an effort to find a solution for the juvenile detention problems in this area. Motion by Kenneth Barr that permission be granted to send a letter. Seconded by Ralph May. Motion carried.

Mr. Hayes asked for any committee reports. There was none presented.

Mr. Hayes then told the board that State's Attorney Tom Finks wanted to talk to the board pertaining to some money he had received from the state. Mr. Finks told the board that he had talked with the Fees & Salaries Committee pertaining to this matter. He said he had applied for and received a \$20,000 grant from the state under the Victims of Violent Crimes Program and had deposited the money with the Treasurer. He has attempted to use the money but the committee has apparently refused to allow the money to be spent. As a result of that denial, on April 4th he asked that the money be returned to his office as it was generated through his office. After talking with the Fees & Salaries Committee, he is now coming to the county board asking the board to have the money returned. He asked the County Board to authorize the County Treasurer to write a check to his office in the amount of \$20,000 in return of the money which has been deposited with the Treasurer.

Kenneth Barr moved to go into executive session. Seconded by Jeff Price. Tom Finks then questioned the legality of going into executive session for this matter and advised the board against it. He indicated that this was not a proper matter for executive session. The motion carried.

The Shelby County Board reconvened at 11:00 AM from executive session.

Mr. Hayes announced that the board's decision is that we will stay with the Budget Committee's decision and contact the Attorney General's Office. Tom Finks then advised the board that the executive session which they had just completed was in his opinion illegal. He said that he had obtained the grant money and indicated that it should be returned to him since the committee had refused to allow it to be spent. Lloyd Spencer moved to accept the Budget Committee's recommendation and contact the Attorney General's Office. Seconded by Bob Behl. Motion carried.

Mr. Hayes then gave a update on the last month's discussion of the flashing light at the junction of Route 128 North and the Findlay Road. He told the board they are still working on the matter with the state and trying to get them to get the lights installed.

Marvin Jordan moved to assess mileage and per diem for the meeting, to pay the bills and payroll as approved by the various committees, to place the correspondence and reports on file, and to recess to June 12, 1996. Seconded by Dick Clark. Motion carried.

May 8, 1996

Clark that the appointment be made. Seconded by Dave Schumacher. Motion carried. The appointment will be for a 5-year term.

He then said that the **Tourism Committee** members are all up for appointment at the end of June. He presented the names of **Josh Shallenberger, Ken Fry, John Fleming, Greg Miller and Fred Doerner** for reappointment. Motion by Jeff Price that the appointments be made. Seconded by Jim Bailey. Motion carried.

As a listing of names for appointment as judges of election had been received from the Shelby County Republican and Democrat Parties, the list was then presented for county board approval. The listing will then be recommended to the court for approval. Motion by Gary Philippi that the lists be approved. Seconded by Marvin Jordan. Motion carried.

Fred Miller and Dwight Campbell reported that there was no change in the situation for the polling place in Precinct #3 of Shelbyville Township. They had previously reported that the only place that seemed to be available at that time was the Moulton Methodist Church on South 4th Street. Fred Miller moved that the polling place be moved from the VFW Hall to the Moulton Methodist Church. Seconded by Dick Clark. Motion carried.

David McDonald moved that the board recess for 20 minutes and refer the bills to the proper committees. Seconded by Marvin Jordan. Motion carried. The Board recessed at 9:25 AM.

The Shelby County Board reconvened at 9:50 A.M. with roll call. Those absent were Kenneth Barr and Bob Jordan.

June 12, 1996
Mr. Hayes told the board that local attorney E. C. Eberspacher had been appointed by Chief Judge Michael Weber to represent the county as Special State's Attorney in the matters relating to the \$20,000 grant received from the state for Victims of Violent Crimes and related possible litigation with State's Attorney Tom Finks. He handed out copies of a memo which had been sent to various news agencies. Mr. Hayes then introduced E. C. Eberspacher to talk to the board about his appointment and the matters relating to it.

Mr. Eberspacher started with the last county board meeting on May 8, 1996.

The minutes of the meeting were kept by the county clerk along with a tape recording of that meeting which included the closed session. He said that the county board made a motion to refer disposition of the \$20,000 to the Budget Committee.

He then referred to the memo (copy of which had been handed out to the board members) in which Mr. Finks had indicated that he has undertaken an investigation of the county board. The memo was sent to members of the news media and Dwight Campbell. The memo indicates that his investigation is of the meeting of May 7th (the correct date should be May 8th) in relation to possible violations of the Open Meetings Act when they went into executive session.

Mr. Eberspacher said that the chairman had received correspondence from the State Attorney General's Office and other threatening correspondence. The chairman has requested that Mr. Eberspacher assist him in drafting a response to the Attorney General's Office.

He also told the board that on May 24th a lawsuit was filed against County Clerk Dwight Campbell by the Decatur Herald & Review, and that at a hearing on May 24th the State's Attorney was apparently present and represented the county clerk without the knowledge of the county clerk about the hearing. On that date an order was entered by the court directing the clerk to release the minutes of the May 8th meeting including the tape recording of the closed session.

On the afternoon of May 24th, representatives of the Decatur Herald & Review appeared in the County Clerk's office and asked for the minutes of the May 8th meeting and the tape recording. When they were refused the tape, the State's Attorney who was present was asked for legal advice by the County Clerk of which he refused because of his involvement. The State's Attorney later petitioned to the court that a special state's attorney be appointed to represent the county clerk in this matter.

Because of the potential litigation against the county board and county officers, the county board chairman requested that the court appoint a special state's attorney to represent the county board and county officers in all matters relating to the return of the \$20,000 and possible violations of the Open Meetings Act. Chief Judge Mike Weber appointed E. C. Eberspacher to defend the county and its officials in these related matters.

The Budget Committee met on May 30th to discuss the disposition of the \$20,000. A motion was made in the budget meeting to have E. C. Eberspacher draft a resolution on the action taken on the \$20,000 and also to have a check written for the \$20,000 to be sent to the Attorney General's office. Mr. Eberspacher said he had prepared a resolution and proceeded to read it. A check has been drafted to the Attorney General State of Illinois for the \$20,000 and is ready for the county board's final action.

Gary Philippi asked if there would be any interest involved in the money while we had it. Mr. Eberspacher indicated that he thought if we got the check back by the end of the month there may not be any interest.

At that time State's Attorney Tom Finks asked to speak advising the board that Mr. Eberspacher was not their legal adviser.

Ralph May asked why the county board didn't know about this earlier. Marvin Jordan said that the county board was not informed.

Mr. Eberspacher read portions of his letters relating to the matter. He said that on March 8th the Budget Committee sent a letter to the State's Attorney asked him to cease paying his second secretary effective April 1st. On March 27th the State's Attorney advised the county board chairman in a letter that as of April 1st the second secretary would become a full-time Victims of Violent Crimes Coordinator. There was further discussion as to why this hadn't come to the full board earlier. Tom Hayes said he tries to keep the board informed.

Dwight Wallace asked why they could not use the grant money. Mr. Eberspacher said that there are some 13 reasons why it cannot be used, among those are a secretary is unauthorized to receive payment from the fund, that the state has indicated that the full amount should be spent by June 30, 1996, that the \$20,000 should have been budgeted and was not, --those being some of the reasons.

Gary Philippi suggested that we move on in taking action.

Again Tom Finks asked to be heard reminding the board that he is their legal adviser except on the one matter and that Mr. Eberspacher had no authority. Mr. Hayes finally asked him to keep it brief.

Mr. Finks talked about each part of the resolution that Mr. Eberspacher had read saying that it was a multi-page propaganda statement. He advised that the board should never adopt a resolution like that unless they were sure that all of the allegations were factual and were ready to back them up. He said it would be better to adopt a two-sentence resolution in sending the money back.

Lloyd Spencer asked if the Budget Committee had approved the resolution. Mr. Hayes indicated that they had not approved the resolution as read.

Ralph May suggested that we only vote on returning the money. Tom Hayes said he would like to see the board pass the resolution as presented. Marvin Jordan suggested that we just adopt a simple resolution. Gary Philippi also recommended that a resolution be prepared to simply return the money promptly. Jim Warren also spoke in favor of keeping it simple.

Gary Philippi moved to adopt a resolution to return the \$20,000 to the Attorney General's office as was requested. Seconded by Marvin Jordan. Tom Hayes called for a roll call vote. Those voting in favor were Jim Bailey, Toby Bennett, Dick Clark, Joe Hogan, Marvin Jordan, Larry Lenz, Ralph May, Warren Peek, Gary Philippi, Dwight Wallace, and Jim Warren. Those voting against were Martin Amling, Robert Behl, David McDonald, Fred Miller, Jeff Price, David Schumacher, Lloyd Spencer, and Floyd Storm. The vote was 11 yes to 8 no.

Mr. Eberspacher then asked who was to prepare the resolution to return the money. Dick Clark suggested that we should state why we are sending the money back. Joe Hogan moved to have E. C. Eberspacher draft a letter to the Attorney General. Seconded by Lloyd Spencer. Motion carried.

Jim Bailey asked why we have to air our dirty laundry.

Mr. Eberspacher then continued by telling the board that according to the memo from Mr. Finks to members of the press, the county board is under criminal and civil investigation. He continued that the State's Attorney had not advised the county clerk about the lawsuit filed against him. He also said he has heard that threats have been made to the treasurer by the State's Attorney if she did not follow his advice in handling the \$20,000. He said that the State's Attorney did not advise the county board pertaining to the Open Meetings Act. In consideration of all of this, he told the board that they had no recourse but to file a counterclaim against Mr. Finks in court charging that he did not properly advise the board. He also said that it is unethical for an attorney to bring charges against his own client. He said he should have advised the board of his intended action and withdrawn as their legal adviser. You can't represent and threaten to sue at the same time. He advised the board that they must ask the court to appoint a legal representative for them as the law would not allow them to get another attorney other than the State's Attorney on their own. Presently the court appointed special attorney is limited.

Gary Philippi asked if we need to go into executive session. There was discussion that the board would not.

The board further discussed the breadth of the subject matter in the special appointment. Mr. Eberspacher advised that there are two factors involved here. They are scope and duration, -referring to the time frame. He advised that the board should have the chair contact the chief judge to have the appointment made. Jim Warren moved that the chair contact Chief Judge Weber. Seconded by Jeff Price. Motion carried.

Mr. Eberspacher said that he will write the appropriate letters and follow-up of the action that the board has taken.

Mr. Hayes then told the board that we now have a tentative agreement with the local AFSCME Union. Jeff price moved that we go into executive session. Seconded by Lloyd Spencer. Dwight Wallace asked for a roll call vote. A roll call vote was taken with those voting in favor being Martin Amling, Jim Bailey, Robert Behl, Toby Bennett, Dick Clark, Joe Hogan, Marvin Jordan, Larry Lenz, Ralph May, David McDonald, Fred Miller, Warren Peek, Gary Philippi, Jeff Price, Dave Schumacher, Lloyd Spencer, Floyd Storm and Jim Warren. Voting against was Dwight Wallace. The vote was 18 yes to one vote of no.

The Shelby County Board reconvened after a brief executive session.

Dick Clark moved to take the recommendation of the bargaining committee and approve the agreement with the AFSCME Union and to authorize the chairman to sign it. Seconded by Jim Bailey. Motion carried.

Floyd Storm, Chairman of the Fees & Salaries Committee, reported the committee recommends that we do not purchase the picture of the Shelbyville Boys Basketball Team as was presented in the May meeting. Marvin Jordan moved that we accept the committee's recommendation. Seconded by Toby Bennett. Motion carried.

Mr. Hayes reported that the flashing lights for the Findlay junction will be taken care of.

Mike Cruit was recently appointed to the Findlay Fire Protection District as trustee. We now have his official bond and it is presented for approval. Larry Lenz moved that the bond be approved. Seconded by Joe Hogan. Motion carried.

Floyd Hinton was recently appointed trustee to the ^{Tower Hill} ~~Shelbyville~~ Fire Protection District. His bond was presented for approval. Motion by Jim Bailey that his bond be approved. Seconded by Martin Amling. Motion carried.

A \$50,000 bond for the trustees of the Moweaqua Fire Protection District was then presented for approval. Marvin Jordan moved that the bond be approved. Seconded by Jeff Price. Motion carried.

Marvin Jordan moved to place the correspondence and committee reports on file, to assess mileage and per diem for the meeting, to pay the bills as was approved by the proper committees, and to recess to July 10th. Seconded by Dick Clark. Motion carried.



State's Attorney:
Thomas O. Finks
Assistant State's Attorney:
Robert O. Musick
Secretary:
Kelly R. Tallman

SHELBY COUNTY STATE'S ATTORNEY

Shelby County Courthouse
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May 15, 1996

MEMO

TO: Dwight Campbell, Dawn Schabbing, Donna Riley-Gordon,
Sharon Mosley, Sharon Vance, and George Frazier

FROM: Thomas O. Finks
State's Attorney

RE: County Board Meeting of Wednesday, May 7, 1996

My office is conducting a preliminary investigation of the meeting of May 7. Consideration is being given to a full-fledged, independent investigation as to whether violations of the Illinois Open Meetings Act occurred, which could result in both civil and criminal penalties.

As a result, we ask that you preserve all rough notes, rough drafts, final drafts, and copies of articles or any other materials pertaining to the Board meeting of May 7. If you have made any tape-recorded notes or tape-recorded any or all of the Board meeting, we also ask that those materials be secured and preserved as possible evidence for future investigation.

If you do not believe that you can preserve these materials, would you please contact us so that we can discuss the matter. If you would rather these materials be preserved outside your office, also contact us and we will arrange to have an appropriate police agency retain these materials for any possible future investigation.

We greatly appreciate your cooperation in this matter.

TOF/kt



COPY

P 217/774-4421

SHELBY COUNTY BOARD

P.O. BOX 228 • SHELBYVILLE, ILLINOIS 62565

June 12, 1996

To: Attorney General Jim Ryan and
Whoever it May Concern

Dear Attorney General Ryan:

The Shelby County Board followed the recommendation of the Budget Committee at its regular June meeting and directed the Special State's Attorney appointed by the Chief Circuit Judge to facilitate the delivery to you of the \$20,000.00 Crime Victims Assistance Grant Funds you sent to Shelby County State's Attorney Thomas O. Finks. The Board asked us to explain to you why we believe this must be done.

In July and August, 1995 the Budget Committee as usual received budget requests from the County offices, including the State's Attorney. He requested two secretaries, but we refused and approved only one secretary. He asked if we would allow him two secretaries if he got a "State grant" to pay one of them. We told him if he got a "State grant" to get back to us and we would either use it to pay his one secretary, or maybe let him hire a second part-time secretary and pay her and half the regular secretary. The State's Attorney did not get back to us and we passed the Budget for fiscal 1995 (9/1/95-8/31/96) at the County Board's September, 1995 meeting. No one had ever heard of the Crime Victims Assistance Act, and no County position as Crime Victims Assistance Act Coordinator was requested or approved. The State's Attorney was budgeted for one secretary.

The County Board did not approve any Crime Victims Assistance Act grant application; the State's Attorney never told us he made the application and never told us you gave him a Crime Victims Assistance Act grant. The County Treasurer told us in April, 1996 that the State's Attorney came to her in mid-September, 1995 and asked her to set up a private checking account for him with a \$10,000.00 check from you. On advice of the County's CPA, Bill Mose, she refused. Apparently the State's Attorney finally agreed after meeting with the CPA, because on October 27, 1995 he asked the Treasurer to deposit your check in our County General Fund. He did the same thing with your second \$10,000.00 check on February 17, 1996. The Treasurer deposited both checks as the State's Attorney requested. The State's Attorney never told us of his plan to deposit your monies in our General Fund and we never gave him permission to do so.

Attorney General Jim Ryan
June 12, 1996
Page two

In March, 1996 the Budget Committee did its semi-annual audit of expenditures of the County offices to date (Shelby County has had very serious financial problems, deficit spending and cuts in office employees in recent years, and we now check regularly to be sure the County offices are not overspending the budget). We discussed that the State's Attorney had hired a second part-time secretary without our knowledge, and directly contrary to our refusal to allow that in the Budget hearings and current Budget Ordinance. He had overspent his office budget - employees salaries by over 70%. We directed our Chairman, the County Board Chairman, to put a stop to the unauthorized payment of the State's Attorney's second part-time secretary. He wrote the State's Attorney a letter - copy attached - March 8, 1996.

In the meantime, State's Attorney Finks lost his primary election bid for re-election and he will be out of office by December, 1996.

On March 27, 1996 the State's Attorney sent a letter to the County Board demanding that the County create a new office, Violent Crime Victims Coordinator and pay her from the General Fund, and he also demanded that we hire his part-time secretary to that full-time job. A copy of his letter is attached.

It seems to us that the State's Attorney was just trying to pay his second secretary, when we had refused to authorize him to ever hire her. Also, we do not need a Violent Crime Victims Coordinator - Shelby County has very few violent crimes. We did not consider it fair to the other County offices that the State's Attorney could add staff members when every other office was required by us to lay off staff members to balance the County Budget. We found out later that the Crime Victims Assistance Act has 13 specific services it may provide, and paying a secretary for the State's Attorney is not one of them. We do not want the County to be a party to, in effect, defrauding the State by taking grant money for one purpose and using it for an unauthorized purpose.

We met several times in April, 1996, trying to figure all this out and the State's Attorney never offered us any explanation. At the May County Board meeting we had the Chairman make a full report on the State's Attorney's performance in office and the problems he was causing. They referred the matter back to committee. We asked the Chief Circuit Judge to appoint a Special State's Attorney to help us figure out what to do. A Special State's Attorney was appointed and after he studied the matter we voted to recommend to the full County Board that the \$20,000.00 be returned to you.

Attorney General Jim Ryan
June 12, 1996
Page three

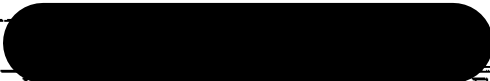
We earlier offered to budget the \$20,000.00 to pay a Violent Crime Victims Coordinator in our 1996-1997 Budget, but your assistant, Mr. Denney, says the \$20,000.00 has to be spent by June 30, 1996, or you will sue us for it, plus interest. We cannot legally spend money for employees and/or new offices and services that have never been budgeted, so we cannot set up a Violent Crime Victims Assistance service until our new fiscal year beginning September 1, 1996. In addition, the County Board does not agree to let the State's Attorney, or any other County officer, create new County offices or hire County employees and overspend his budget directly contrary to the County Board's directions.

In the end it just boils down to who is finally responsible to govern the County, the State's Attorney or the County Board. The Budget for Shelby County is almost \$4,000,000.00 per year, and while the County Board would like to be able to use the \$20,000.00 grant money you sent to the State's Attorney, since it means letting the State's Attorney tell the County Board how to run the County's business, the price is too high.

Very truly yours,



Tom L. Hayes, Chairman of the
Shelby County Board and Chairman
of the Budget Committee



Floyd Storm, Chairman, Fees and
Salaries Committee and Vice-
Chairman of Budget Committee



Fred Miller, Chairman, Finance
Committee and Vice-Chairman of
Budget Committee

TLH/pl



SHELBY COUNTY BOARD

P.O. BOX 228 • SHELBYVILLE, ILLINOIS 62565

COPY

March 8, 1996

Mr. Thomas O. Finks
 Shelby County State's Attorney
 Shelby County Courthouse
 Shelbyville, Illinois 62565

Dear Tom:

The Budget Committee of the Shelby County Board met March 7, 1996 for the 6-months review of the county's financial status and budget comparison.

In reviewing your office expenditures we noted that your employee salary line item currently stands at 71.35% expenditure of the budget.

The County Board, in preparing the budget for FY95-96, had set the budget to cover only one employee in your office besides the Assistant State's Attorney.

Due to the financial situation of the county and remaining in compliance with the budget, we respectfully request that you cease paying the second employee in your office as of April 1st.

If you have any question or do not agree with this request, please advise me immediately.

Yours truly,



Tom L. Hayes
 Chairman

TLH/pl

CC: Twila



State's Attorney:
Thomas O. Finks
Assistant State's Attorney:
Robert O. Musick
Secretary:
Kelly R. Tallman

SHELBY COUNTY STATE'S ATTORNEY

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March 27, 1996

COPY

Mr. Tom L. Hayes
Shelby County Board Chairman
156 South Morgan Street
Shelbyville, IL 62565

Re: Part-Time Secretary

Dear Mr. Hayes:

We understand the Board's wish not to further pay the part-time secretary after April 1. Up to April 1, the part-time secretary has been paid from General Fund tax monies.

As of April 1, the part-time secretary will become the full-time Violent Crime Victims Coordinator. We have obtained a \$20,000 grant from the Attorney General of the State of Illinois for this purpose. The monies have been received and deposited. This program is in conformance with the state law which mandates that crime victims and witnesses be provided various services (725 ILCS 240/1, et seq.) and the Crime Victims Bill of Rights approved by a vote of the People of Illinois several years ago. We as a county have not been in compliance with this law for several years. We began the process of obtaining a grant over 15 months ago. We were successful in obtaining the grant last July.

Our Violent Crime Victims Coordinator will be paid fully from the grant funds which are made up of state-wide criminal fines. She will be provided all the various benefits of a county employee, but those benefits and all other costs associated with the position will be paid from the grant which is renewable annually.

We look forward to this program which will allow us to meet the statutory mandates which we are not now meeting. It will also allow us to provide better information and assistance services to victims and witnesses of crime in Shelby County.

If you should have any questions regarding this matter, please feel free to contact the undersigned.

Very truly yours,


Thomas O. Finks
State's Attorney

TOF/kt

RESOLUTION NO. _____

WHEREAS, the Shelby County, Illinois County Board (hereinafter referred to as the "County Board"), has timely adopted a Resolution Adopting Annual Budget for the Fiscal Year beginning September 1, 1995 and ending August 31, 1996; and

WHEREAS, the Shelby County, Illinois State's Attorney, Thomas O. Finks, (hereinafter referred to as "Finks"), submitted a budget request for that Resolution, which did not include the proposed expenditure of any funds for Violent Crime Victims and Witnesses Assistance; and

WHEREAS, the said 1995-1996 County Budget Resolution does not contain any authority for the expenditure of funds for Violent Crime Victims and Witnesses Assistance; and

WHEREAS, Finks made an application prior to the 1995-1996 fiscal year for a Violent Crime Victims and Witnesses Assistance Grant without either the knowledge or approval of the County Board or any committee thereof; and

WHEREAS, Finks on or about September 15, 1995 received \$10,000.00 from the State of Illinois as grant funds from that application and held the same until October 27, 1995, when he requested the Shelby County, Illinois Treasurer to deposit those funds in the General Fund for Shelby County, Illinois; and

WHEREAS, Finks on or about February 1, 1996 received \$10,000.00 of additional such funds and held the same until February 17, 1996, when he requested the said County Treasurer to deposit those funds in the General Fund for Shelby County, Illinois; and

WHEREAS, said \$20,000.00 was deposited at the request of Finks in the County General Fund without either the knowledge or consent of the County Board; and

WHEREAS, at the end of six months of the 1995-1996 fiscal year Finks had expended over 70% of the County Budget for the office of the State's Attorney - employee salary; and

WHEREAS, in response to the request of the County Board to Finks to cease paying the part-time second secretary hired without the knowledge or consent of the County Board, Finks demanded that the County Board pay his part-time secretary as a full-time "Violent Crime Victims Coordinator" from the County General Fund; and

WHEREAS, the Violent Crime Victims Assistance Act (725 ILCS 2401/8) specifically enumerates the 13 services which may legally be provided from Violent Crime Victim and Witness Assistance Grand funds, none of which authorize the payment of a salary and benefits for a State's Attorney's secretary; and

WHEREAS, Finks has certified for fiscal year 1995-1996 and fiscal year 1996-1997 that he shall not engage in the private practice of law and that as a "full-time" State's Attorney he has no legal authority to maintain any bank accounts or other depository for public funds; and

WHEREAS, the County Board, through its Chairman, has proposed to include Violent Crime Victims and Witnesses Assistance Act services as part of the County Budget Resolution for 1996-1997, but is informed by the Illinois Attorney General that all current Violent Crime Victims Assistance Act Grand funds

are required by law to be expended by June 30, 1996, or so much as has not been properly expended returned; and

WHEREAS, the first notice given by Finks to the County Board that Finks proposed to expend such funds did not occur until on or about April 1, 1996, when Finks demanded the expenditure of the entire \$20,000.00 to be paid to Finks' secretary; and

WHEREAS, Finks has no legal authority to deposit and spend such funds, Finks has failed to make a budget request for the expenditure of such funds by the County Board in fiscal 1995-1996, and Finks has attempted to force the expenditure of those funds for payment of a secretary's salary contrary to law; and

WHEREAS, the Illinois Attorney General has provided a written opinion dated May 22, 1996, that the County Board may legally deliver the said \$20,000.00 grant funds to the Attorney General's Violent Crime Victims Assistance Fund by the authority of 55 ILCS 516-1001 et. seq. without such expenditure being included in the 1995-1996 County Budget Resolution; and

WHEREAS, the Budget Committee of the County Board, to which committee this matter was referred, has recommended that the County Board deliver said grant funds to the Attorney General's Violent Crime Victims Assistance Fund;

NOW, THEREFORE, BE IT, AND THE SAME IS HEREBY RESOLVED by the County Board for Shelby County, Illinois, sitting in regular session as follows:

A. That the Shelby County, Illinois Treasurer and County Clerk prepare the drafts as appropriate to deliver the \$20,000.00 (deposited by Shelby County, Illinois State's Attorney Thomas O.

Finks without the knowledge or consent of this County Board in its County General Fund) to the Illinois Attorney General's Violent Crime Victims Assistance Fund; and

B. That the delivery of such monies be accomplished through the offices of the Special State's Attorney for Shelby County, Illinois; and

C. That a copy of this Resolution accompany the delivery of said monies; and

D. That a copy of this Resolution be provided to each of the newspaper reporters to whom State's Attorney Finks circulated his "Memo" dated May 15, 1996 announcing that he and others at his request had begun a criminal and civil investigation of his own client, this County Board for Shelby County, Illinois.

Dated at Shelbyville, Shelby County, Illinois this 12th day of June, 1996.

AYES: _____

NAYES: _____

ABSENT: _____

THE COUNTY BOARD FOR
SHELBY COUNTY, ILLINOIS

By: _____
Tom L. Hayes, Chairman

ATTEST:

Dwight Campbell, County Clerk (COUNTY SEAL)

BUDGET COMMITTEE MEETING

MAY 30, 1996

The Budget Committee of the Shelby County Board met on May 30, 1996 at 5:00 PM at the Courthouse in Shelbyville.

Members present were Tom Hayes, Jeff Price, Fred Miller, Larry Lenz, Bob Behl, Martin Amling, David McDonald, Joe Hogan, and Floyd Storm. Others present in the meeting were County Clerk Dwight Campbell and Clerk Deputy Jean Richards, State's Attorney Tom Finks, Special State's Attorney E. C. Eberspacher, and news media.

Tom Hayes opened the meeting by indicating that we were meeting for the purpose of litigation against the County about the State's Attorney's grant and litigation against the County by the Decatur paper. He also indicated we were meeting to discuss overtime pay for the Animal Control Officer and union negotiations.

Jeff Price moved that we go into executive session to discuss those matters. Seconded by Joe Hogan. Special State's Attorney Eberspacher noted that under the Open Meetings Act section (c)(1) the Committee could go into executive session to discuss the State's Attorney's performance of his job as the County's lawyer and the compensation of the Animal Control Officer and grant secretary. Under section (c)(11) we could discuss the lawsuit already filed and the probable lawsuit by the Attorney General. Under section (c)(2) we could discuss union negotiations. Motion carried - all ayes with the chairman not voting.

After meeting in a closed session, the Committee resumed in an open meeting.

Jeff Price moved that the Budget Committee recommend to the county board that the board have attorney E. C. Eberspacher pursue the lawsuit and potential lawsuit, -also to have a check drawn in the amount of \$20,000 to the Attorney General's Office, and it be forwarded to the AG along with a cover letter and resolution that the money be returned. Seconded by Joe Hogan. Motion carried.

A motion was made by Jeff Price to recess for five minutes. Seconded by Floyd Storm. Motion carried. Special State's Attorney Eberspacher was excused and left.

The Committee went into recess at 6:20 PM.

The Committee reconvened after the five minute recess with a call to order by Tom Hayes. Members present were Tom Hayes, Jeff Price, Fred Miller, Larry Lenz, Bob Behl, Martin Amling, Dave McDonald, Joe Hogan, and Floyd Storm. Others present were Tom Finks, Dwight Campbell, Jean Richards, and members of the news media.

Motion by Jeff Price to go into executive session again. Seconded by Bob Behl. Motion carried - all ayes with the chairman not voting.

Before leaving the room Tom Finks advised the Committee that the closed session which they had completed was in violation of the Open Meetings Act. He indicated that the whole issue to the question pertaining to the money is, --do you intend to return the money or not. He said Mr. Eberspacher can only advise on the matter pertaining to that money as a special appointed adviser.

The Committee entered into closed session.

The Committee entered into open session once again.

Motion by Jeff Price to adjourn. Seconded by Martin Amling. Motion carried.

SHELBY COUNTY BOARD

SPECIAL MEETING

JUNE 27, 1996

A special meeting of the Shelby County Board was called to order June 27, 1996, at 7:00 P.M., at the Courthouse in Shelbyville by Chairman Tom Hayes. He stated that the purpose of the meeting was to discuss the pending litigation suit against the Board filed by the Decatur Herald & Review pertaining to the Open Meetings Act.

Roll call was taken. Those absent were Gary Philippi and Fred Miller.

Mr. Hayes then turned the meeting over to the Special State's Attorney E. C. Eberspacher who was appointed by Chief Judge Weber on May 29th for the limited purpose of providing legal services to the Board and county officers in this pending litigation matter, any matters growing out of these problems and for the return and handling of the \$20,000 grant money that State's Attorney Tom Finks had secured.

Mr. Eberspacher said that Case No. 96-MR-12 had been dropped and a new Case No. 96-CH-7 had been filed against the County Board in which the Decatur Herald & Review owned by Lee Enterprises, Inc., is suing the County Board collectively and individually. Mr. Eberspacher told the Board that in order for him to defend their interest collectively and individually, he must first have a written disclosure and consent signed by each board member. Those who do not wish to sign the consent form will be served notice of the suit and he advised that they hire their own attorney. For those who have signed he will enter an appearance for them. He passed around disclosure and consent forms for members of the board to read and sign.

When asked why the first case was dismissed, he said that it included a suit against the County Clerk for not releasing the tape of the closed session, but they now have their needed information and it was not necessary.

Due to the absence of Fred Miller and Gary Philippi he asked the County Clerk to contact those two board members to get their signatures as soon as possible. All the board members present signed the form.

Mr. Eberspacher said we need to discuss the pending litigation and that a closed session was proper under the Open Meetings Act, Sec. 120/2(c)(11). Lloyd Spencer moved that we go into executive session to discuss the lawsuit. Seconded by Jeff Price. Motion carried - all ayes, no nays with the Chairman not voting.

The Shelby County Board reconvened from their closed session at 8:10 P.M.

Robert Behl made a motion that the County Clerk correct the minutes of the County Board meeting of May 8, 1996, to conform with the tape recording made of that meeting with the advice and direction of the Special State's Attorney. Motion seconded by Joe Hogan. Motion carried.

Motion by Floyd Storm to authorize and direct the Special State's Attorney to ask the court for a summary determination of whether the county board violated the Open Meetings Act on May 8th and on May 30, 1996. Seconded by Jeff Price. Motion carried.

Motion by Jim Bailey to adjourn. Seconded by Marvin Jordan. Meeting adjourned.

**PETITION AND NOTICE OF SPECIAL MEETING
COUNTY BOARD**

STATE OF ILLINOIS)
) SS
COUNTY OF SHELBY)

PETITION

To the Clerk of the County Board of Shelby County:

The undersigned, being one third of the membership of the County Board, request that a Special Meeting be called June 27, 1996, to be held at the hour of 7:00 PM in the County Board Room on Thursday the 27th day of June 1996. The purpose of this meeting will be to discuss the pending litigation suit, Herald & Review, a division of Lee Enterprises, Inc VS Shelby County Board, Tom Hayes, Kenneth Barr, Glenn "Dick" Clark, Jeff Price, Fred Miller, Bob Behl, Larry Lenz, Floyd Storm, Dave McDonald, Martin P. Amling, James Bailey, Toby Bennett, Joseph W. Hogan, Marvin Jordan, Robert N. Jordan, Ralph May, Warren Peek, Gary Philippi, David Schumacher, Lloyd Spencer, Dwight Wallace and James Warren, being Case No 96-CH-7.

NAME	DISTRICT
<u>Tom L. Hayes</u>	<u>5</u>
<u>Ralph May</u>	<u>2</u>
<u>Jeffrey L. Price</u>	<u>4</u>
<u>Fred Miller</u>	<u>11</u>
<u>Glenn B. "Dick" Clark</u>	<u>3</u>
<u>Joseph W. Hogan</u>	<u>9</u>
<u>James O. Bailey</u>	<u>10</u>
<u>[Redacted]</u>	<u>3</u>

**NOTICE OF A SPECIAL MEETING OF THE
COUNTY BOARD**

To all County Board Members:

You are hereby notified that there will be a special meeting of the County Board for the purpose, time, and place as set forth in the foregoing petition.

Dwight Campbell
Shelby Co Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF SHELBY)

To all Members of the County Board of Shelby County, Illinois:

PUBLIC NOTICE

You are hereby notified that a special meeting of the County Board of Shelby County, Illinois, will be held at 7:00 PM on Thursday, June 27, 1996 , at the regular meeting room on the first floor of the Courthouse in Shelbyville, Illinois, at which time and place all members of said Board are requested to be present. The purpose of this meeting will be to discuss the pending litigation suit, Herald & Review, a division of Lee Enterprises, Inc VS Shelby County Board, Tom Hayes, Kenneth Barr, Glenn "Dick" Clark, Jeff Price, Fred Miller, Bob Behl, Larry Lenz, Floyd Storm, Dave McDonald, Martin P. Amling, James Bailey, Toby Bennett, Joseph W. Hogan, Marvin Jordan, Robert N. Jordan, Ralph May, Warren Peek, Gary Philippi, David Schumacher, Lloyd Spencer, Dwight Wallace and James Warren, being Case No 96-CH-7.

Dwight Campbell
Shelby County Clerk



SHELBY COUNTY BOARD

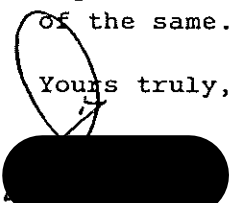
P.O. BOX 228 • SHELBYVILLE, ILLINOIS 62565

TO: All County Board Members
FROM: Tom L. Hayes
DATE: July 3, 1996

Please be advised that I am in possession of a copy of a Motion (For Summary Judgment) filed June 28, 1996 by E. C. Eberspacher, Special State's Attorney for Shelby County, Illinois. This Motion was, of course, filed by Mr. Eberspacher at the direction of the County Board at a special meeting held on June 27, 1996.

I am hereby enclosing a copy of the Motion in order that you might examine it and thereby be fully informed of the contents of the same.

Yours truly,


Tom L. Hayes
Chairman

TLH:cw
Enc: 1

IN THE CIRCUIT COURT FOR THE FOURTH JUDICIAL CIRCUIT OF ILLINOIS
SHELBY COUNTY, ILLINOIS

LEE ENTERPRISES, INC.,
d/b/a Decatur Herald &
Review,

Plaintiff,

-vs-

SHELBY COUNTY BOARD, TOM
HAYES, KENNETH BARR, GLENN
"DICK" CLARK, JEFF PRICE,
FRED MILLER, BOB BEHL, LARRY
LENZ, FLOYD STORM, DAVE
McDONALD, MARTIN P. AMLING,
JAMES BAILEY, TOBY BENNETT,
JOSEPH W. HOGAN, MARVIN
JORDAN, ROBERT N. JORDAN,
RALPH MAY, WARREN PEEK, GARY
PHILIPPI, DAVID SCHUMACHER,
LLOYD SPENDER, DWIGHT WALLACE
and JAMES WARREN,

Defendants.

SHELBY

FILED

JUN 28 1996

No. 96-CH-7

Clerk of the Circuit Court Fourth Judicial Circuit, Shelby County, Ill.

MOTION

(For Summary Judgment)

Now come the defendants, the County Board for Shelby County, Illinois, Tom Hayes, et al. as named in the Entry of Appearance filed herein (hereinafter sometimes referred to as the "County Board," the "Budget Committee," "Members" and/or "Committee Members"), by E. C. Eberspacher, Special State's Attorney for Shelby County, Illinois, and in support of the instant Motion (For Summary Judgment), say:

1. That the Complaint herein is filed in two Counts: **Count I alleges violations of the Open Meetings Act (5 ILCS 120/1 et seq.) by the County Board at its meeting May 8, 1996; Count II**

alleges violations of the same Act by the Budget Committee at its meeting May 30, 1996.

2. That minutes of the May 8, 1996 meeting (open session) have been kept and made more specific and both are before this Court as exhibits attached to the pleadings.

That minutes of the May 8, 1996 meeting (closed session) have been kept and shall be tendered to this Court in a sealed manila envelope upon this Motion being called for hearing by their custodian, Hon. Dwight Campbell, County Clerk and ex-officio Recorder of Deeds for Shelby County, Illinois.

That a tape recording of the May 8, 1996 meeting (open session and closed session) was made and kept by the said County Clerk and shall be tendered to this Court in a sealed manila envelope by its custodian, the said County Clerk, upon this Motion being called for hearing.

That a transcript of that part of the tape recording (open session) leading to the public vote to go into closed session and the tape recording (closed session) and that part of the tape recording (open session) following the closed session to adjournment has been prepared. That transcript shall be tendered to this Court in a sealed manila envelope by its custodian, the said County Clerk, upon this Motion being called for hearing.

3. That minutes of the May 30, 1996 Budget Committee meeting (open session) have been kept and are before this Court as an exhibit attached to defendants' Answer.

That minutes of each of two May 30, 1996 Budget Committee meetings (closed sessions) have been kept and shall be

tendered to this Court in a sealed manila envelope by their custodian, the said County Clerk, upon this Motion being called for hearing.

4. That a summary judgment should be entered when there exists no genuine issue as to any material fact nor any genuine issue as to the reasonable inferences to be drawn from an otherwise determined material fact. 735 ILCS 5/2-1005(c); Nolan v. Johns-Manville (1979), 74 Ill.App.3d 778, 794, 392 N.E.2d 1352 affd. 85 Ill.2d 161, 421 N.E.2d 864.

5. That the Open Meetings Act authorizes this Court to review in camera the minutes and tape recording (open sessions and closed sessions) as proposed by this Motion and thereupon to decide the case. 5 ILCS 120/3(b).

6. That the pleadings herein draw contested issues of law, however, the facts of the case are determined by the tape recording and written minutes of the open sessions and closed sessions as enumerated above.

WHEREFORE, the defendants, County Board for Shelby County, Illinois and those individual members thereof for whom an Entry of Appearance has been made respectfully pray this Court to proceed and ultimately enter a Summary Judgment as follows:

- A. Call the instant Motion for hearing;
- B. Accept the tendered tape recording, transcript and minutes (closed sessions);
- C. Hear argument on the law as those issues are drawn by the Complaint and Answer;
- D. Review in camera the minutes (open sessions), the

minutes (closed sessions), the tape recording and transcript;

E. On a short day, hear further argument as the Court determines appropriate, if any; and

F. Enter Summary Judgment on the issues of whether defendants violated the Open Meetings Act, and if so, in what particulars, on May 8, 1996 or May 30, 1996.

G. In the event any violation of the Open Meetings Act is found to have occurred on either date, to hear arguments as to what relief is appropriate pursuant to 5 ILCS 120/3(c) and (d).

Respectfully submitted,

THE COUNTY BOARD FOR SHELBY
COUNTY, ILLINOIS, and its
individual Members for whom an
Entry of Appearance has been made,

By: _____

E. C. Eberspacher,
Special State's Attorney for
Shelby County, Illinois


E. C. Eberspacher
Special State's Attorney for
Shelby County, Illinois
Dove & Dove, Attorneys at Law
P. O. Box 647
151 South Morgan Street
Shelbyville, Illinois 62565
Telephone: (217) 774-
FAX: (217) 774-

CERTIFICATE OF SERVICE

I, E. C. Eberspacher, do hereby certify that I mailed a copy of the attached and foregoing Motion (For Summary Judgment) to the following:

Joseph P. Thornton, Esq.
Craven & Thornton, P. C.
1005 North Seventh Street
Springfield, Illinois 62702

by placing the same in an envelope addressed to said person, with proper postage fully prepaid, and that said envelope was deposited in the United States Mails at Shelbyville, Illinois on the 28th day of June, 1996.


Eberspacher

#1 - Motion:

For the County Clerk to correct the Minutes of the County Board Meeting of May 8, 1996 to conform with the tape recording made of that meeting with the advice and direction of the Special State's Attorney.

#2 - Motion:

To authorize and direct the Special State's Attorney to ask the Court for a summary determination of whether the County Board violated the Open Meetings Act on May 8, 1996 or May 30, 1996.

details of their proposal. It will be located on the west side of the Country Club Road about a half mile north of Shelbyville in Section 6 of Shelbyville Township. There was some discussion about drainage and about water supply. She said they were not sure at this time whether they will be drilling a deep well for the entire addition or tapping onto city water on a Corps of Engineers line. The subdivision will be on a 10-acre tract and will have six lots, plus one outlot. Motion by Martin Amling to approve the Preliminary Plat. Seconded by Lloyd Spencer. Motion carried.

The board then considered another Preliminary Plat for a subdivision to be known as Deer Lake Estates and located on 25 acres in Section 20 of Okaw Township. It will be adjacent to the government property of Lake Shelbyville and located on the east side of the north-south road leading into the Eagle Creek Access Area from Findlay. Jim Scott presented the proposal to the board. It will be a 24 Lot subdivision. The sewage system will be the aeration system which is approved by the State Health Department. Motion by Gary Philippi to approve the Preliminary Plat. Seconded by Jim Bailey. Motion carried.

Mr. Hayes then gave the floor to E. C. Eberspacher to discuss the lawsuit against the board by the Decatur Herald & Review pertaining to the alleged violation of the Open Meetings Act. Mr. Eberspacher told the board there were two counts involved in the lawsuit: Count I pertains to the closed session in the board meeting of May 8, 1996, and Count II pertaining to the closed session of the Budget Committee meeting of May 30, 1996. The closed sessions involved the use of the \$20,000 grant money which State's Attorney Tom Finks had obtained from the state. **Mr. Eberspacher said Mr. Finks has tendered his resignation as State's Attorney effective August 16, 1996, and also his additional secretary is no longer employed in the office.** He said the Statutes 5 ILCS 120/3.06 provide that the public body shall review the minutes of its closed sessions every six months. With the change in status of the State's Attorney and secretary, Mr. Eberspacher, who has been appointed as Special State's Attorney in this matter, said he recommends to the board that they review those minutes previously stated and post the minutes on the bulletin board of the courthouse. He also recommends that the tape of the closed sessions be released immediately for the court's review and also that the transcript of the tapes be presented to the court. After some

Aug. 14, 1996

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discussion the board determined that since they had general knowledge of the content of the closed minutes and tape, there was no need for the review of them. Lloyd Spencer moved to release the minutes, the tape and the transcript of the closed sessions previously mentioned. Seconded by Dick Clark. Motion carried by unanimous vote with the chairman not voting.

Mr. Hayes then reported to the board that the employees of the county have voted to retain the Blue Cross/Blue Shield of IL Group Health Insurance.

The floor was then given to County Engineer Rich Mochel. He first told the board that there was a letting held on August 13th for a **bridge in Herrick Township in the Northeast Corner of the township.** There were six bids received for the bridge construction with the low bid coming from H & N Construction, Steeleville, IL in the amount of \$87,012.60. Motion by Kenneth Barr that the low bid be accepted. Seconded by Martin Amling. Motion carried.

He then said he had several petitions to present and presented the following:

A petition from **Ash Grove Township to replace a bridge near the Southeast Corner of the Northwest Quarter of Section 28,** at an estimated cost of \$130,200. Motion by Tobv Bennett that the petition be accepted. Seconded

ILLINOIS MUNICIPAL RETIREMENT FUND CONTRIBUTIONS TAX in the amount of \$100,000

A motion to approve the levy was made by Joe Hogan. Seconded by David Schumacher. There was a roll call vote and the levy was approved unanimously.

PUBLIC BUILDING COMMISSION LEASE in the amount of \$264,000

A motion to approve the levy was made by Jeff Price. Seconded by Marvin Jordan. There was a roll call vote and the levy was approved unanimously.

EMERGENCY AMBULANCE SERVICE in the amount of \$45,000

A motion to approve the levy was made by Joe Hogan. Seconded by Fred Miller. There was a roll call vote and the levy was approved unanimously.

The levies total \$2,084,000.

Mr. Hayes said he would like to go into executive session to discuss litigation. Motion by Lloyd Spencer that the County Board go into executive session. Seconded by Jim Warren. A roll call vote was then taken with all members present voting yes. The Chairman did not vote

The Shelby County Board reconvened from executive session.

Gary Philippi moved that the board give the State's Attorney and the County Board Chairman authority to write a letter in correspondence with the Decatur Herald & Review negotiating a settlement of the pending litigation. Seconded by Martin Amling. Motion carried.

Mr. Hayes noted that we have some correspondence from our insurance group (ICIT) pertaining to court security. He said this will be a matter of consideration in the near future.

He read a card of thanks from Stephanie Thompson expressing her appreciation for the County Board's participation in the efforts to get flashing warning traffic lights installed at the intersection of the Findlay Road and State Route 128.

Marvin Jordan moved to assess mileage and per diem for the meeting, to pay the bills as have been approved by the various committees, to place the correspondence and committee reports on file, and to recess to October 9, 1996. Seconded by Fred Miller. Motion carried.

The County Board adjourned at 11:25 A.M.

AMENDMENT TO MINUTES: --- Designated Paragraph on Page 1 amended at 10/9/96 board meeting to read as follows:

"Mr. Mochel then presented an agreement from the Department of Transportation providing for the transfer of Surface Transportation Funds in return for state funds to be used to pay a portion of the engineer's salary. Presently, the county receives \$90,000 per year from the state to help pay for federal projects. An amount not to exceed 50% of the engineer's salary may be transferred from the matching money to Motor Fuel Tax Funds to be used on the roads."

Sept. 11, 1996

The beams are now in place on the Coplin Bridge, and there remains about two weeks of work to finish that project.

They are about done with the repair work on the Timber Bridge near Hidden Springs. When they are finished, it will have no weight limit.

The Rural Reference Sign installation project is coming along. They are having a few knocked down and have had to do some repair work in getting them back up. He estimates that the cost of repairing the signs will average \$100. There was some discussion on damaged or stolen signs. The board talked about adopting a resolution establishing a penalty for stolen signs, however no action was taken.

Mr. Hayes then told the board that the lawsuit with the Decatur Herald & Review has been dismissed. He asked Louis DePaepe, Interim State's Attorney, to prepare a memo setting forth the procedures for executive sessions. Mr. DePaepe came before the board saying he had prepared a memo on procedures of closed sessions under the Open Meetings Act. The newspaper had claimed that the board must take a roll call vote before going into executive session. Mr. DePaepe said he did not see where the statutes specifically make that requirement as long as the minutes show that the decision to go into the executive session was unanimous. However, he suggested that to prevent frivolous lawsuits, the board take a roll call vote before going into executive session. He said the minutes should cite the provisions in the statutes for going into the closed session with the statutory reference. Mr. Hayes said he had signed a letter admitting that we were at fault in our procedures in order to get the lawsuit settled.

A resolution was then presented to establish an Arrestee's Medical Costs Fund with the assessment of a \$10 fee for conviction or orders of supervision for criminal violations other than petty or business offenses. Sheriff Randy Sims told the board each year we budget \$10,000 for medical costs of prisoners, and that each year actual costs exceed the budget. By adopting this resolution we can build a fund to help defray those expenses. Motion by Dick Clark to adopt the resolution. Seconded by Fred Miller. Motion carried.

County Treasurer Twilla Weakley came before the board requesting permission to borrow \$5,000 from the General Fund to make the payment on the Carriage Park Road. She also said she will need to borrow some money in November to make the payment to the Public Building Commission for the jail. With the late tax bills, these specific funds do not have the adequate balances to make these payments until the distributions are made. Motion by Marvin Jordan to authorize the Treasurer to borrow money from the General Fund for both of these purposes. Motion seconded by Jim Warren. Motion carried.

Motion by Dave Schumacher to recess for 15 minutes. Seconded by Jim Bailey. Motion carried.

The Shelby County Board reconvened at 10:05 A.M. with roll call. Those absent were Kenneth Barr, Toby Bennett, and Jeff Price.

Zoning Administrator Linda Kessel has advised that we need to make another 90-day extension on the revision of the subdivision ordinance. Motion by Marvin Jordan that the 90-day extension be granted. Seconded by Joe Hogan. Motion carried.

Oct. 9, 1996