

**Special Executive/Legislation Committee**  
**Tuesday May 14, 2024**  
**Joseph G. Cannon Building, 2<sup>nd</sup> Floor, 4:30 PM**

## **MINUTES**

### **Agenda Item 1 - Call to Order and Roll Call**

Chairman Larry Baughn, Jr. called the meeting to order at 4:30 PM. Upon the call of roll, the following members were present: Larry Baughn, Jr., Craig Golden, Steve Miller, Joe Eakle, Jerry Hawker, Mark Steinbaugh, and Nancy O’Kane. 7 Present 0 Absent. Also attending the meeting were: Andrew Keyt- Heyl, Royster, Voelker, and, Allen, Jacqueline Lacy – Vermilion County State’s Attorney, Jim McMahon- CB member, Kevin Bodine- CB Member, Lon Henderson – CB member, Christine LaMar- CB Member, Bill Donahue, and Jennifer Jenkins, County Board Office Manager.

### **Agenda Item 2 - Adoption/Amendment to the Agenda**

Motion by Eakle, second by Hawker to approve the agenda. Motion passed by acclamation.

### **Agenda Item 3 - Approval of Minutes from April 3, 2024**

O’Kane moved, seconded by Eakle, to approve the minutes. Motion passed by acclamation.

### **Agenda Item 4 - Audience Comments**

None

### **Agenda Item 5 – Discussion on Pending Siting Issues**

Chairman Baughn turned over the conversation to Andrew Keyt.

Keyt explained to the committee that this discussion is to address that as going through this process it is important to remember a couple of items. The first to discuss is that there is in fact is a state statute that governs what we do throughout this process and how our votes come out. The County has gone through the public hearing process and those materials were presented to them. The only item up at this point is the siting permit. Before any development can occur they would have to have a siting permit and then the actual building permit. This building permit would be brought back to the board along with road use agreements, decommissioning plans, etc. The process for this board used to be different. The builders only needed a building permit. This is now a different process as the State of Illinois became involved. It is important to keep two things in mind. 1. – when making a decision on a project you must stick to what the evidence is that came through the public hearing process. 2 – If any comment is made regarding during the siting approval process, you have to stick to the evidence presented in the record. If you get off track with comments outside the scope of the evidence, this runs a risk to the County, in trying to defend a future case that comes around. Hawker asked if there had been any challenges to the State of Illinois regarding the law limiting the boards authority. Keyt explained that there has been solar projects pending, similar to the one here this evening, that have been denied by a county. There has been litigation against these counties. He personally has not been involved in any of the process of those going through. He however is defending one in a litigation phase. There have also been projects denied without litigation. He is aware of 3 of these. He believes 2 have been adjudicated with a court order requiring a county to pass the evidence as suggests. Lacy advised the committee that the County Board has to sworn to take an oath. They swore to follow the law and follow the Constitution. Personal feeling don’t come into play. Henderson asked if any counties filing suit against state of Illinois? Such as to challenge this law? Keyt replied that he is not currently aware of any. McMahon questioned why as board members, are they not able to speak their opinion. “It almost seems unamerican”. Keyt explained you do have a right to your opinion however the issue comes down to when voting on an ordinance such as this that you need to stick with the evidence in the record. That is all. Green asked if the conservation /water tables are part of the consideration for these solar farms. Keyt explained that there are drain/tile surveys that these companies must bring back to the board addressing freezing, thawing, etc. Jackson asked what is actually going through the drainage of these fields. Keyt responded that these panels are all solid state and there are no liquids within the panels. These panels would go through annual inspections.

### **Agenda Item 6 – Executive Session-**

No action needed

### **Agenda Item 7 - Items of Information**

None

### **Agenda Item 8- Adjournment**

Chairman Baughn adjourned the meeting at 5:29 P.M.

Minutes by: Jennifer Jenkins, County Board Office Manager