

sir absolutely the reason for my motion to remove it is based on the information that we've received regarding the the need for a referendum to sell the nursing home I

know that there was an opinion put out about this in 2019 but I think that more information has come forward that would be worthy of Investigation before we move any further along with the potential sale of Stevenson Nursing Center anyone else in this case in regards to that in regards in regards to that referendum do we have any other information regarding that from my space attorney I can't speak to this issue and I certainly appreciate uh the folks who reached out to us in advance and provided us with the

newspaper clippings that they provided us with I don't know how conversant everyone is in this so uh I will kind of start with a little bit of a summary and I think I can kind of address this issue so there's a statute and that deals with the establishment maintenance of a nursing illness title of the statue and in that statute there's a paragraph about closing or releasing a nursing home and that statute does say as indicated by the opponents of the sale of Walnut Acres that let's see if the home was erected

after a referendum approved by the voters of the county it shall not be sold or disposed of except after referendum approval thereof by a majority of the voters of the account their own uh the Stevenson County Nursing Home has had a long history in Stevenson County it began as a poor farm and then in 1961 the County board approved the process of turning the County Ford farm into a state license Benjamin Stevenson nursing home give or take nine years later with their license and apparel the board approved a

referendum to issue bonds the perceived person that those bonds would be used to build a new building to house the nursing home the state extended the license to the best of my knowledge from 1961 to now there's been no significant lapse in the license some of the documentation around the building of the new building to house the nursing home referred to directing the nursing home so that's the same word that was used in the statute and that's uh uh I think kind of the Crux of our the disagreement between the proponents

and opponents here from the use of that word the opponents of the sale of the nursing home performed the belief that a referendum is necessary to sell the nursing home uh since I've received those emails I fought through it and kind of prepared an opinion on that issue in my opinion the resolution of that issue requires the definition of two words one nursing home and two erect in defining nursing home we have to determine whether the nursing home is the building where the majority of the activities take place or whether it's

the combination of legal entitlements and people that allow the work to lawfully occur in other words is the nursing home the building or is the nursing home the legal organization or legal entity uh this is the easier of the two definitions I think for us to work through I believe both the proponents and opponents of the sales and nursing home have to agree that the nursing home is the legal entity not the building let me give you two examples which I think uh show why that is the better definition First Imagine Warren Buffett

left his estate to Stevenson County and the County Board wanted to buy FHN as the new home of Walnut Acres would anyone argue that by expanding and improving the facilities that Walnut Acres was being closed I don't think that they would they would say well Walnut Acres is Walnut Acres it's just changed addresses conversely uh if the county fired all of the staff at the nursing home relocated all

of the patients but left the building open would anyone say that the nursing home remained open I don't think that they would even if

the building was open so I think that both the proponents and opponents can agree that the nursing home is the legal entity and not the building with that definition in mind we can look at the second definition that's important and that is arrest which is used in the statute was also used I believe in the referendum to take on debt to build a new building in which to house the nursing home I looked for Illinois Solutions of law defining this term in this context I was unable to locate any I I and and I don't

think there is any it wasn't a short surge I just I don't think it's a uh esoteric annulation that a traditional on it so I did the next best thing uh I went to wax Law Dictionary and looked up correct Black's Law Dictionary has two definitions of the meaning of the word erect the first definition is to construct the second definition is to establish so now we have to figure out when in that statute they said to erect a nursing home that they need to construct which certainly could be fairly interpretive as the bill

or that they need to establish meaning beginning the nursing home which I think the evidence is took place in 1961. so let's figure it out if we agree that a nursing home is a legal entity rather than the building houses that legal then illegal entity is established not constructed since the statute relates to the legal entity in reasonable to in terms of corrected to be established which again took place in 1961 not in 1970 and 71. second the statute had issue a discussion discusses the continuing of a

nursing home to closing of a nursing home and it discusses funding a nursing home through the passage of referendums it does not discuss issuing bonds to raise money to build the necessary buildings it's consistent with the remaining language of the statute to interpret Iraq as being established because that's what the rest of the statute relates to and there is a degree of rational symmetry to the idea that the nursing home could only be closed by The Entity who opened it whether that be the voters

or the representatives finally the benefit of interpreting direct to mean established rather than construct is that an organization can only really be established once but if by construction you mean actual physical construction like building it can be constructed destructed remodeled and moved as many times as the people running it have the resources and will to do why is that problematic because if you have to if you're interpreting direct to construct then you have to pick which construction would count

is that the 1971 referendum or Google the subsequent County Board of approval approved construction sense it could be either or both or neither if you interpret it that way the statute doesn't answer the question that it exists to answer which is what is the process that could be used to uh close or sell the nursing home which I think is fairly interpreted to be a legal entity so for that reason I think direct even though it was used in the language of the referendum uh in this case in this statute means to

establish which took place in 1961 not when uh buildings were built in the early 1970s so that's that's my thought on the issue [Music] thank you thank you chairman Laura counseling um I don't think it takes a PhD to realize that back in uh the year that they established it they were talking about the building that's out there uh currently and so I I if this was a debate class or a high-powered uh court case Bravo but the courthouse is the I mean the nursing home is the nursing home and so uh we've talked about it many times

about putting it on the ballot the only thing that came up was is whether it was binding or non-binding and so if that's the question then we should determine if it's binding or non-binding as has been stated by a number of board members in before and that's where we should go I don't think making it complicated and going way over by the ways necessary so thank you thank you Mr Hazard thank you commitment thank you no testing one two three one in the middle thank you thank you chairman um our legal consult so my question a

couple of questions is is that uh if this went to well number one if this went to court would you be handling this excuse me this case yourself I serve at the pleasure of the county and would certainly work with the county leadership to ensure uh the best possible legal representation frankly given my Staffing levels and other considerations I doubt that that would be me but if that's what I was called upon to do I would do it and if this is in court you see this under your opinion you say we can move forward on the sale

of the nursing home or not move forward on the sale as a nursing home well I'm going to interpret your question to mean um do I think that we would win a lawsuit is that the kind of way yes yes um I mean it's an complicated issue I believe that the strongest side of the argument is as I've set forth here today uh no one can with 100 with certainty predict the outcome of any lawsuit so say that I I think that we should put things on hold till we really look into this and maybe you can even get a ucci opinion also

um they have been been very good down in Springfield giving us opinions so and it's it's free to the county so [Music] um that's all I have thank you thank you anyone else seeing Doug pusher you're on he's had a different place go ahead try it out [Music] Mr Larson was there ever ever between the initial nursing home being occupied you know between the second structures being elected [Music] the uh the County board approved the licensing procedures or in 1961 the other structure was built in the early

70s uh so presumably uh the entire period between 1961 and when that new building uh was built was a period between when and then that's assuming that you uh are starting the nursing home at 1965 State licensed before that we had kind of other functions uh I mean that period of time would be a period of time between when it was established and when uh the new building was built so the first year that we had a license for a nursing home was 1961. yes but he's doing this right well the references in 1970 I'm sure it

took some period of time I was in 1971 before that building was open and we don't know if there was ever uh lapse in between the two buildings what would one operational well I don't know what you mean by laps but there is a news article that indicates that it was licensed during that entire time so the original license we remain throughout that period and it's the same license well I'm the news article I read indicated that well there were a number of news articles related to it which I think everyone's been sent

um well actually I've probably got it here I can read you what it says and you'll know what I know all right says this is from a news article March 18 1970 says boy are we tickled he said letting you uh the contract satisfied the state's requirement for extending the present license until the new home is opened uh obviously that's in the context of a greater argument talking about the greater article talking about the referendum uh uh for the bonds to construct the 96 bed County Nursing Home [Music]

was it something that had been constructed specifically for that purpose or there were a number of buildings over the years uh as particularly when it was like a forefar uh which also was kind of like a mental health place for a period of time I think that burned down and they so I don't I don't know I suppose archives and records are here in the county funny pictures anything else Mr Hart at this time any other discussion on the amendment I know the executive session plan in action out of these session