

**SPECIAL MEETING OF THE BOARD OF COMMISSIONERS OF THE METRO EAST SANITARY DISTRICT, ST. CLAIR AND MADISON COUNTIES, ILLINOIS HELD ON FRIDAY, NOVEMBER 22, 2019 AT 1800 EDISON AVENUE, GRANITE CITY, ILLINOIS AT 8:00 A.M.**

President Brinza called the Special Meeting to order and the Clerk recorded the attendance.

The following was the attendance:

Present: Commissioners Brinza, Krekovich and Dixon

Absent: Commissioners McCall, Darwin

Metro East Sanitary District employees attending the meeting were Executive Director Stephen Adler, Attorney James Craney, Foreman Scott Hillman.

Also, attending the meeting was Madison County Board member Eric Foster.

Discussion and/or approval of United States Army Corps of Engineers (USACE) Cahokia Pump station project:

Executive Director Adler “The issue was there was some disputes over the calculations for the Cahokia pump station, but everyone has it resolved now. If you would entertain a motion to approve bid package 18.”

President Brinza “Does anyone have any questions? If not, I will entertain a motion to approve MESD approval of bid package 18.”

Motion Commissioner Dixon; seconded Commissioner Krekovich to approve USACE Cahokia pump station project a/k/a Bid Package 18.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Brinza, Krekovich and Dixon

Nays: None

Absent: Commissioners McCall, Darwin

Discussion and/or approval of litigation concerning amendments to Metro East Sanitary District Act of 1974:

Attorney Craney reported:

You should have a draft complaint in front of you. I was asked to look into options to deal with if the Statute that has been passed causes the Mayor of Granite City to come on the Board is a conflict of interest. It is in the law that it is a conflict of interest.

Attorney Craney read insert on page 4 of draft complaint. This is purely a state issue, so it is a Maison County issue. The count in this are Quo Warranto which means a person can not hold a specific government office.

Deputy Executive Director “Does that include his appointee?”

Yes, appointee will have same conflict. So, Quo Warranto and three counts of injunctive relief this is to maintain the status quo until the courts can sort this out. The fifth count is declaratory judgement, basically says we do not know what the Statue means. It talks about the 5<sup>th</sup> Board member coming from the largest municipality and the county having greater equalized assessed valuation in the District. It is not clear what this means.

Executive Director Adler “Why are we asking the judge for clarification. Why don’t you decide as the district’s attorney?”

Does everyone understand what Executive Director Adler is saying. Instead of using the Districts money to fight. We say this what we think and anyone that views different they can spend their money to go to court and figure it out. Is that the way the Board would want to lean that we decide and someone else can litigate it? Courts freeze the status quo resolve this conflict of issue. Also, the Board has previously passed an Ethics Ordinance, and if Mayor Hagnauer takes the position that he is the 5<sup>th</sup> Board member that would violate the previously passed Ethics Ordinance.

Motion Commissioner Dixon; seconded Commissioner Krekovich to the extent determined legally practicable by counsel, to approve the filing of litigation to prevent the enforcement of statutory changes and also clarification of the MESD Act of 1974 Statute.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Brinza, Krekovich and Dixon

Nays: None

Absent: Commissioners McCall, Darwin

Discussion and/or approval to change bylaws relating to votes required for a quorum and/or Board action:

Attorney Craney reported:

The issue here is that it was suggested to me that there may be a desire to change the quorum for any action from three to four. If the Board members want to change the quorum requirements from three to 4 that would have to be an amendment to the bylaws. The process says an amendment has to be in writing and has to be passed at a regular meeting. No bylaw amendment can be passed today unless we had all five Board members here. If all five were here, then the bylaws can be considered to be a regular meeting. Since we do not have two members here today cannot pass. We could at the next meeting.

President Brinza “Could we have this put on the agenda for the meeting and have that written in advance.”

Motion Commissioner Dixon; seconded Commissioner Krekovich to table till next meeting.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Brinza, Krekovich and Dixon

Nays: None

Absent: Commissioners McCall, Darwin

There being no further business, Motion Commissioner Dixon: seconded  
Commissioner Krekovich to adjourn.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Brinza, Krekovich and Dixon  
Nays: None  
Absent: Commissioners McCall, Darwin

So adjourned at 8:25 A.M.

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Clerk