

GRAFTON TOWNSHIP REGULAR BOARD MEETING MINUTES
March 10, 2011

1. Call to Order

Supervisor Moore called the meeting to order at 7:30 pm.

2. Roll Call

Present: Supervisor Moore, Trustees LaPorta, McMahon, Murphy, Zirk, Clerk Ford, Assessor Ottley, Road District Commissioner Freund, Road District Attorney Patrick Coen.

3. Pledge of Allegiance

Supervisor Moore led those present in the Pledge of Allegiance.

4. Set Agenda for Meeting

Motion by Trustee Zirk, seconded by Trustee LaPorta, accept the agenda for the March 10, 2011 meeting as posted by Clerk Ford.

Roll Call

AYES: Trustees Zirk, LaPorta, McMahon, Murphy

NAYS: Supervisor Moore

Motion Passed.

5. Regular Business

A. Audit and Payment of Bills

1. Discussion and potential action to pay bills as submitted

Assessor Ottley requested that CIT under Line Item #1751 be placed in Line Item #1854. Supervisor Moore stated that Wiuch has offered to reduce the service call to \$100 and replace the 19 year old water heater at a total cost of \$1025.00. This could be paid for from a new Assessor's Line Item #1299 in the new budget. Trustee Zirk stated that she has received a copy of an unpaid bill for \$570.00 that was also submitted to the Supervisor from Point of Video for services of videotaping the Regular Township Board Meetings of 3/23/10; 3/30/10; 4/8/10 plus a late fee.

Motion by Trustee Zirk, seconded by Trustee LaPorta, to approve the Town Fund bills as presented excluding: Stahl, Cowen, Crowley \$5,060; Road and Bridge \$611,000; Hammerand \$560.00.

Roll Call

AYES: Trustees Zirk, LaPorta, Murphy

NAYS: Supervisor Moore

ABSTAIN: Trustee McMahon

Motion Passed.

Discussion: Road Commissioner Freund stated that he had an extra Ni-Cor bill that came in after the deadline, but he would like it included. He also stated that the Ketchmark bill that was discussed at the last meeting is again on his Warrant and he does not want it included. Supervisor Moore asked about the \$700.00 legal charge on the Road and Bridge Warrant. Trustee Zirk responded that since there was no Township Attorney the Board had approved the Road District Attorney drafting an intergovernmental agreement regarding the building. She stated that the Town Fund would reimburse the Road District for the charges.

Motion by Trustee Murphy, seconded by Trustee Zirk, to pay the bills for the Road and Bridge as presented on the Warrant List and to include the Ni-Cor bill of \$386.64 submitted by Road Commissioner Freund and excluding the charges for J.A. Ketchmark \$155.00.

Roll Call

AYES: Trustees Zirk, LaPorta, McMahon, Murphy

NAYS: Supervisor Moore Motion Passed.

Board signed warrant lists.

Motion by Trustee Zirk, seconded by Trustee LaPorta, to pay out of the Town Fund the \$700.00 charge for Pat Coen of Zanck, Coen & Wright for their services to draft the intergovernmental agreement between the Township and the Road District regarding the building.

Roll Call

AYES: Trustees Zirk, LaPorta, McMahon, Murphy

NAYS: Supervisor Moore

Motion Passed.

Motion by Trustee Zirk, seconded by Trustee LaPorta, to pay Point of Video in the amount of \$570.00 for services rendered of videotaping the Regular Township Board Meetings, plus late fee charges.

Roll Call

AYES: Trustees Zirk, LaPorta, McMahon, Murphy

NAYS: None

ABSTAIN: Supervisor Moore

Motion Passed.

Discussion: Supervisor Moore reported that the transfer at the last meeting was not legal since it was not on the Agenda. She said that there was Line Item for Professional Services that can be used to pay legal services and she used it to pay the Lamp and the Kelly bills.

Motion by Trustee Zirk, seconded by Trustee LaPorta, to transfer \$60,000 from Line Item #1829 to Line Item 1533.

Roll Call

AYES: Trustees Zirk, LaPorta, McMahon, Murphy

NAYS: Supervisor Moore

Motion Passed.

Assessor Ottley left the meeting at 8 p.m.

Trustee Murphy had a series of questions regarding numerous discrepancies in the Profit and Loss Statement and Budget. (EXHIBIT I) She inquired why the item numbers were not consistent from month to month and why the numbers do not follow a logical pattern. Supervisor Moore responded that many of these were the result of items being input incorrectly and then corrected. Trustee Zirk stated that the Trustees should be informed of errors. Supervisor Moore stated that the Trustees could review the financials on the lap top in the conference room and that after-hours appointments could be arranged. Trustees Murphy, Zirk and LaPorta expressed their distrust of the accuracy of the numbers and that the item amounts keep changing from month to month in an unsystematic manner. The Trustees stated that looking at a laptop with inaccurate numbers will not remedy the issues. Trustee LaPorta again emphasized the need for the required audit. He said he has spoken with Brown & Company and that they informed him they have called numerous times to schedule the audit.

Motion by Trustee Zirk, seconded by Trustee Murphy, to approve: 1) transfer from Line Item #1243 to Line Item #1756 the amount of \$400.00; 2) transfer from Line Item #1511 to Line Item #959 the amount of \$140.00; 3) transfer from Line Item #1511 to Line Item #2593 the amount of \$527.00; 4) transfer from Line Item #1511 to Line Item #1575 the amount of \$120.00.

Roll Call

AYES: Trustees Zirk, Murphy, LaPorta, McMahon, Supervisor Moore

NAYS: None

Motion Passed.

B. Approval of Minutes

1. Minutes of February 10, 2011 Regular Township Board Meeting

Discussion: Supervisor Moore requested that corrections be made and this item be tabled until the next meeting.

Motion by Trustee Zirk, seconded by Trustee LaPorta, to approve the Minutes of February 10, 2011 Regular Township Board Meeting.

Roll Call

AYES: Trustees Zirk, LaPorta, McMahon, Murphy

NAYS: Supervisor Moore

Motion Passed.

6. Public Comment

Donna McMahon

7. Board Member Response to Public Comment

Supervisor Moore responded.

8. Old Business

A. Discussion and potential action on appointment of a Township Attorney.

Discussion: Supervisor Moore stated that she is appointing per statute John Nelson be named Township Attorney. Each of the Trustees expressed their disapproval and they believed that this was a conflict due to the fact that John Nelson has served as Supervisor Moore's litigation attorney.

Motion by Trustee Murphy, seconded by Trustee LaPorta, to not approve John Nelson as Township Attorney due to a conflict of interest. Trustee LaPorta asked for clarification on the motion from Trustee Murphy-that when they say-no-it is actually an AYE vote not approving hiring Mr. Nelson. Trustee Murphy confirmed the intent of the motion.

Roll Call

AYES: Trustees Murphy, LaPorta, McMahon, Zirk

NAYS: None

Motion Passed.

B. Discussion and potential action on status of audit with Brown & Company.

Discussion: Trustee LaPorta asked what the status of the audit is with Brown & Co. Supervisor Moore stated she had sent three letters to Brown & Co and not heard from them. Trustee Murphy stated she would have sent the letters certified. Supervisor Moore stated that she did send the letters certified. Trustee Murphy asked her where the green receipt cards were and Supervisor Moore said that she had not received them back. Trustee LaPorta said that it was critical to have an audit. He had a conversation just prior to this meeting with Brown & Co. and they confirmed they had made several attempts to proceed with the audit and that the Supervisor had not responded. Trustee Zirk stated that this was originally approved in March 2010 and that the Township is a year behind in their audits. Trustee Murphy asked why the Supervisor asked Brown & Co. for information regarding the food pantry.

9. New Business

A. Discussion and potential action 2011-2012 Budget.

Motion by Trustee Zirk, seconded by Trustee LaPorta, to table this item to the April, 2011 Regular Township Board Meeting.

Roll Call

AYES: Trustees Zirk, LaPorta, McMahon, Murphy

NAYS: Supervisor Moore

Motion Passed.

B. Discussion and potential action on the Transportation Agreement with the Village of Huntley.

Discussion: Supervisor Moore stated this was on the agenda for the Village of Huntley at this evening's meeting and someone from the audience stated it was approved.

- C. Discussion and potential action to pay the Road District \$200,000, as per the Intergovernmental Agreement with the Road District, approved on February 10, 2011.

Motion by Trustee Zirk, seconded by Trustee LaPorta, to pay the Road District \$200,000 plus interest (rent), as per the Intergovernmental Agreement with the Road District approved on February 10, 2011.

Discussion: Supervisor Moore stated that an average of \$62,000 a month is spent out of the Town Fund. There is about \$150,000.00 in the account at this time. In her opinion, the Township does not need to borrow funds to pay this. Trustee LaPorta stated that after careful analysis, the Trustees approved the intergovernmental agreement at the February meeting. Attorney Coen stated that the agreement does not include interest paid on the \$700,000, but it does include a lease agreement. Supervisor Moore asked about the cost to pay the loans off in this matter. Attorney Coen stated that the amount is \$2600 per month rent over three years. This is about \$70,000.

Supervisor Moore made a motion to remove Trustee McMahon from the meeting. Motion failed due to no second.

Trustee LaPorta called for the question.

Roll Call

AYES: Trustees Zirk, LaPorta, Murphy

NAYS: Supervisor Moore

ABSTAIN: Trustee McMahon

Motion Passed.

Supervisor Moore called a recess at 8:45 p.m. The meeting reconvened at 8:50 p.m.

Present: Supervisor Moore, Trustees LaPorta, McMahon, Murphy, Zirk, Clerk Ford, Road District Commissioner Freund, Road District Attorney Patrick Coen.

- D. Discussion and potential action on 2011 Annual Meeting.
1. Location for meeting
 2. Attorney
 3. Videographer
 4. Materials to be printed and distributed
 5. Volunteers for Registration
 6. Agenda for meeting

Motion by Trustee Murphy, seconded by Supervisor Moore, to hold the 2011 Annual Meeting at the Huntley High School gym.

Discussion: Supervisor Moore stated that there would be no charge from the High School to the Township. Trustee Zirk stated that the park district was approved at the last meeting and she believes it is the best location.

Roll Call

AYES: Trustees Murphy, Supervisor Moore

NAYS: Trustees McMahon, Zirk

ABSTAIN: Trustee LaPorta

Motion Passed.

Supervisor Moore stated that in this case "abstained" votes go to the "Ayes."

3.; 4.; 5.: Supervisor Moore stated that she will make copies at the office of the materials required for distribution. The Supervisor will hire a videographer. Clerk Ford asked the audience for volunteers to help with registration.

Discussion of Agenda: Trustee LaPorta read the petition submitted by 39 electors (EXHIBIT II) He read a legal response from Ancel, Glink. (EXHIBIT III) He stated that Ancel Glink was not paid for this opinion and would not be billing the Township for this opinion. No one had any objections to the remainder of the proposed agenda.

Motion by Trustee LaPorta, seconded by Trustee Zirk, to not include the specific items submitted by electors as listed on Exhibit I since they were not relevant to powers granted to electors under the Township Code 60 ILCS 1/30-10.

Roll Call

AYES: Trustees LaPorta, Zirk, McMahon, Murphy

NAYS: Supervisor Moore

Motion Passed.

Discussion: Supervisor Moore submitted two items to be included on the Agenda for the 2011 Annual Meeting. (EXHIBIT III) She explained the reasoning regarding selling the Grafton Shuttle Van to trade in for a vehicle to be used for Senior Transportation was accessibility for seniors.

Motion by Trustee Zirk, seconded by Trustee LaPorta, to not place this item on the Agenda for the 2011 Annual Meeting.

Roll Call

AYES: Trustees LaPorta, Zirk, McMahon, Murphy

NAYS: Supervisor Moore

Motion Passed.

Discussion: General discussion on surplus items, providing a listing, etc. took place.

Motion by Trustee Supervisor Moore, seconded by Trustee Murphy to place the item of selling surplus Township property valued at \$100 or less on the Agenda for 2011 Annual Meeting.

Roll Call

AYES: Trustees Murphy, Supervisor Moore

NAYS: Trustees LaPorta

ABSTAIN: Trustees Zirk, McMahon

Motion Passed

E. Establishment of Agenda items for next meeting

The 2011-2012 Budget; appointment of a township attorney; audit; review of court orders were suggested for the next agenda.

10. Reports

A. Supervisor

Supervisor Moore asked the Clerk to be subject specific regarding listing the Executive Sessions. The Clerk will add the words "if required" to the agenda. The Clerk stated that an Executive Session would be required at the April Meeting to approve the minutes of the October Executive Session. The Supervisor stated that the next Senior Committee Meeting is May 2.

B. Trustees

Trustee Zirk reported that the American Legion wants to be paid each time the Township uses the facility for Senior Bingo. Supervisor Moore stated that in the future she will pay the monthly fee in advance.

C. Clerk

Clerk Ford reported that the draft of the minutes for the 2010 Annual Meeting has been given to Moderator Jim Kearns. The Clerk gave each of the members of the Board a copy; Road Commissioner Freund and Road District Attorney Coen.

- D. Road District Commissioner
- E. Assessor
- F. Committee Reports

11. Closed Session

None

12. Discussion and potential action of items as discussed at Closed Session.

None

13. Adjournment

**Motion was made by Trustee Murphy, seconded by Trustee Zirk to adjourn the meeting.
Roll Call/Voice Vote/All present voted Aye.**

Motion Passed/Meeting adjourned at 9:20 p.m.

Submitted,



Harriet Ford
Grafton Township Clerk

EXHIBIT I

LINE #	DESCRIPTION	4/1/10-1/12	4/1/10-2/10	DIFF 1/12-2/10	4/10-3/2	DIFF 2/10-3/2
5552	GA assist fund-phone	\$1,262.32	\$1,032.05	(\$230.27)	\$1,097.47	\$65.42
1551	Postage-town fund	\$1,090.24	\$412.49	(\$967.75)	\$412.49	\$0.00
1561	Dues-town	\$2,712.50	\$1,894.50	(\$818.00)	\$1,907.50	\$13.00
1575	room rental-town	\$437.50	\$1,007.50	\$570.00	\$1,057.50	\$50.00
960	Bus phone-senior services	\$1,465.35	\$1,324.22	(\$141.13)	\$1,431.49	\$107.27
968	Postage-senior services	\$220.98	\$986.73	\$765.75	\$1,074.73	\$88.00
1242	Assessor fica/medicare/taxes	\$9,500.56	\$18,414.45	\$8,913.89	\$18,414.45	\$0.00
3762	medicare contr.-town	\$6,385.46	\$3,735.08	(\$2,650.38)	\$4,325.32	\$790.24
3761	soc sec cont town	\$18,042.20	\$15,970.77	(\$2,071.43)	\$18,494.53	\$2,523.76
1829	cap outlay			3/2/2011		
1829	cap outlay			3/9/2011	\$419.52	

March 1, 2011

TO:
Harriet Ford
Grafton Township Clerk
10109 Vine Street
Huntley, IL 60142

Dear Clerk Ford,

The undersigned, being electors and registered voters of Grafton Township, McHenry County, Illinois, hereby request that the following items be placed on the Agenda for the Annual Meeting of the Grafton Township Electors to take place on Tuesday, April 12, 2011:

- A. Motion to return the title of the township property from the Road District to Grafton Township by April 13, 2011, if not sooner. The electors did not grant the authority to change the title to the Road District and we demand this illegal act be corrected by April 13, 2011.
- B. Motion to nullify the unlawful, unauthorized loan for \$700,000 taken by the Road Commissioner, Jack Freund, and immediately repay this loan to Harris Bank. The purpose this loan was to enable the Road District to hold the title to the township property.
- C. Motion to use Road District Funds to repay \$89,000 of the \$700,000 to Harris Bank. The remainder of \$611,000 will be paid from the General Township Funds. Road District Funds will be used to pay all incurred interest on this loan.
- D. Motion to censure the Grafton Township Trustees, Betty Zirk, Gerald McMahon, Robert LaPorta, and Barbara Murphy for not acting in good faith on behalf of the electors of the township.

Name	Address	Registered Voter?
Jim Hackett	10214 Algonquin Rd, Huntley	Yes
Sam Bakley	9410 Halagus Rd Huntley	Yes
Paul Jensen	7090 Rt 47 Huntley, IL	Yes
Bill Fisher	12065 OAKCREST n Huntley IL	Yes
Doreen A. Shelton	12220 W Main St Huntley IL 60142	Yes
William Zeller	12904 Ernest Rd Huntley IL 60142	Yes
Don Jensen	7103 MENSCHING Rd Huntley IL 60142	Yes
Ann's Jell	9605 Cragg St Huntley, IL 60142	Yes

11-20-12

March 1, 2011

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Name	Address	Registered Voter?
Jeff J. Hines	120 Edgewater Dr CL 60014	Yes
Paul H. Hines	11218 Mill St Huntley, IL 60142	Yes
Jim Hines	10011 Bonnie Brae Rd Huntley	Yes
Frank K. Kerner	9007 Coyne station Huntley	Yes
Paul H. Hines	9007 Coyne station Huntley	Yes
George A. Ryck	10712 Woodstock Huntley	Yes
David J. Joff	12104 Ernest Rd. Huntley, IL	

March 1, 2011

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Grafton Township Clerk
10109 Vine Street
Huntley, IL 60142

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Name	Address	Registered Voter?
Kathleen J. ...	7090 I Rt. 47 Huntley IL 60142	Yes
Christine M. ...	P.O. Box 2 Church St Huntley, IL 60142	Yes
Robert J. ...	P.O. Box 145 Huntley IL 60142	Yes
James M. ...	12407 W. Main St Huntley, IL	Yes
James M. ...	13310 Harmony Rd Huntley	Yes
Gerald McMahon	13310 Harmony Rd. Huntley, IL	Yes
Jim M. ...	1106 M. 11 St Huntley IL 60142	Yes
John ...	11514 Harmon Rd. Huntley IL 60142	Yes
John ...	11514 Harmon Rd Huntley IL 60142	Yes
John ...	1112 Sunset Huntley IL 60142	Yes
John ...	10811 Coyne Station Rd Huntley IL 60142	Yes

March 1, 2011

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Huntley, IL 60142

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Name	Address	Registered Voter?
Heup - Jorgensen	12513 10th St. W. W. Minn.	Yes
Harold J. Jorgensen	82144 East Lake Huntley, IL	Yes
John J. Jett	9703 Coyne Station Rd Huntley, IL	Yes
Mike J. Jett	9703 Coyne Sta. Rd. Huntley, IL	Yes
David Jett	10015 COYNE STATION RD HUNTLEY, IL	Yes
Earl Smith	9311 Coyne Station Rd Huntley, IL	Yes
John Smith	9311 Coyne Station Rd Huntley, IL	Yes
Robert Smith	9311 Coyne Station Rd Huntley, IL	Yes

TO:
Harriet Ford
Grafton Township Clerk
10109 Vine Street
Huntley, IL 60142

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- | Name | Address | Registered Voter? |
|--------------------|---|-------------------|
| Mrs Kearns
Glen | 9007 Coyne Station Rd
Huntley IL 60145 | Yes
Yes |

TO:
Harriet Ford
Grafton Township Clerk
10109 Vine Street
Huntley, IL 60142

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- D. Motion to censure the Grafton Township Trustees, Betty Zirk, Gerald McMahon, Robert LaPorta, and Barbara Murphy for not acting in good faith on behalf of the electors of the township.

Name	Address	Registered Voter?
Dwight Moore	13904 Harmony Rd. Huntley	Yes
Andrew Moore	13904 Harmony Rd. Huntley	Yes
Linda Moore	13904 Harmony Rd. Huntley	Yes

A Professional Corporation
207 W. Jefferson, Suite 402
Bloomington, IL 61701
www.ancelglink.com

Jeffrey R. Jurgens
jjurgens@ancelglink.com
(P) 309.828.1990 Ext. 1995
(F) 309.828.1994

MEMORANDUM

To: Grafton Township Trustees
From: Jeffrey R. Jurgens
Subject: 2011 Annual Town Meeting Agenda
Date: March 3, 2011

You have advised a petition has been filed by Township Electors requesting that the Township Board put certain items on the agenda for consideration by the electors at the annual town meeting. We have been asked to provide you with an opinion regarding the township board's legal obligations to place these items on the agenda for such meeting. This memorandum responds to that request.

I. Overview of Agenda Requirements

The establishment of the agenda for the annual township meeting is governed by Section 30-10 of the Township Code. Specifically, Section 30-10 provides:

Not less than 10 days before the annual meeting, the township board shall adopt an agenda for the annual meeting. Any 15 or more registered voters in the township may request an agenda item for consideration by the electors at the annual meeting by giving written notice of a specific request to the township clerk no later than March 1 prior to the annual meeting. The agenda published by the township board shall include any such request made by voters **if the request is relevant to powers granted to electors under the Township Code.** 60 ILCS 1/30-10 (emphasis added).

Accordingly, for the electors to have an item placed on the agenda, it must be "relevant" to their powers. *See also Baldacchino v. Thompson*, 289 Ill.App.3d 104 (1st Dist. 1997) (invalidating directives approved by the electors at an annual town meeting to reimburse an official for legal expenses, cap expenditures for public relations consultants and tape record meetings since they were not grounded upon specific statutory authority given to the electors). Presumably, the General Assembly intended to limit the items on the agenda to those which are within the powers of the electors to



March 3, 2011

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prevent the agenda from being filled with items which, if acted upon, would have no legal effect, such as if the electors voted that the United States should declare war on Canada.

For the electors to have control over any matter, they must be able to cite some basis in the Township Code for finding that the authority was granted to the electors to act. Baldacchino, 289 Ill.App.3d at 114. The powers of the electors are found in Article 30 of the Township Code. If an item is not related to one of these powers, the Township Board should not include the item on the annual town meeting agenda. In addition, the electors may not exercise powers which are specifically delegated to the township board or other officers. Id.

II. Proposed Items for Grafton Township Annual Meeting

In the instant case, 15 or more electors have petitioned to have the following items on the agenda:

1. Return the title of the township property from the Road District to Grafton Township by April 13, 2011, if not sooner. The electors did not grant the authority to change the title to the Road District and we demand this illegal act be corrected by April 13, 2011;
2. Nullify the unlawful, unauthorized loan for \$700,000 taken by the Road Commissioner Jack Freund and immediately repay this loan to Harris Bank. The purpose of this loan was to enable the Road District to hold the title to the township property;
3. Use Road District Funds to repay \$89,000 of the \$700,000 to Harris Bank. The remainder of the \$611,000 will be paid from the General Township Funds. Road District Fund will be used to pay all incurred interest on this loan; and
4. Censure the Grafton Township Trustees for not acting in good faith on behalf of the electors of the township.

As detailed below, it does not appear any of the proposed action items are appropriate for action at the annual town meeting.

The first item is arguably improper as the agenda item is vague. The item does not detail what "township property" the proposed action relates. In addition, simply directing "return of the title" from the Road District to the Township is vague. While the Township electors do have the authority over use of the Township's corporate

March 3, 2011

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property, a specific type of conveyance should be detailed (i.e., sale, lease, etc.). 60 ILCS 1/30-50. Accordingly, it is unclear what type of action is being proposed by this action item and the authority for such a transfer.

The second item is not a power of the electors and should not be placed on the agenda. As set forth above, for the electors to place an item on the annual town meeting agenda, it must be "relevant" to their powers. The authority of a Road District to borrow money stems from the Illinois Highway Code. Specifically, Section 6-107.1 provides that road districts may borrow money from any bank or other financial institution. 605 ILCS 5/6-107.1. Accordingly, the authority of the Road District to borrow money is not subject to elector approval or consent. That said, we recommend the Township Board consult with the Highway Commissioner to verify that conditions under which the loan was made and that it is not subject to any power relevant to the electors. Presuming such to be the case, nullifying a loan appears to be outside the scope of any elector power and should not be listed on the agenda.

The third item goes attempts to order the Road District to pay the Harris Bank loan back partially from the funds of the Road District and partially from the funds of the Township. While Article 245 of the Township Code provides some authority for the electors to approve fund transfers, these generally involve inter-fund loans and the transfer of surplus funds. There is no authority for the electors to direct a loan be repaid and from what funds. Accordingly, it is unclear how this is relevant to an elector power.

Finally, the petition seeks a censure of the Township Trustees for not acting in good faith on behalf of the electors of the Township. There is no censure process set forth in the Township Code and thus it is unclear how this is "relevant" to any of the powers of the electors.

III. Conclusion

In summary, only items that are properly petitioned for and that are "relevant" to the powers granted to the electors under the Township Code must be included by the Township Board on the agenda. For the electors to have control over any matter, they must be able to cite some basis in the Township Code for finding that the electors have the authority to act. Absent specific authority, or in cases where the power has been delegated to the Township Board or another Township officer, the electors have no power or control. In the instant case, the four agenda items requested are not within the purview of the electors and are not proper subjects for the annual town meeting or are otherwise not specific enough to provide sufficient notice to the electors as to the action to be taken. Accordingly, these items, without more, should not be included on the agenda.

