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State of Illinois
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January 13, 2009

MEMORANDUM

TO: The Honorable Rod Blagojevich, Governor, State of Illinois
The Honorable Emil Jones, Jr., President of the Senate
The Honorable Michael Madigan, Speaker of the House of Representatives
The Honorable Frank Watson, Minority Leader of the Senate
The Honorable Tom Cross, Minority Leader of the House of Representatives
The Honorable Jesse White, Secretary of State
Carol Adams, PhD, Illinois Department of Human Services

RE: Advisory Opinion of the Commission on Government Forecasting and Accountability regarding the Closure of Howe Developmental Center and Tinley Park Mental Health Center

The Commission met on Monday, January 12, 2009 at 5:00 p.m. to consider the recommendations for closure of Howe Developmental Center and Tinley Park Mental Health Center. The Commission voted 9-1 to temporarily withhold final action regarding the closure of Howe Developmental Center and Tinley Park Mental Health Center until the impeachment proceedings against Governor Rod Blagojevich have been completed. A copy of the opinion of the Commission on Government Forecasting and Accountability regarding the closure of the Howe Developmental Center and Tinley Park Mental Health Center along with the motion and vote tally is attached.

**Opinion of the Commission on Government
Forecasting and Accountability
Regarding the Closure of Howe Developmental Center and
Tinley Park Mental Health Center**

Introduction and Background

The Department of Human Services (DHS) officially notified the Commission on Government Forecasting and Accountability (CGFA) of the intent to close Howe Developmental Center (HDC) and Tinley Park Mental Health Center (TPMHC) on September 5, 2008. The State Facilities Closure Act (30 ILCS 608/5-10) states that “In the case of a proposed closure of: (i) a prison, youth center, work camp, or work release center operated by the Department of Corrections; (ii) a school, mental health center, or center for the developmentally disabled operated by the Department of Human Services; or (iii) a residential facility operated by the Department of Veterans’ Affairs, the Commission must require the executive branch officers to file a recommendation for closure. The recommendation must be filed within 30 days after the Commission delivers the request for recommendation to the State executive branch officer.”

The Commission requested the required recommendation on September 18, 2008. The Department of Human Services submitted the necessary recommendations for closure on November 3, 2008. The State Facility Closure Act, specifically (30 ILCS 608/5-10), requires “In the case of a proposed closure of: a school, mental health center, or center for the developmentally disabled operated by the Department of Human Services; the Commission must conduct one or more public hearings on the recommendation. Public hearings conducted by the Commission shall be conducted no later than 35 days after the filing of the recommendation. At least one of the public hearings on the recommendation shall be held at a convenient location within 25 miles of the facility for which closure is recommended.” The statutorily required public hearing was held on December 11, 2008 beginning at 4:00 p.m. at the Tinley Park Convention Center. Commission members heard nearly seven hours of oral testimony during the Tinley Park hearing.

Recommendation

On January 9, 2009, the Illinois House of Representatives voted to impeach Governor Rod Blagojevich. In response to these developments, the Commission on Government Forecasting and Accountability, with the foremost responsibility to the citizens of Illinois, deems it essential to allow the Illinois Senate to meet and adjudicate the charges brought forth by the elected representatives of the people of Illinois. The Senate is scheduled to begin the trial proceedings regarding the impeachment resolution on January 26, 2009 in accordance with the Constitution of the State of Illinois.

Given the severity of the charges brought against Governor Rod Blagojevich and his administration during the impeachment proceedings, it is only appropriate that the legislative branch quarantine these proposed actions by the executive branch until the conclusion of these proceedings. The allegations of pervasive and systemic abuse of power by Governor Blagojevich in numerous public transactions where the public’s interest may have been

breached, including those pertaining to transactions involving real property, underscores the need for additional scrutiny by Commission members at this time.

Consequently, the Commission recommends that final action regarding the closure of Howe Developmental Center and Tinley Park Mental Health Center be temporarily withheld until the impeachment proceedings against Governor Rod Blagojevich have been completed. Following the issuance of a verdict by the Illinois Senate in the impeachment trial, the Commission will offer a more detailed and definitive recommendation for both the Howe and Tinley Park facilities within sixty (60) days after the completion of the impeachment trial.

To further the safe transition of residents from Howe Developmental Center, and to resolve confusion in the interpretation of the existing statutes, the Commission confirms that the Department should initiate discussions with those residents, parents and guardians who are not already involved in the transition planning process and would encourage the formation of an Advisory Committee to provide input on the Department's closure planning efforts.

This is not to imply that any action should be taken concerning the closure of Howe Developmental Center or Tinley Park Mental Health Center prior to a more definitive recommendation from the Commission.

Conclusion

The Commission believes the only responsible course of action is to quarantine these transactions initiated by Governor Blagojevich and his administration during the current impeachment proceedings. Once the impeachment trial has been completed, the Commission will issue more detailed and definitive series of recommendations no later than sixty (60) days after the end of the trial. In the interim, the Commission will continue to gather information for use in evaluating the feasibility of these closures, including further examination of the valuation and the potential sale of the real estate that comprises Howe Development Center and Tinley Park Mental Health Center.

The filing of this advisory opinion is being made in accordance with the State Facility Closure Act (30 ILCS 608) and will be filed with the Secretary of the Department of Human Services, the Governor, the General Assembly, and the Index Department of the Office of the Secretary of State. Copies of the advisory opinion will also be posted on the Commission's website and be made available to the public upon request.



Senator Jeffrey M. Schoenberg
CGFA Co-Chairman



Representative Richard P. Myers
CGFA Co-Chairman

**MOTION TO DELAY FINAL ACTION ON THE
RECOMMENDATION FOR CLOSURE OF THE HOWE
DEVELOPMENTAL CENTER AND TINLEY PARK MENTAL
HEALTH CENTER IN TINLEY PARK, IL**

In response to recent developments, specifically, the impeachment of Governor Rod Blagojevich on January 9, 2009 by the Illinois House of Representatives, **I move that the Commission on Government Forecasting and Accountability delay final action regarding the closure of Howe Developmental Center and Tinley Park Mental Health Center until the impeachment proceedings against Governor Rod Blagojevich have been completed.** The Commission will offer a more detailed and definitive recommendation for both the Howe and Tinley Park facilities within (60) days after the completion of the impeachment trial. No action towards the closure of either of these facilities should be initiated by the department during that interim. As such the Commission issues this advisory opinion regarding Howe Developmental Center and Tinley Park Mental Health Center.

Motion: Senator Jeffrey Schoenberg

Motion Second: Senator David Syverson

Vote: 9-1

COMMISSION MEMBERS ROLL-CALL

Howe Developmental Center and Tinley Park Mental Health Center

FACILITY CLOSURE HEARING

Monday, January 12, 2009 – 3:00 p.m.

Room C-1, Stratton Office Building – Springfield, IL

	ATTENDANCE		V O T E		
	Present	Absent	YES	NO	Present
Representative Patricia Bellock (R)	X				
Senator Larry Bomke (R)	X		X		
Senator Bill Brady (R)	X		X		
Senator Don Harmon (D)	X		X		
Representative Frank Mautino (D)	X		X		
Representative Robert Molino (D) <i>Rep. Gurr</i>	Resigned/Inactive				
Representative Richard Myers (R)	X		X		
Representative Elaine Nekritz (D)	X			X	
Representative Raymond Poe (R)	X		X		
Senator Jeffrey Schoenberg (D)	X		X		
Senator David Syverson (R)	X		X		
Senator Donne Trotter (D)		X			
Attendance / Vote	11	1	9	1	