



Christopher Hansen <chris.g.hansen@gmail.com>

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## [wuna-list] Re: propriety and legality of Plan Commission member opinion before meeting

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Adam Rusch <Adam@rusch.me>

Mon, Nov 2, 2020 at 8:46 AM

To: "Simon, James" <jlsimon@urbanailinois.us>

Cc: "Marlin, Diane" <dwmarlin@urbanailinois.us>, "Pearson, Lorrie" <lpearson@urbanailinois.us>, "Garcia, Kevin" <kjgarcia@urbanailinois.us>, "tfitch71v@gmail.com" <tfitch71v@gmail.com>, "Wu, Maryalice" <mwu@urbanailinois.us>, wuna-list@googlegroups.com

Dear Mr. Simon,

Thank you for the email!

As I am not a member of the Plan Commission - unless I was appointed and nobody told me - there should be no conflict here. I am a member of the Zoning Board of Appeals and the Design Review Board. The cases that I spoke about on my Community Listserve have not been brought before my boards and I would not have commented on them if they had. I was merely expressing my opinion of the matter as a private citizen and sharing my thoughts with my neighbors.

Are there any other legal considerations that I should be taking as a Board & Commission member? I am always careful to weigh cases on their merits and not pre-judge matters that will come before my boards. Your guidance would be appreciated.

Thank you,  
Adam

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Adam P. Rusch, PhD

[Adam@Rusch.me](mailto:Adam@Rusch.me)

<http://Adam.Rusch.me>

Education Technology Research & Consulting

On Nov 2, 2020, at 8:39 AM, Simon, James <jlsimon@urbanailinois.us> wrote:

Dear Mr. Rusch –

Please see Mr. Debevec's e-mail below.

In the past we have had similar problems where one or two City Council members spoke at Plan Commission hearings in favor of or in opposition to particular cases and then voted on those cases when they came to the City Council for final approval. Here, you have publicly announced your decision before Wednesday's (November 5) hearing on this case. This prejudging of a Plan Commission case by someone who sits on the Plan Commission constitutes a denial of due process and creates a heightened legal risk for the City where one need not otherwise exist. I believe that it would be most appropriate for the Plan Commission chair to advise the public of your listserv communication over the weekend and for you to recuse yourself from all discussion and any vote on this case.

Thank you.

**James L. Simon**  
City Attorney

Legal Division | City of Urbana  
400 S Vine St | Urbana, Illinois 61801  
217.384.2464

<image001.png>

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**From:** Paul Debevec <[debevec@illinois.edu](mailto:debevec@illinois.edu)>  
**Sent:** Sunday, November 01, 2020 6:00 PM  
**To:** Simon, James <[jsimon@urbanaininois.us](mailto:jsimon@urbanaininois.us)>; [tfitch71v@gmail.com](mailto:tfitch71v@gmail.com); Maryalice <[wumaryalice@gmail.com](mailto:wumaryalice@gmail.com)>  
**Subject:** propriety and legality of Plan Commission member opinion before meeting

Dear Mr. Simon,

The Plan Commission will meet on November 5 to consider an applications for a rezoning (Case No. 2410-M-20) and for a Planned Unit Development Case Nos. 2411-PUD-20 and 2412-PUD-20. The PUD plan was posted on the City of Urbana website on Monday, October 26 and the staff recommendation was posted on the evening of Friday, October 30. Due to neighborhood interest in these matters Kevin Garcia, Principal Planner in Community Development, provided links to documents on our WUNA neighborhood listserv, which serves hundreds of households. The listserv is open to all residents of the WUNA neighborhood, some of whom have roles in Urbana government.

Adam Rusch is on the listserv and is also a member of the Plan Commission. On Saturday morning Mr. Rusch posted on the listserv the message "...I am really impressed with the drawings of the PUD on Lincoln & California-Oregon! If approved, those units would add significant improvement to the neighborhood compared to the existing structures. They are only 3-stories tall, providing a good step down from the high-density zoning of our Campustown neighborhood to the West. They are preserving mature trees and creating a courtyard that will naturally screen view of the parking lot from the road. This is in keeping with the intentions of the Lincoln Avenue Corridor and should be a good investment in our neighborhood."

Frankly, I am concerned that Mr. Rusch would state his opinion before the Plan Commission meeting. In its report and before its recommendation, Community Development always includes the statement "Based on the evidence presented in the discussion above and **without the benefit of considering additional evidence that may be presented at the public hearing...**" I infer from this statement that no decision should be made before a meeting. It appears to me that Mr. Rusch has taken liberties in this matter and that it would be appropriate for him to recuse himself on this issue.

Thank you for your attention.

Regards, Paul Debevec

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