September 10, 2026

TO:

Wayne County Board
Wayne County, Illinois
AND

Housing Authority of the County of Wayne, Illinois
Board of Commissioners
Executive Director Kimella Musgrave
CC:

Daryl Hargrave, Chairman
Wayne County State's Attorney

RE: FORMAL NOTICE — PROPOSED APPOINTMENT OF LINDA TUCKER; FEDERAL RESIDENT BOARD MEMBER REQUIREMENTS

Members of the Wayne County Board and Commissioners of the Housing Authority of the County of Wayne:

I am providing this formal notice concerning the proposed appointment of Linda Tucker to the Wayne County Housing Authority Board as my replacement following the expiration of the term identified on my August 11, 2022 Certificate of Appointment.

I object to consideration or approval of this appointment unless and until the Housing Authority establishes compliance with the federal requirements governing resident board membership.

1. WCHA is required to have an eligible resident board member unless it satisfies the specific regulatory exception

Under **24 C.F.R. § 964.415(a)**, a public housing agency's governing board must contain not less than one eligible resident board member unless the PHA satisfies the exception provided by **24 C.F.R. § 964.425**.

Under **24 C.F.R. § 964.410**, an eligible resident board member must meet HUD's definition of an eligible resident.

Linda Tucker is not a resident of the Wayne County Housing Authority and therefore cannot serve as the eligible resident board member required by § 964.415.

Accordingly, her appointment cannot satisfy WCHA's federal resident-board-member requirement.

2. WCHA cannot simply invoke the exception without satisfying its requirements

The exception contained in **24 C.F.R. § 964.425** is conditional.

Among other requirements, WCHA must:

- provide reasonable notice to its Resident Advisory Board of the opportunity for residents to serve on the governing board;
- allow the required period of at least 30 days following that notice; and
- establish that it was not notified of a resident's intention to participate during that period.

The process must also be conducted annually as required by the regulation.

WCHA's **March 12, 2026 Resident Advisory Board agenda** contains no Resident Commissioner matter, no resident-board-member opportunity, no solicitation of residents to serve on the governing board, and no notice concerning an opportunity for residents to serve.

WCHA therefore has not established that it satisfied the 2026 requirements necessary to rely upon § 964.425.

3. WCHA received affirmative written notice of my intention to serve

This issue is independently significant.

On **August 8, 2026**, I provided written notice to Chairman Daryl Hargrave, the Wayne County Board, WCHA, and the appropriate officials expressly stating my continuing intent to serve as an eligible resident board member.

My letter stated:

"This letter also serves as my formal written notice of intent to serve as the eligible resident board member of the Housing Authority of the County of Wayne."

I specifically requested that the Authority and County treat my letter as my written expression of interest for purposes of any applicable resident-board-member selection, election, appointment, notice, or small-PHA-exception procedure under federal law and HUD regulations.

This is directly relevant to **24 C.F.R. § 964.425(a)(3)**. WCHA has actual written notice that an eligible resident intends to participate.

Therefore, WCHA cannot establish the absence of resident interest required to rely upon the exception by simply disregarding my August 8 notice.

4. WCHA cannot cure this defect tonight by selecting an unidentified "alternate" resident

I understand that WCHA may contend that it intends to allow an eligible resident to serve as an alternate or otherwise provide resident representation at tonight's meeting.

That does not cure the underlying procedural deficiency.

My August 8 written notice establishes that an eligible resident has already expressed an intention to participate. WCHA cannot bypass that expression of interest by selecting another resident at the last minute without providing the required opportunity for eligible residents to participate in the applicable selection process.

If WCHA intends to select, nominate, elect, or otherwise designate a resident board member, it must identify the governing procedure and demonstrate compliance with the applicable federal requirements, including the required notice and opportunity for eligible residents to participate.

A last-minute designation of a resident does not retroactively satisfy a notice and selection process that was never conducted.

5. Failure to satisfy the exception returns WCHA to the resident-board-member requirement

Under **24 C.F.R. § 964.425(c)**, when an otherwise eligible small PHA fails to satisfy the requirements of § 964.425(a)(2)–(4), it must comply with the resident-board-member requirements of the subpart.

That means WCHA remains subject to **24 C.F.R. § 964.415(a)** and must have an eligible resident board member.

WCHA therefore cannot resolve the problem by appointing a nonresident such as Linda Tucker or by creating a resident "alternate" without following the required process.

6. The proposed appointment should not be approved

The County Board is being asked tonight to approve Linda Tucker for the position currently occupied by me.

Before doing so, the County Board should require WCHA to establish:

1. The legal basis for appointing Linda Tucker to a federally required resident-board-member position when she is not an eligible WCHA resident;
2. The 2026 notice provided to the Resident Advisory Board concerning the opportunity for residents to serve on the governing board;
3. The date that notice was provided to the RAB;

4. Documentation establishing compliance with the required 30-day period;
5. The basis upon which WCHA contends that § 964.425 remains available after receiving my August 8 written notice of intent to participate;
6. The resident selection, nomination, election, or appointment procedure WCHA contends applies to this position; and
7. Documentation establishing that any proposed resident member was selected through that lawful process.

Until these matters are established, the County Board can **not approve the proposed appointment of Linda Tucker.**

7. Illinois appointment law does not eliminate the federal requirement

Under **310 ILCS 10/3**, commissioners of an Illinois housing authority are appointed by the applicable appointing authority subject to approval by the governing body, and the statute establishes the applicable term and **qualification requirements**.

The County Board's approval authority under Illinois law does not eliminate or override the federal requirement that WCHA maintain an eligible resident board member or properly satisfy a federal regulatory exception.

Accordingly, County Board approval cannot cure a failure by WCHA to comply with the federal resident-board-member requirements.

8. Formal request and notice

I therefore formally request that the Wayne County Board **decline to approve the proposed appointment of Linda Tucker at tonight's meeting** until WCHA establishes compliance with the federal resident-board-member requirements.

I further request that WCHA identify the specific procedure and legal authority it relied upon in selecting Linda Tucker and provide the documentation establishing compliance with that procedure.

If WCHA contends that another resident will be used as an alternate or otherwise designated to satisfy the federal requirement, I request that WCHA identify the legal authority for doing so and demonstrate that the applicable resident notice and selection requirements were satisfied before making that designation.

I remain an eligible resident who has expressly and timely notified the appointing authority of my intent to serve. I am entitled to have that expression of interest addressed through the

applicable lawful process rather than being bypassed by an appointment or last-minute designation made without the required procedure.

If the proposed appointment proceeds without compliance with the applicable federal requirements, I will refer the matter to the **U.S. Department of Housing and Urban Development for review and appropriate action**, including the underlying RAB records, my August 8 notice of intent to serve, the proposed appointment of Linda Tucker, and the Authority's compliance with 24 C.F.R. Part 964.

Respectfully,

/s/ Ronald Baker
Resident Commissioner — Holdover Status / Applicant for Appointment
[redacted]
Fairfield, Illinois 62837
[redacted]
[redacted]

Attachments:

1. August 8, 2026 — Notice of Reappointment / Formal Notice of Intent to Serve
2. August 11, 2022 — Certificate of Appointment
3. March 12, 2026 — WCHA Resident Advisory Board Agenda