

## Minutes of the Rules Subcommittee

The Rules Committee of the McLean County Board met on Monday, February 12, 2001 at 3:30 p.m. in Room 700, Law and Justice Center, 104 West Front Street, Bloomington, Illinois.

Members Present: Chairman Sorensen, Members Arnold, Gordon, Renner, Kinzinger

Members Absent: Member Sommer

Other County Board

Members Present: County Board Chairman Sweeney

Staff Present: Mr. John M. Zeunik, County Administrator; Mr. Terry Lindberg, Assistant County Administrator; Ms. Martha B. Ross, County Administrator's Assistant, County Administrator's Office

Department Heads/  
Elected Officials

Present: None

Chairman Sorensen called the meeting to order at 3:37 p.m. The minutes of the June 8, 1999 meeting were approved by consent of the Committee.

Chairman Sorensen stated that the first item to be considered was submitted by the County Administrator's Office. That item is 5.15-1 under the main heading of Committees – Number, Designation and Membership. This proposed amendment establishes that there will no longer be a Human Services Committee or a Legislative Committee.

Mr. Gordon stated that he was uncertain as to what the strikeouts referred, with regard to the Amended date of December 4, 2000. He asked what is the status of this amendment as it comes before the Rules Committee at this time. Chairman Sorensen responded that the purpose is to make this section a part of a permanent revised Rules that will be presented to the Board.

Chairman Sorensen presented a second issue with regard to wording in section 5.15-1(A). He noted that the rule states that the Executive Committee will have nine (9) members. However, that may not always be the case, depending upon whether the Chairman or the Vice Chairman are also Committee chairpersons of any of the five Standing Committees.

Mr. Arnold stated that the present delineation actually lists 10 people. Chairman Sorensen agreed by saying that there are presently listed five Committee Chairmen, Chairman and Vice Chairman and not more than three at-large members. This wording seems to allow for up to 10 members on the Executive Committee.

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Chairman Sorensen asked Mr. Terry Lindberg, Assistant County Administrator, to state the recommended change in wording to correct this situation. Mr. Lindberg stated that the words, "... of nine members..." in the first line, and the last two words in the second line, "... with the..." be struck. He suggested that in lieu of those stricken words, the phrase, "... shall have..." be inserted. The new statement would then read, "The Executive Committee shall have membership consisting of the Chairman and the Vice Chairman of the Board and the Chairmen of the other standing committees and not more than three members of the Board appointed as at-large members of the Committee by the County Board Chairman."

Mr. Arnold asked what is the purpose of having three at-large members. He noted that this number seemed unwieldy to him. Chairman Sorensen stated that, historically, there were seven Committee Chairs, the Board Chairman, and Vice Chairman for a total of nine members.

Mr. Sweeney stated that retaining nine positions on the Executive Committee has been the norm in the past. He noted that he felt it was a priority to retain individuals on the Committee who have been involved with the Board for a long period of time, even if those individuals were not Committee Chairs. Mr. Sweeney further stated that there are two individuals who now sit on the Executive Committee who are former Chairs of the two Committees that were eliminated. He explained that placing those two individuals on the Executive Committee was a way to retain their expertise and preserve their status.

Mr. Arnold stated that 10 members on the Executive Committee would prove to be unwieldy.

Mr. Sweeney responded that the Committee membership would be nine members, with provision for three at-large members, without requiring that all three positions be filled.

He explained that there would be five Committee Chairmen, the Chairman and the Vice Chairman of the Board, and *up to* three at-large members. However, if the official number of members of the Committee is listed at nine, then the total membership of the Committee will top out at nine, including the at-large members.

Mr. Sweeney explained that if the Chairman and Vice Chairman of the Committee also decided to become Chairs of other standing Committees as well, then there would only be eight members of the Executive Committee. Mr. Gordon stated that, as a result of Mr. Lindberg's proposal, the phrase, "...of nine members..." has now been deleted. What he was suggesting would read, "The Executive Committee shall have...", and then the remainder of Section 5.15-1 would remain as it is.

Mr. Sweeney remarked that his understanding of Mr. Lindberg's proposed wording is that the change will read, "... shall have nine members with the membership consisting of..."

Mr. Gordon stated that Mr. Lindberg's suggestion was to delete the phrase, "... of nine members..."

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Chairman Sorensen remarked that more than nine members on the Executive Committee would not be acceptable to the Rules Committee. He explained that Mr. Lindberg's concern was to allow the Committee membership to actually attain nine members. Mr. Sweeney stated that if the rule were constructed to say that the Executive Committee shall have nine (9) members, the question would be put to rest.

Chairman Sorensen stated that a future County Board Chairman would elect not to have nine (9) members on the Executive Committee. He further stated that the rule delineated in Section 5.15-1(A) would still be applicable.

Mr. Gordon asked whether the Rules Committee should consider designating a fixed number of at-large members to the Executive Committee. In that situation, the so-called sliding scale would occur if the Chairman of the Board and the Vice Chairman of the Board, or both, also served as a Chairman of a standing Committee.

Mr. Renner asked whether that situation would present degrees of freedom. Mr. Gordon stated that he is thinking about the difficulty that may confront a future County Board Chairman. He noted that a future Chairman may only choose to have one (1) at-large member. He expressed concern over what might precipitate a variation in the number of at-large members appointed to the Committee.

Chairman Sorensen asked the Committee to consider the following phrasing: "The Executive Committee shall have up to nine members, membership consisting of..." Mr. Gordon remarked that in this instance, the numbers do not match, because the Chairman and the Vice Chairman could be standing committee chairmen. Chairman Sorensen then responded that the wording specifically states, "...shall have *up to*..." (emphasis added) He noted that this does not impart a guarantee of nine members.

Mr. Renner noted that the proposed wording sets a ceiling cap of nine members, but does not guarantee nine members.

Mr. Gordon stated that his understanding of the proposed change in wording is, "...The Executive Committee shall have up to nine members, consisting of ..."

Chairman Sorensen stated that at this time, he requests the Committee to view this meeting as a mark up session, reaching a general consensus on all of the edits, and concluding with a general motion that encompasses all changes at the conclusion of the process.

Chairman Sorensen stated that in Rule 5.15-1(B), references to the Human Services and Legislative Committees have been stricken, as those Committees no longer exist.

Chairman Sorensen presented Rule 5.17-1 that delineates the duties and responsibilities of the Executive Committee. He noted that Items (P) through (U) have been added. He explained that these items were added when the Legislative Committee was disbanded and its duties were assigned to the Executive Committee.

Chairman Sorensen asked if the Committee members were comfortable with the changes in the Executive Committee duties and responsibilities. There was a general consensus among the Committee that the changes are acceptable.

The next amendment under consideration was Section 5.17-2 regarding the duties and responsibilities of the Finance Committee. Chairman Sorensen stated that Items (P) through (U) had been added. Those items were formally under the jurisdiction of the Human Services Committee, which has now been disbanded.

Mr. Renner remarked that Item (U) did not appear to relate to the former Human Services Committee. Mr. Gordon remarked the same regarding Item (P). Mr. Zeunik responded that Item (P) had been under the jurisdiction of the Human Service Committee because of the Board of Health's responsibilities. Therefore, recommendations would come to the Human Services Committee as the oversight committee, but final authority always rested with the Finance Committee. He noted that Item (P) may now be a redundancy and could be deleted, since the all such requests are now brought to the Finance Committee.

Mr. Arnold stated that he proposed a change in Item (P) to read, "To consider all requests for staffing changes, after review by the respective Oversight Committee, which require amendment to the Funded Full-Time Positions Resolution and make a recommendation to the Board." He stated that he offered this option only as a suggestion, but noted that such wording clarified responsibilities. He cited a past situation in which a department head presented a staffing change request to the Justice Committee, stating that he was doing so only as a courtesy, as the final authority rested with the Finance Committee.

Chairman Sorensen stated that this change would clarify that proposed staffing changes would not be considered by the Finance Committee until such requests had been first presented to the appropriate oversight committee.

Chairman Sorensen asked whether the Committee agreed with Mr. Arnold's proposed amendment to Section 5.17-2(P). There was general consensus among the members to accept the proposed amendment.

Chairman Sorensen asked for comments regarding the remainder of the amendments in Section 5.17.2 – Finance Committee. Mr. Arnold stated that he found the remainder to be acceptable. He noted that Item (K) should be worded more strongly to empower the Board to enforce the

requirement for departmental responses to the outside auditor's management letter.

Mr. Renner asked how the Rules Committee could make such a requirement within its authority. Mr. Sweeney stated that a stronger enforcement policy has been attempted in the past, without resulting change. He asked for suggestions on a change in wording to make the requirements more stringent.

Mr. Arnold suggested that the following phrase be added to Item (K), "...and make recommendations to the Board and the various oversight committees, *and require a written response.*" (emphasis added) Mr. Sweeney stated that a written response is currently required.

Mr. Zeunik stated that the only mechanism, that could be added would be a requirement for any County office or department to present a status report on their corrective plan of action, once per quarter to the Finance Committee. In this fashion, monitoring of corrective measures would be ongoing throughout the year.

Mr. Sweeney stated that this method was implemented in the past, with quarterly reports to the Finance Committee. Mr. Renner commented that the County Treasurer's Office has been closely monitored in the recent past. Mr. Sweeney noted that there is no stronger remedy available to the Board under State law.

Chairman Sorensen asked whether the decision to strengthen the reporting requirement to the Finance Committee should be left to that Committee. Mr. Sweeney suggested that the Finance Committee deal with the situation during the next audit cycle.

Mr. Gordon stated that there should be a statement in the Rules that delineates the need for regular status reports. Mr. Kinzinger concurred.

Mr. Arnold suggested that the phrase, "... and monitor corrective action be added." In so doing, the Finance Committee can then interpret the extent to which they wish to enforce such action. Chairman Sorensen asked if there was a consensus of agreement with this suggestion. The Committee concurred.

Chairman Sorensen presented Section 5.17-3 regarding the Legislative Committee. He explained that all of the responsibilities for the Legislative Committee have been stricken.

Chairman Sorensen presented Section 5.17-6 regarding the Human Services Committee, He explained that all of the responsibilities for the Human Services Committee have been stricken.

Mr. Terry Lindberg presented a reference in Section 5.17-2, Finance Committee Item (U), to Section 5.17-9. He noted that this section does not exist in the Rules as they are currently written.

Mr. Zeunik explained that Section 5.17-9 refers to a chart that appears in earlier versions of

Rules. The chart divides the responsibilities for grounds and maintenance at County facilities.

Mr. Gordon asked why such information appears under the Finance Committee. Mr. Zeunik responded that some of the responsibilities relate to the Public Building Commission. The Finance Committee Is the Oversight Committee responsible for with the Public Building Commission.

Mr. Zeunik noted that a copy of the chart needs to be included in the final version of the Rules. Mr. Lindberg stated that the section reference for the chart will need to be updated as well.

Mr. Arnold stated that Section 5.14-1 defines a quorum. He noted that this section should be clarified, based upon the potential of the Board to temporarily change its number of members. Chairman Sorensen stated that a new rule, defining the term "member" might also be considered. He explained that the proposed rule should establish that if a seat is vacant, as a result of resignation or death, then the current Board membership will stand at 19 members until such time as the seat is filled.

Mr. Gordon stated that the word "sitting" should be added in front of the word members, in Section 5.14-1 in order to clarify the number of Board seats occupied at any given time. This would address the vacancy issue. Mr. Renner stated that such wording does not address the situation of prolonged absence due to illness or injury.

Mr. Arnold suggested amending Section 5.14-1 with regard to establishing a quorum to read, "A majority of the members of the Board, in attendance at the meeting, shall constitute a quorum." Mr. Kinzinger commented that such a statement is self-defeating in that there should be at least a minimum number stated.

Mr. Renner stated that he is in favor of the "sitting member" concept. He noted that it implies active participation. Mr. Arnold objected to the term "sitting," stating that it is a somewhat antiquated term. Mr. Renner suggested that the Board's legal counsel be consulted with regard to the wording of this section.

Mr. Gordon asked how the establishment of a quorum may be affected by temporary absences of members. Chairman Sorensen stated that membership is not in question, but rather whether or not a vacancy may affect the establishment of a quorum.

Chairman Sorensen stated that the term "members" should be more clearly defined and the issue should be dealt with under Section 5.11-7, Procedure for Filling Vacancies. He noted that the formal establishment of a vacancy should then trigger a recalculation of how many members there are on the Board. Mr. Gordon remarked that Section 5.14-1 should contain the procedure for establishing a vacancy, which would then naturally flow into the establishment of a quorum.

Chairman Sorensen stated that the first order of business is to declare a vacancy. Then a quorum  
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would be established, based upon the membership of the Board following that action.

Mr. Zeunik explained that McLean County Board Rules do not include language regarding the declaration of a vacancy. However, State law stipulates that the Chairman shall formally declare a vacancy.

Chairman Sorensen asked whether a statement may be added under Section 5.11-7(A) to read, "During the period of time that the vacancy exists, the membership of the Board shall be adjusted appropriately." Mr. Arnold stated that there is a fundamental difference between "members" and "membership." He remarked that the most appropriate action in this case would be to refer the matter to legal counsel for the Board for clarification.

Chairman Sorensen presented Section 5.11.7(D) regarding the selection process to fill Board vacancies. He explained that the Rule might be adjusted to allow for such applicants to address the Executive Committee at its regular meeting, rather than the full Board. The Executive Committee would then be invited to question each applicant. The Committee concurred with this suggestion.

Mr. Zeunik noted that, pursuant to the currently stated timeframe in Section 5.11-7(B), new timeframes would need to be developed in order to comply with the proposed changes to Part (D). He stated that applications and resumes would need to arrive in the County Administrator's Office by 12 Noon on the Thursday prior to the regularly scheduled Executive Committee meeting.

Chairman Sorensen stated that the Administrator's Office will need to make the proposed changes to the wording in Section 5.11-7(B) and (D). He asked whether the Committee was in favor of the proposed changes. The Committee consented to the proposed changes.

Chairman Sorensen presented a need for clarification to Section 5.14-8, regarding the request for legal opinions. He stated that his concern is that, as a Board, the rule is not being diligently followed. Chairman Sorensen stated that the provision in the rule stating that the Chairman and Vice Chairman should receive copies of requests for legal opinions is a point of concern. He noted that the requests are required to be in writing, and expressed his concern that such requests may actually be made in a more informal manner.

Mr. Renner stated that the provision requiring the tendering of written requests for legal opinions is not diligently followed. He remarked that it is unknown at this time whether any written requests have consistently been disseminated, according to the provisions of the rule.

Mr. Zeunik explained that requests for legal opinions that are made in the form of a motion, which is then memorialized in the meeting minutes, is considered to be a request tendered in

written form.

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Mr. Gordon asked what is the original intent of the section. Mr. Zeunik responded that the purpose of the rule was to limit the number of requests for legal opinions to issues that were before

the Board, as opposed to issues that may never come before the Board. Mr. Zeunik noted that the State's Attorney also serves as counsel for the other County department heads and elected officials. Therefore, there are demands on the State's Attorney's time and resources apart from County Board business.

Chairman Sorensen stated that the Section reference within the text portion of Section 5.14-8 must be changed to reflect an updated reference. He asked whether there were other changes proposed for this section. The Committee agreed that Chief Civil Assistant State's Attorney Eric Ruud should attend the March 2001 meeting of the Rules Committee to address any further changes to the section regarding requests for legal opinions.

Mr. Kinzinger stated that he would like the Committee to consider holding two or three County Board meetings in the evening instead of at 9:00 a.m. He stated that he hoped to make County government more accessible to the general public, the majority of whom work during daytime business hours. Mr. Sweeney noted that the meeting dates and times were voted on in December 2000, and that Ordinance would need to be amended.

Mr. Renner asked why the County Board meetings have historically taken place at 9:00 a.m. Mr. Sweeney explained that 20-30 years ago, the full Board examined all of the bills and they needed large amounts of time in which to conduct the business on the agenda. Mr. Zeunik noted that at one time, there were 47 members on the Board in a Committee-of-the-Whole structure, making participation in meetings a more lengthy process.

Mr. Sweeney remarked that most County department heads and elected officials are available to be present at 9:00 a.m. meetings, whereas many would not be available at evening meetings, due to other commitments. He stated that he would prefer that they attend the Board meetings in order to gain a clear understanding of issues and events dealt with by the Board.

Mr. Sweeney asked how such a change in the meeting schedule could be delineated in the Rules to denote evening meetings on an interim basis. Chairman Sorensen stated that if the Rules Committee decided to adopt an interim evening meeting schedule for the Board, the amendment to the meeting ordinance would also go to the Executive Committee and then to the full Board.

Mr. Renner stated that evening meetings in the summer might be counterproductive, as participants and citizens may have other commitments. Mr. Kinzinger remarked that merely an increase in attendance by the citizenry is not his primary goal in changing some meetings to an

evening time. He further remarked that citizens' increased freedom to attend Board meetings without missing vital work time was a primary goal.

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Mr. Renner stated that his preference for County board meeting time is 9:00 a.m. Mr. Arnold stated that he favors the morning meeting time, as well.

Motion by Kinzinger/Renner to conduct the County Board meetings at 7:00 p.m., on the date currently specified, during the months of August, September, and October 2001 on a trial basis. Beginning with the November 2001 meeting the time for County Board meetings will return to 9:00 a.m. The issue of a time change for County Board meeting will be discussed as an agenda item at the November 2001 Rules Committee meeting and will be revisited at the December 2001 County Board meeting.

Mr. Gordon called for the question. Chairman Sorensen stated that the question has been called to send this motion to the Executive Committee as a recommendation.

Motion passed with a vote of 3 in favor and 1 opposed.

Mr. Zeunik stated that the Executive Committee will address this issue at its March 2001 meeting.

Mr. Renner asked how the issue of reapportionment of County Board districts will be handled. Chairman Sorensen stated that the Executive Committee has historically handled issues surrounding reapportionment. There may also be volunteer assistance from State Farm Insurance who will help develop several reapportionment maps.

Mr. Renner stated that he has become aware of confusion among citizens regarding the number of representatives from each district and when they are elected. He asked whether 20 single member districts would be a viable option to consider for reapportionment. Chairman Sorensen stated that such a request would be at the discretion of the Board.

Mr. Zeunik stated that United States census track data will become available in April 2001. If State Farm's Research Department agrees to assist the County with reapportionment, the census track data will then be provided to them. State Farm will load the data into their mapping system, following the requirements delineated in State law, and taking into account the requested options of the Board, State Farm Research Department will then develop a series of options for reapportionment for the Board's consideration.

Chairman Sorensen stated that County Board members are divided into three (3) groups for the purpose of compensation. Group I is the Chairman of the Board. Group II is comprised of the

Committee Chairmen. Group III is comprised of all other Board members. He noted that there are now some senior members of the Board who no longer hold Committee chairmanships, but who do currently serve the Board in a senior capacity, by serving on the Executive Committee. Chairman Sorensen stated that the Committee may wish to consider changing the configuration of

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the three (3) groups to: Group I, Chairman of the Board; Group II, members of the Executive Committee; and, Group III, other members.

Mr. Gordon asked to which group the Board's Vice Chairman would be assigned. Chairman Sorensen responded that the Vice Chairman would be placed in Group II as a member of the Executive Committee.

Mr. Renner stated that there should be compensation for members of the Executive Committee. Mr. Gordon remarked that the second category may state, "... and that the annual salary for members of the Executive Committee will be increased from \$4,000.00 to \$5,000.00."

Chairman Sorensen stated that this change, if approved, would not go into effect until the year 2003.

Mr. Sweeney explained that the issue of compensation for the Board, in its various configurations, was discussed in previous years. However, there exists no official record of discussions. Therefore, the issue is again before this Committee for consideration.

Chairman Sorensen stated that the annual salary of the Executive Committee members would be established at \$5,000.00 annually. The annual salary for non-Executive Committee members, would be \$4,000.00 annually.

Mr. Arnold remarked that he does not see the need to make such a distinction in the salary for the Executive Committee members. He further remarked that the three at-large members perform no special duties over and above the duties of non-Executive Committee members. Mr. Zeunik stated that Ms. Berglund is the only at-large member with designated duties as the Legislative Liaison.

Mr. Kinzinger asked whether the subject of compensation for the Executive Committee could be tabled until the March 2001 meeting. Chairman Sorensen stated that the subject of increasing the compensation for members of the Executive Committee would be made an agenda item for the March 2001 meeting of the Rules Subcommittee.

Chairman Sorensen stated that the Rules Subcommittee will meet in March, but the Administrator's Office will poll the members for a meeting date and time. If a suitable date and time is not available in March, the meeting may be scheduled for April 2001.

There being nothing further to come before the Committee at this time, Chairman Sorensen adjourned the meeting at 5:02 p.m.

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Respectfully submitted,

Martha B. Ross  
Recording Secretary