

Minutes of the Rules Subcommittee

The Rules Subcommittee of the Executive Committee of the McLean County Board met on Tuesday, February 19, 2008, at 9:30 a.m. in Room 404, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Owens, Members Gordon, Nuckolls and Moss

Members Absent: None

Other Members
Present: Member Butler

Staff Present: Mr. John M. Zeunik, County Administrator;
Ms. Judith LaCasse, County Administrator's Assistant
Mr. Eric Ruud, First Assistant Civil State's Attorney, State's
Attorneys Office

Department Heads/
Elected Officials
Present: None

Chairman Owens called the meeting to order at 9:31 a.m.

Chairman Owens presented the minutes from the February 6, 2007 Rules Subcommittee Meeting for approval. Mr. Moss noted that he is listed as a participant in the Committee's discussion, yet he is not shown as being either present or absent at the meeting. Since he was a participant in the Committee's discussion, he requested that the Committee minutes be amended to show him as "present" at the meeting.

Motion by Nuckolls/Moss to approve the Minutes of the
February 6, 2007 Committee Meeting as amended.
Motion carried.

Chairman Owens opened the meeting for discussion regarding The Rules of the County Board of McLean County. He noted that Mr. Eric Ruud, First Assistant Civil State's Attorney, was available to answer any legal questions that may arise. Chairman Owens indicated that the meeting will be a discussion meeting only and any recommendations to amend the County Rules will be presented at a subsequent Rules Subcommittee meeting.

Chairman Owens presented the first item, namely discussion on "Replacement of a County Board Chairman, Rule 5.11-1." He explained that State Law governs how a Chairman is elected. However, Chairman Owens pointed out that there is no specific timeline as to when an election will be held to name the new County Board Chairman and Vice Chairman in the event of a vacancy in the office.

Mr. Ruud clarified that State Law determines how a Chairman's vacancy is to be filled, as follows:

“55 ILCS 5/2-3009, Sec. 2-3009 Vacancies; time for elections. In counties under subsection (a) or (b), if a vacancy occurs in the office of chairman of the county board, the remaining members of the board shall elect one of the members of the board to serve for the balance of the unexpired term of the chairman.”

Mr. Ruud explained that the Chairman's term is two years. If there is a vacancy during that two-year period, it is up to the remaining members of the Board to select one among themselves to fill that unexpired term which can be no longer than two years. Mr. Ruud noted that when it says “...the remaining members of the board shall elect...” that means that it must be the majority of the membership of the Board, or 11 votes to elect a new Chairman.

Mr. Ruud pointed out that County Board Rule *5.11-7 Procedure for Filing County Board and Countywide Elected Official Vacancies* provides an extensive procedure on how to fill the vacancy of a Board member or elected official. He explained that discussion should be limited to procedural steps to complement what is already required by State Law. Mr. Ruud noted that this discussion might relate to the following:

- How do we know there is a vacancy;
- How should the vacancy be announced to the full Board;
- Should there be a deadline for filling the vacant position.

Mr. Gordon noted that there is nothing that stipulates the length of time an acting Chair can or should be in office. Mr. Ruud replied that this is very clear in the State Law. He stated that an Acting Chair will remain in that position until the end of the Chairman's two-year period in office.

Mr. Gordon indicated that there is no rule on how quickly it is necessary for the Board to elect a replacement. Mr. Ruud concurred that there is no law, but due diligence would dictate that it be done in a timely manner.

Chairman Owens asked if there was anything the Committee would like Mr. Ruud to change or add regarding the “Replacement of a County Board Chairman, Rule 5.11-1.” Mr. Ruud pointed out that the circumstances of a vacancy of the County Board Chairman are resignation, death or incapacity. Mr. Moss asked if those rules also relate to the replacement of a Board member. Mr. Ruud indicated that the same vacancy rule applies to a Board member as it does to a Board Chairman.

Mr. Gordon asked what rule determines when the Vice Chairman acts as the Chairman. Mr. Ruud replied that this rule is under 5.11-2 *General Powers of Chairman*, as follows: "...In case of the absence of the Chairman or at the request of the Chairman, the Vice Chairman shall assume the duties and responsibilities of the Chairman..."

Chairman Owens noted that the County had a situation where the Chairman resigned, but stayed on the Board. He stated that, had the Chairman also resigned as a Board member, the Vice Chairman would act as interim Chairman. If the time limit is 60 days, the interim Chairman would be making the appointment of the new Board member.

Mr. Moss asked what keeps the Board from deciding to replace a Board member should that individual be out of town for an extended period. Mr. Ruud reiterated that a Board member can only be replaced if there is a resignation, death or incapacity. Members pointed out that "incapacity" is a vague determination. Mr. Moss suggested that there be something in the rules that keeps a Chairman from announcing a vacancy that has not actually occurred. Mr. Ruud stated that the only response, from a legal position, is that a vacancy must be based on resignation, death or incapacity. Chairman Owens stated that he would expect the Board would make an ethical decision in determining incapacity.

After a brief discussion, the Committee asked Mr. Ruud to create a new section, 5.11-8, pertaining to filling the Chairman's Vacancy, including a time limit of 45 days to fill the vacancy. The new section would be similar to 5.11-7(A), which states: "When such vacancy occurs, the Chairman shall fix the date upon which the appointment to fill the vacancy shall be made, said appointment to be made at a regular Board meeting not later than sixty days after the vacancy occurs."

Chairman Owens introduced the second discussion item, namely *Ability of County Board Chairman to Call a Special Meeting of the County Board, Rule 5.12-2*. He noted that Mr. Ruud informed him that this is governed by a State Law, which requires 1/3 of the members of the Board to request a special meeting. Chairman Owens indicated that any change in this rule must be done through the State Legislature. Mr. Ruud explained that a special meeting must be requested in writing and filed with the County Clerk. He stated that 1/3 of the County Board must sign a single letter stating the request for a special meeting, the time, date, place and the subject of the meeting.

Mr. Nuckolls asked what are the steps to call special Committee meetings. Mr. Ruud replied that the Chairman of the Committee would need to call a meeting and send out a notice. Mr. Zeunik added that Stand-up meetings are special meetings. Mr. Ruud advised that the media and public must be notified within 48 hours of the special meeting.

Chairman Owens reviewed the next informational item: *Recognition of Elected Officials when leaving office, Rule 5.12-7*. He noted that a County Elected Official recommended to the Chairman that the rule mandate that all elected officials receive a plaque when they leave their position. Currently, the rule only states that a Board member may request a Resolution of Congratulations, but it is not mandatory.

After a brief discussion, the Committee decided to leave the Rule as it is written. However, in paragraph 2, the Committee recommended that the word "move" be replaced with the word "request."

Chairman Owens presented the final discussion item, *Size of Committees and Alternate Committee Members, Rule 5.15-1 and 5.15-3*. He stated that the Committee structure is good. The concern is that there are times when it is difficult to achieve a quorum at Committee meetings. Chairman Owens pointed out that 5.15-3(A) says "An alternate member may be appointed to each standing committee..." The Committee recognized that there are times when a Committee member may not know in advance that they cannot attend a meeting. It may be difficult for an alternate to respond on short notice.

The Committee discussed the advisability of requiring an alternate on each Committee. It was recommended that the word "may" be replaced with the word "shall." The alternate Committee member would be assigned at the same time the Committee assignments are made at the Organizational Meeting.

Mr. Nuckolls asked if the alternate Committee member would receive mileage reimbursement. Mr. Ruud replied that mileage reimbursement would only be applicable if the alternate were called and asked to attend the meeting.

Chairman Owens recommended that the Rules Sub-Committee meet again at 3:30 p.m. on Tuesday, March 11, just prior to the Executive Committee meeting, so that these changes to the County Board Rules can be considered for approval.

Mr. Zeunik referred to the discussion regarding a time limit that the Acting Chairman remains in office before someone is appointed to that position. He pointed out that if a Board member resigns or dies during mid-term, the Chairman not only must fill the vacancy, but make appointments to the Committees. That member who left may have been a member of two committees and an alternate on one. Mr. Zeunik noted that the Committee assignments would need to be revised during the two year period following the Organizational Meeting. He indicated that when the new member is appointed and takes the Oath of Office, the Chairman then hands out a new Committee Assignment Resolution reflecting where that member will serve and how the Committee structure may need to change to accommodate the new member. Mr. Ruud advised that Rule 5.11-3

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Appointment of Standing Committees covers the steps necessary to revise the Committee structure.

Mr. Ruud indicated that he will make the recommended changes and have them ready to be considered at the March 11th meeting.

Mr. Moss asked if it is at the discretion of the Chairman to determine which Committees the new Board member will be assigned. Mr. Ruud concurred.

Chairman Owens asked if there is anything else the Committee would like to discuss regarding the Board Rules.

Chairman Owens announced that the Rules Sub-Committee will meet at 3:30 p.m. on Tuesday, March 11th.

There being nothing further to come before the Committee at this time, Chairman Owens asked for a motion to adjourn the meeting at 10:25 a.m.

Motion by Gordon/Nuckolls to adjourn the Rules Sub-Committee at 10:25 a.m.
Motion carried.

Respectfully submitted,

Judith A. LaCasse
Recording Secretary