

Minutes of the Rules Subcommittee

The Rules Subcommittee of the Executive Committee of the McLean County Board met on Tuesday, March 25, 2008, at 2:00 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

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

Members Absent: None

Other Members
Present: None

Staff Present: Mr. Terry Lindberg, Assistant County Administrator;
Ms. Judith LaCasse, County Administrator's Assistant;
Mr. Eric Ruud, First Assistant State's Attorney

Department Heads/
Elected Officials
Present: None

Chairman Owens called the meeting to order at 2:05 p.m.

Chairman Owens presented the Minutes of the February 19, 2008 and the March 11, 2008 Rules Sub-Committee Minutes for approval.

Motion by Nuckolls/Gordon to approve the Minutes of the
February 19, 2008 and March 11, 2008 Committee Meeting.
Motion carried.

Chairman Owens presented a request for approval of a Resolution to Amend the "Rules of the County Board of McLean County." Chairman Owens presented two amendments to be acted upon together, namely to amend Paragraph 5.15-3(A) by deleting the word "may" and replacing it with the word "shall" and to amend Paragraph 5.15-3(A) by inserting the following at the end of the first sentence: "at such time as standing committee appointments are made in accordance with Section 5.11-3."

Chairman Owens advised that these amendments were recommended for approval by the Rules Sub-Committee at the March 11, 2008 meeting. However, they were sent back to the Rules Sub-Committee by the Executive Committee for further discussion. He stated that the Executive Committee expressed concern that an alternate Committee member would have authority to vote on matters with which the member might not be familiar.

Mr. Eric Ruud, First Assistant State's Attorney presented some concerns as prepared by Mr. John Zeunik, County Administrator, as follows:

- (1) Under the current Rules, the Chairman has this authority. The permissive "may" gives the Chairman the authority to appoint an alternate to each Board Committee. There is no need to mandate this by changing the word "may" to "shall."
- (2) In order to be prepared for the Committee meeting, each alternate will need to receive a Committee Agenda packet. The Administrator's Office will need to call all Committee members to learn if there will be a quorum for the meeting. If there is not going to be a quorum, the Administrator's Office will then need to call the alternate. There is no guarantee that the alternate will always be available to attend the Committee meeting.
- (3) The proposed change is a return to a practice that the Board followed in the mid to late 1980's. After considerable review and discussion, the Board decided to change the language to the permissive "may" rather than the mandatory "shall." This decision recognized that the decision on Committee appointments is vested with the Chairman and every Chairman should have the ability and the option to appoint an alternate to each Committee or not to appoint an alternate.

Mr. Ruud indicated that he remembers when the Rules Sub-Committee changed the "shall" to "may" so that the Chairman was not mandated to appoint alternates to the Committees. He noted that the concern, at that time, was that there is a lot of advance work that must be done to determine whether or not there would be a quorum and then to contact the alternate if necessary.

Mr. Gordon expressed agreement with these concerns. He added that the Executive Committee's concern that an alternate Committee member would have authority to vote on matters with which the member might not be familiar is also a valid point.

The Committee discussed this issue at length, with members offering the following potential options and/or changes:

- Delete 5.15-3(A), which deals with the issue of Alternate members to Committees;
- Leave 5.15-3(A) as is currently in the Rules, keeping "may," which allows the Chairman of the Board to assign alternate members as necessary;
- Amend 5.15-3(A) as previously recommended by the Rules Sub-Committee, namely: amend Paragraph 5.15-3(A) by deleting the word "may" and replacing it with the word "shall" and to amend Paragraph 5.15-3(A) by inserting the following at the end of the first sentence: "at such time as standing committee appointments are made in accordance with Section 5.11-3."

- Designate the Chairman of the Board or Vice Chairman of the Board to be the alternate to all Committees and/or designate one or two members of the Executive Committee to act as alternates;
- Change “each” to “any” in the first line of 5.15.3(A) so that alternates are not appointed to each and every Committee but one alternate for any Committee at any particularly time;
- Change the second sentence in 5.15.3(A) from “Such alternate shall attend meetings of such committee if required to constitute a quorum and shall have all the privileges and duties of a regular member while so serving” to “Such alternate shall attend meetings of such committee if required to constitute a quorum and, in so doing, shall have all the privileges and duties of a regular member.”
- Change from 5.15-3(A) and (B) to 5.15-3.1 and 5.15-3.2 to avoid confusion and separate the two issues, namely “Alternate Members and Attendance of Members at Committee Meetings Other Than Those to Which They Are Assigned.”

The Committee concurred to make the following changes:

- Amend Section 5.15-3(A) by deleting the word “each” and replacing it with the word “any”;
- Amend Section 5.15-3(A) by changing the second sentence from “Such alternate shall attend meetings of such committee if required to constitute a quorum and shall have all the privileges and duties of a regular member while so serving” to “Such alternate shall attend meetings of such committee if required to constitute a quorum and, in so doing, shall have all the privileges and duties of a regular member.”
- Change Section 5.15-3, Paragraph (A) to Section 5.15-3.1, to read as follows:
 - 5.15-3.1 Alternate Members. An alternate member may be appointed to any standing committee by the Chairman of the Board. Such alternate shall attend meetings of such committee if required to constitute a quorum and, in so doing, shall have all the privileges and duties of a regular member.

- Change Section 5.15-3, Paragraph (B) to Section 5.15-3.2, to read as follows:
 - 5.15-3.2 Attendance of Members at Committee Meetings Other Than Those to Which They Are Assigned. Board Members may attend and have access to minutes resulting from any open or closed meetings or sessions of committees of which they are not members. At the discretion of the Committee Chairman during the meeting, the Board Member may participate in the meeting but without voting, seating, or travel privileges. Conversely, if a Board Member is invited to attend a committee meeting by the Chairman of that committee, the member is entitled to travel expenses only.

Motion by Nuckolls/Moss to Recommend Approval of the
Proposed Amendments to the Rules of the County Board.
Motion carried.

Chairman Owens asked if there were any additional questions or comments. There were none.

There being nothing further to come before the Committee at this time, Chairman Owens adjourned the meeting at 2:52 p.m.

Respectfully submitted,

Judith A. LaCasse
Recording Secretary