



RULES SUBCOMMITTEE AGENDA

Room 404, Government Center

Tuesday, September 17, 2013

9:30 a.m.

1. Call to Order – Chairman McIntyre
2. Items to be Presented for Action:
 - A. Approval of Minutes – March 29, 2013 1-4
 - B. Consideration and Discussion of Amendments to Rules of the County Board of McLean County
 - 1) Request Approval of Resolution to Amend the Rules of the County Board of McLean County to Continue Remote Attendance until the first Monday in December 2014 5-11
 - 2) Request Approval of Resolution to Amend the Rules of the County Board of McLean County to Allow Vice-Chairmen of Committees to serve on The Executive Committee when the Chair of the Committee is unable to attend a meeting of the Executive Committee 12
3. Items to be presented for Information:
 - A. General Report
 - B. Other
4. Adjournment

Minutes of the Rules Subcommittee

The Rules Subcommittee of the Executive Committee of the McLean County Board met on Friday, March 29, 2013, at 2:30 p.m. in Room 404, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman McIntyre, Members Owens, Gordon, and Erickson

Members Absent: Member Rankin

Other Members

Present: County Board Chairman Sorensen and Members Schafer and Wollrab

Staff Present: Mr. Bill Wasson, County Administrator; Ms. Hannah Eisner, Assistant County Administrator; Mr. Mark Messman, Assistant State's Attorney, Civil Division; and Ms. Judith LaCasse, Recording Secretary, County Administrator's Office

Department Heads/

Elected Officials

Present: None

Chairman McIntyre called the meeting to order at 2:30 p.m.

Chairman McIntyre presented the minutes from the February 27, 2013 Rules Subcommittee meeting for approval. Mr. Gordon pointed out a correction that needs to be made on the Resolution regarding 5-21-2 (A), which should actually be 5-21-3 (B). He explained that it should read "...the member cannot attend because of matters directly related to the business of the McLean County Board." In the packet, that change was not reflected in the wording.

Motion by Gordon/Owens to Approve the Minutes of the
February 6, 2013 Meeting as amended.

Motion carried.

Chairman McIntyre presented a request for approval of a Resolution to amend the Rules of the County Board of McLean County to consider Remote Attendance. He indicated that this meeting was scheduled to further discuss the recommended amendments reviewed at the February 6th and February 27th meetings regarding remote attendance. Chairman McIntyre recommended that discussion be held to Subcommittee members only until a motion has been made. He further asked that those parts of the policy under consideration be discussed one at a time.

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Mr. Erickson stated that, initially, he was in favor of this policy to include remote attendance at the County Board meetings, but he is willing to limit remote attendance to just the Committees and Subcommittees. Mr. Wasson recommended that staff be directed to go through the entire Ordinance to remove any references to remote attendance at County Board meetings. Chairman McIntyre recommended that staff members also be directed to provide the correct wording for the Ordinance in that respect.

Motion by Erickson/Gordon to Recommend Approval to Amend the Policy to limit remote attendance to Committees and Subcommittees only and to remove any reference to remote attendance at County Board meetings; with the wording to be developed by County Administrator's staff.
Motion carried.

Mr. Gordon recommended that remote attendance at Committees and Subcommittees be considered on a trial period. He moved to recommend approval to adopt a new section 5.21-8 to read "this provision shall expire six months from the date of adoption by the County Board, unless it is affirmatively renewed by the full County Board at that time."

After a discussion, the Subcommittee concurred to consider remote attendance for a trial period of six months, with the wording to be developed by County Administrator's Staff.

Motion by Gordon/Owens to Recommend Approval to adopt a new 5.21-8; with the wording to be developed by County Administrator's Staff.
Motion carried.

Chairman McIntyre referred to section 5.21-1 which says "...that a member of the McLean County Board may attend and participate in any open meeting of the McLean County Board, its Committees and Subcommittees...", which has been determined will be amended by the County Administrator's Office to remove County Board meeting and only reference County Board Committees and Subcommittees. In addition, Chairman McIntyre recommended that the participant of the remote attendance be by a member of that Committee or Subcommittee only and not other Board members. After a brief discussion, the Subcommittee concurred and asked the Administrator's Office staff to provide the language.

Mr. Wasson advised that the Administrator's Office did not receive any additional input from Board members regarding remote attendance. He noted that there were some questions at the Executive Committee meeting in regard to 5.21-6 (B) and (C) regarding Protocol and Procedures, including a section on remote attendance for a "portion" of a meeting. After a discussion, the Subcommittee determined to remove 5.21-6 (B) and to remove all of section (C) except the last line "The County Clerk shall record the beginning and ending times of each such remote communication," which will be moved to the end of section 5.21-6 (A).

Motion by Erickson/Owens to Recommend Approval to Delete Sections 5.21-5 (B) and (C) except for the last line of (C) "the County Clerk shall record the beginning and ending times of each such remote communication," which will be moved to the end of section 5.21-6 (A).

Motion carried.

Ms. Schafer raised the issue of a Board member being disruptive at a meeting and how that would be handled, and how would that same situation be handled if the Board member was disruptive on the phone. Board Chairman Sorensen replied that there is an internal Board rule and an Illinois Open Meetings Act. The Internal Board rule says that the Chairman can take whatever actions are necessary to maintain decorum of a meeting. The Illinois Open Meetings Act says that once a telephone connection is turned on in an open meeting with a member of that body, both sides of that phone line have to remain open for the duration of the meeting and both sides have to be able to hear everything. Mr. Sorensen recommended that the best solution to the remote attendance issue is to try it for six-months. Mr. Wasson added that if there is a disruption as a meeting, the Chairman can call a recess to a meeting.

Ms. Wollrab referred to 5.21-3 (B) regarding remote attendance for a family emergency. She asked what constitutes a family emergency. Mr. Owens replied that an honor system would be in place. Chairman McIntyre reminded the Committee that a two-thirds vote can be taken to deny someone access to remote attendance should the Committee feel that the member is taking advantage of the privilege. He added that the problem the Subcommittee has had is the fact that there are so many little issues and "what ifs" that it is difficult to appropriately word the Ordinance to make it completely clear.

Ms. Wollrab stated that she was recently out of state as her husband was having surgery and asked if that would constitute a family emergency. Mr. Wasson replied that the Committee members would need to make their own determination of an emergency.

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Chairman McIntyre advised that he is satisfied with the compromises that have been reached on this Ordinance and the amendments to the County Board Rules. He indicated that if it is amended at the Executive Committee or at the County Board, he will not support the Ordinance.

Chairman McIntyre called for a motion on the request for approval of a Resolution to amend the Rules of the County Board of McLean County to consider Remote Attendance as amended.

Motion by Gordon/Erickson to Recommend Approval of a Resolution to Amend the Rules of the County Board of McLean County to consider remote Attendance as amended.
Motion carried.

Chairman McIntyre asked if there were any additional questions or comments. Hearing none he called for a motion to adjourn.

Motion by Owens/Gordon to Adjourn the Rules Subcommittee Meeting at 3:12 p.m.
Motion carried.

Respectfully submitted,



Judith A. LaCasse
Recording Secretary

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OFFICE OF THE ADMINISTRATOR

(309) 888-5110 FAX 888-5111

115 E. Washington St., Room 401 P.O. Box 2400 Bloomington, IL 61702-2400

September 13, 2013

To: Members of the Rules Committee
From: Hannah Eisner

Re: Proposed Amendments to the County Board Rules

We are bringing two proposed amendments to the County Board Rules for your consideration.

1. Remote Attendance: You approved an amendment to the County Board Rules in April to allow remote attendance at committee and subcommittee meetings for a six month trial basis with the expectation that you have an opportunity to assess the need for and the value of having such a rule within that time. The rule expires automatically on October 15, 2013 and it has been used only once since adoption. Rather than allow it to expire, we recommend you extend it until the first Monday in December, 2014, which is the date the current rules expire, to give you more time to assess it.
2. Executive Committee members: Rule 5.11-3 provides that Chairmen of standing committees shall serve as members of the Executive Committee. A suggestion has been made to allow Vice Chairs to serve on the Executive Committee when the Chair is unable to attend a meeting. The proposed rule would allow the Vice Chair to participate even if there is a quorum. This will insure a more thorough and complete review of committee issues than may take place without a representative present.

RESOLUTION TO AMEND THE RULES
OF THE COUNTY BOARD OF McLEAN COUNTY

Whereas, the McLean County Board amended its rules on April 16, 2013 to allow members of committees and subcommittees of the McLean County Board to attend committee or subcommittee meetings from remote locations via telephone (hereafter the "remote attendance rule"), and

Whereas, the McLean County Board wished to implement the remote attendance rule on a trial basis and provided for the automatic repeal of the rule six months after the date of its adoption, and

Whereas, the remote attendance rule has been used only one time since its adoption and the County Board believes there has not been sufficient opportunity to determine the need for such a rule or assess the operation of the rule as adopted, and

Whereas, all other sections of the McLean County Board Rules will remain in effect until the first Monday in December the McLean County Board believes the remote attendance rule should be extended to remain in effect for the same time period as the other sections of the McLean County Board.

Be it resolved that the Rules of the County Board as amended on April 16, 2013, a copy of which is attached hereto, shall remain in full force and effect as adopted on that date until December the first Monday in December 2014.

EXECUTIVE COMMITTEE:

Member McIntyre, Vice Chairman, presented the following:

**RESOLUTION TO AMEND THE RULES
OF THE COUNTY BOARD OF McLEAN COUNTY**

WHEREAS, on January 1, 2007, Public Act 94-1058, amending the Illinois Open Meetings Act, takes effect and amends the definition of a "meeting" and permits attendance of members of a public body at public meetings by a means other than physical presence; and,

WHEREAS, to permit attendance by a means other than physical presence, the McLean County Board must adopt rules that conform to the requirements of the Illinois Open Meetings Act; and,

WHEREAS, the McLean County Board deems it necessary and appropriate to amend its rules for the purpose of defining the term "meeting" and adopting rules pertaining to attendance and participation in any meeting of the McLean County Board, its committees and subcommittees from a remote location via telephone or audio conferencing connection provided that such attendance and participation is in compliance with the Illinois Open Meetings Act; now therefore,

BE IT RESOLVED that the Rules of the County Board of McLean County be amended as follows:

1. That in Section 5.12, a new Section 5.12-8 be added as follows:

5.12-8 Electronic Meeting Attendance "The term 'meeting' as used in any existing rules, ordinances, resolutions, agendas and minutes shall mean any gathering, whether in person or by audio conference or telephone calls, or other means of contemporaneous interactive communication, of a majority of a quorum of the members of the County Board's committees or subcommittees for the purpose of discussing public business."

2. That a new Section 5.21 Remote Attendance Policy be added as follows:

“5.21 REMOTE ATTENDANCE POLICY

5.21-1 It is the policy of the McLean County Board that a member of its committees and subcommittees may attend and participate in any open meeting of his or her committee or subcommittee from a remote location via telephone provided that such attendance and participation is in compliance with this policy, the Illinois Open Meetings Act, and any other applicable laws.

5.21-2 It is the policy of the McLean County Board that a member of the McLean County Board may not attend and participate in any closed meeting of the McLean County Board, its committees and subcommittees from a remote location via telephone or other means of contemporaneous interactive communication.

5.21-3 A member of the McLean County Board’s committees or subcommittees shall be provided the opportunity to attend an open meeting from a remote location if

(A) The member has notified the McLean County Administrator’s Office at least 24 hours before the meeting unless advance notice is impractical; and

(B) The member has met one of three reasons described herein why he or she is unable to physically attend the meeting, including either (1) that the member cannot attend because of personal illness or disability, (2) the member cannot attend because of matters directly related to the business of the McLean County Board, or (3) the member cannot attend because of a family or other emergency; and

(C) A quorum of the committee or subcommittee, as the case may be, is physically present.

5.21-4 After roll call of a committee or subcommittee meeting, if a quorum is physically present, it shall be determined whether a member of that committee or subcommittee is seeking to attend electronically. If a committee or subcommittee member desires to attend electronically, the presiding officer shall state that (i) a notice was received from a member of the committee or subcommittee in accordance with these rules, and (ii) a member will be deemed authorized to attend the meeting electronically unless a motion objecting to the member's electronic attendance is made, seconded and approved by two-thirds of the members of the committee or subcommittee physically present at the meeting. If no such motion is made or seconded or if any such motion fails to achieve the required vote by the members of the committee or subcommittee physically present at the meeting, then the request by the member to attend the meeting electronically shall be deemed approved and the presiding officer shall declare the requesting member present. After such declaration by the presiding officer, the question of a member's electronic attendance may not be reconsidered. For the meeting to continue there shall always need to be a quorum physically present.

5.21-5 The committee or subcommittee member participating remotely shall be considered an off-site participant and counted as present by means of audio conference for that meeting if the committee or subcommittee member is allowed to participate. The meeting minutes shall reflect and state specifically whether each committee or subcommittee member is physically present or present by audio means.

5.21-6 Protocol and Procedures: In all meetings involving remote attendance, the Presiding Officer shall inform all physically present at the meeting of the intent to initiate a remote communication:

(A) The Presiding Officer shall confirm and announce to all that all present in the meeting room and in the remote location(s) can clearly hear all other parties. The County Clerk or recording secretary shall record such confirmation. The Clerk or recording secretary shall record the beginning and ending times of each such remote communication.

5.21-6 (continued)

(B) In the event that the remote communication link is broken or significantly degraded such that it no longer meets the full requirements of this section, the Presiding Officer shall confirm the loss of service and announce the close of the remote attendance. The attendance of the remote party shall be at an end. The Clerk shall record the time of such closure.

(C) Requirements of the System(s): Any such communications systems utilized shall reliably permit all persons attending - whether they are physically in the County Board's Committee or Subcommittee Meeting Room or in remote location(s) - to be clearly heard by all others and to clearly hear all audio content of the meeting;

(D). Maintenance of Public Record: Audio recordings of proceedings under this section shall be maintained for the public record as required by law.

(E) The member permitted to participate remotely shall be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to the Rules of the County Board of McLean County. The remote member shall be heard, considered and counted as to any vote taken. Accordingly, the name of any remote member shall be called during any vote taken, and his or her vote counted, recorded and placed in the minutes for the corresponding meeting. A member participating remotely may also leave a meeting and return as in the case of any member. If the Chairman of the County Board or the Chairman of a Committee or Subcommittee attends by remote means, he/she may participate as a member, but the Vice Chairman if physically present in the Meeting Room shall be the presiding officer to best facilitate an orderly and efficient process. If neither the Chairman nor Vice Chairman are physically present, the Clerk or recording secretary shall convene the meeting and the members present shall choose one of their members as temporary Chairman.

5.21-7 The County should attempt to initiate the phone call for purposes of audio conference. If it is necessary, a member participating remotely via long distance telephone shall be reimbursed for the cost of the telephone call upon a valid receipt being shown. Any other costs associated with remote participation, including other audio equipment, shall be subject to approval of the McLean County Board."

3. That Section 5.21 and 5.21-1 shall be re-numbered 5.22 and 5.22-1 respectively.
4. That Section 5.22 shall be re-numbered 5.23.
5. That Section 5.23 shall be re-numbered 5.24.
6. That Section 5.24 shall be re-numbered 5.25.
7. That in the "ADOPTED" clause, delete "3rd" and replace with "16th"; delete "December 2012" and replace with "April, 2013".

This section and the amendments made by this section--

(1) shall take effect upon adoption; and

(2) are repealed as of the date that is six months after that date.

ADOPTED by the McLean County Board this 16th day of April, 2013.

ATTEST:

APPROVED:

Kathy Michael
Kathy Michael, Clerk of the
McLean County Board, McLean
County, Illinois

Matt Sorenson
Matt Sorenson, Chairman
McLean County Board

Members McIntyre/Hoselton moved the County Board approve a Request for Approval of a Resolution to Amend the Rules of the County Board of McLean County to Consider Remote Attendance - Rules Subcommittee. Discussion followed. (Full audio is available at <http://www.mcleancountyil.gov/Archive.aspx>). Clerk Michael shows all Members present voting in favor of the Motion. Motion carried.

RESOLUTION TO AMEND THE RULES
OF THE COUNTY BOARD OF McLEAN COUNTY

Whereas, the McLean County Board Rule 5.11-3 provides that Chairmen of standing committees shall serve as members of the Executive Committee, and

Whereas, the McLean County Board wishes to amend its rules to allow Vice-Chairmen of committees to serve on the Executive Committee when the Chair of the committee is unable to attend a meeting of the executive committee.

Be it resolved that McLean County Board Rule 5.11-3 is amended to read as follows: (underline indicates additions)

5.11-3 Appointment of Standing Committees. The Chairman shall appoint the members of all standing committees not later than the December Board meeting in each year in which Board elections are held, subject to approval by the members of the Board. Members of standing committees shall serve for two years. The first member named shall be Chairman and the second named shall be Vice Chairman. The third named shall serve as Temporary Chairman in the absence of the Chairman and Vice Chairman. In case of a vacancy on the Board, the person named to fill the vacancy may also fill any vacancies on standing or special committees except that such person shall not be designated as Chairman or Vice Chairman thereof. When a vacancy has been created on a Committee of the Board, the Chairman of the Board shall have the authority to fill the vacancy by shifting a Board Member from another committee, providing the affected Board Member gives consent. Chairmen of standing committees shall serve as members of the Executive Committee, including the Vice Chairman of the Board when not Chairman of a standing Committee. Vice Chairmen of standing committees may attend and act as members of the Executive Committee whenever the Chairman of the committee for which they serve as Vice Chair is unable to attend a meeting of the Executive Committee. The Chairman of the Board shall appoint the members of all standing and special subcommittees of the Executive Committee subject to the approval of the Executive Committee