

## **Minutes of the Rules Subcommittee**

The Rules Subcommittee of the Executive Committee of the McLean County Board met on Wednesday, June 27, 2018 at 4:30 p.m. in Room 400, Government Center, and 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Soeldner Members Erickson, Gordon and Caisley

Members Absent: Member Rankin

Other Members

Present: Members Schafer, Metsker, Robustelli, Wollrab and Beard

Others Present: None

Staff Present: Mr. Bill Wasson, County Administrator, Mr. Don Knapp Assistant County Administrator, Ms. Jessica Woods, First Assistant State's Attorney, Civil Division, Ms. Julie Morlock, Recording Secretary

Department Heads/

Elected Officials Present:

Chairman Soeldner called the meeting to order at 4:32 p.m. and declared a quorum.

Chairman Soeldner presented the November 21, 2016 and December 8, 2016 minutes for review and approval. Mr. Erickson stated he wanted it on the record that at the December 8, 2016 meeting he seconded a motion to recommend that the Executive Committee and County Board change the County Board meeting time from 9:00 a.m. to 7:00 p.m. He stated that because two members were absent from the meeting, if he had not voted for the change, it would not have moved forward. Mr. Erickson stated he also voted for it at the Executive Committee meeting and signed a letter that Mr. Robustelli sent to the Board in support of the change of the meeting time. He further stated that he was ill for the County Board meeting in December and was unable to vote for the 7:00 p.m. meeting time. He noted that the minutes of the Rules and Executive Committee meetings show that he was in support of moving the meeting time and that he did not miss the Board meeting to avoid voting on this topic.

Motion by Gordon/Erickson to approve the minutes of the November 21, 2016 and December 8, 2016 meeting.

Motion Carried.

Chairman Soeldner confirmed no appearances by members of the public.

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Chairman Soeldner presented for action the Review and Consideration for Adopting Amendments to Chapter 20 of the McLean County Code – County Board Rules.

Chairman Soeldner indicated there were 5 topics raised by members of the Board. The First topic was requiring department heads to attend meetings when there is an issue or question that concerns their department. He indicated that Mr. Robustelli and Mr. Erickson were the members to mention this topic and asked if either of them wanted to address the Committee. Mr. Robustelli stated he felt recommendations that come to the Committee for consideration need to have supporting documentation and provided an example of invoices that come from the Auditor with recommendation that they not be paid. He stated he had requested that if there is an inconsistency that the County Administrator's office ask the County Auditor to attend the meeting so that the Committee can ask for clarification. He stated whether she comes or not is up to her, but feels we need to make the request. Mr. Soeldner stated that most of the department heads attend meetings when they have something on the agenda. He stated that in the past when they have requested others attend, they do attend and he provided the Supervisor of Assessments as an example. Mr. Erickson agreed there has to be a more clearly defined process as to when there is a disagreement about the payment of a bill and provided an example. He stated that he would like both sides to state the authority that supports their position, so the Committee has the proper information at the Committee meeting to decide the issue.

Mr. Wasson stated that the Office of Administrator does not review bills for all 22 departments and so the conversations occur between the County Auditor's office and the departments. He stated departments have been told that if there is disagreement regarding payments they need to take it to their oversight committee. He stated that when we bring discrepancies to the Committee it is usually when the invoice is over 30 days old and Staff has already tried to resolve the issue. Mr. Wasson stated he believes the Auditor's office is aware of the bills they have declined in any billing cycle. He stated that Staff does not usually receive the bill file with the Auditor's recommendation until sometimes within 24 hours of a committee meeting and so ability to ensure that people are in attendance is limited. He stated that he agreed providing a rationale for declining payment would be helpful. He stated Staff could put together a process to notify the Auditor's office if a department advises them that they would like to dispute a bill, but did not feel this necessarily belonged in the County Board Rules.

Mr. Robustelli stated when there have been discrepancies in the past, Administration has come with a recommendation to pay so he figured they had to have had time to consider the circumstances and details, and so should be enough time to notify the Auditor. He stated that it is difficult to make a policy decision without having the person who has declined payment of the bill in the room so that we can ask questions to clarify. Mr. Robustelli stated that the Auditor would also sometimes submit a letter that says a department did not do something and he asked when Administration receives those

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letters. Mr. Wasson stated that it could be a day or two before the meeting or hours before the meeting. Mr. Wasson reminded Committee that Staff cannot require an elected official attend so he was not sure we should put it in the Code. Mr. Robustelli clarified that he is requesting a rule that the Administrator's office communicate a message to the Auditor on behalf of the Committee that she attends the meeting for which these examples happen.

Mr. Erickson stated that a request to attend should include a request to provide rationale for denial of invoice. Mr. Wasson stated what the Committee is asking for was not actually under County Board Rules but under the Finance Chapter of the Code where it outlines the process by which the Auditor reviews invoices and makes recommendations for invoices. He stated that the revision to that section would fall under the purview of the Finance Committee. Mr. Erickson questioned that this should not just be for the Finance Committee because these questions come up in other meetings. Mr. Wasson stated that he understands that it is more than just Finance Committee oversight, but he clarified that the Finance Committee has the oversight to change the Finance part of the Code. Mr. Soeldner asked how the process for that works. Mr. Wasson confirmed that it would need to be brought to the Finance committee. Mr. Gordon asked for clarification on what they were discussing and what was on the Agenda. Mr. Gordon stated that he would like to broaden discussion to more than just the Auditor. He asked if they change the language would they consider language that allowed the rationale to be provided in a written statement, although you could not ask questions then. Mr. Caisley stated that this arises rarely, so did not feel we need to have a specific rule on this, but felt we should try to reach out and solve the issue with communication. Mr. Gordon agreed that it does not arise very often but when it does, it can pose difficulty regarding information coming to the appropriate Committee and trying to answer questions and vote properly.

Ms. Wollrab stated that when issues do come up they seem to have been an issue for a while, a resolution has not been found between the Auditor and Department and the Committee then has to resolve the issue. She stated that it would be beneficial to have both sides at the meeting so that questions could be asked and answered. Mr. Soeldner asked Mr. Wasson if Administration could work on a solution. Mr. Wasson stated that what Committee is trying to get to might be something that could be added to the payment and procurement rules. He stated that they could work to identify the appropriate location and bring something to Finance Committee. Mr. Soeldner stated that he and Mr. Erickson would follow-up to make sure that suggestions are brought to the Finance Committee. Mr. Soeldner asked if Mr. Robustelli was ok with this. Mr. Robustelli agreed he was ok with having something come before Finance at a future date.

Mr. Soeldner indicated that the next topic was the concern about requesting legal opinions during County Board meetings. He stated that the rule indicates that if we are going to ask for a legal opinion it needs to be requested in writing ahead of the meeting. Mr. Wasson stated there is a difference between providing legal advice in a less formal

setting but a legal opinion by definition requires legal research and time to do that research. He stated that he felt Mr. Chamber's concern was to clarify that while they can provide advice; legal opinion requires more than can be provided in a meeting. Ms. Woods confirmed they cannot always anticipate the questions that will come up in a meeting, so hard to give opinion without a little research. She stated that she did not feel there was an issue with how questions have been raised in a meeting up to now. She said that things come up and need advice, but she also clarified that advice and opinion are different. Mr. Robustelli stated that he believed this was brought up after a question he asked regarding the TIF and he did not feel the question that he asked at the time was a question of law. Ms. Woods stated that yes things do come up and stated that generally in that instance, it was better answered by the Town of Normal's Attorney and she did not recall that she or Jason had an opportunity to review the contract before the meeting. Mr. Beard stated he depends on the State's Attorney to know when rules or policies are not being followed and cautioning members to stay on task.

Mr. Gordon stated he felt a legal opinion is a formal written opinion and advice is verbal. Mr. Gordon asked if the Rules limit us and do not allow us to ask for legal advice. Mr. Soeldner stated he felt Attorneys feel they can tell us when they need to do more research. He stated he did not feel this required a change in the Board Rules. Ms. Wollrab stated that rule feels overly restrictive, as there are times when we need to know the answer to a legal question right away in order to make a decision. Mr. Erickson stated that he often asks about County Board Rules to make sure Staff is interpreting rules same way he is. He stated that he did not feel the rule needed to be changed. He stated he felt Mr. Chambers just wanted members to be cautious about asking for legal opinion in open meetings. Ms. Woods stated that she would agree we do not need to change the rules as long as members are aware that this section refers to more formal legal opinion memos with sites provided to the Committee. Mr. Soeldner stated that he hoped members were aware that we may not always get the answer we want right away. Mr. Gordon asked if inserting word "formal, written" before the word "legal" in the heading would help with clarification. Mr. Erickson stated that he felt it was understood that an opinion was written. Mr. Caisley stated that he would leave it to the discretion of the State's attorney as to whether he could answer a question right away or needed time to research the matter and provide an answer later.

Motion by Gordon/Caisley that in the heading of Section H to add the word "written" before the word "legal".

Motion Carried.

Mr. Soeldner indicated that the third item was requested by Ms. Schafer. Ms. Schafer asked for a rule that directed the Behavioral Health Coordinating Council to provide their recommendations to the Health Committee. She stated she felt it would be helpful to keep that information with Health Committee because the Health Department also does things regarding Physical and Mental Health and wants to make sure all are aware of

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what is going on. Mr. Wasson stated that Ms. Schafer and he discussed and staff feels there were reasons this was established as an advisory committee to the Executive Committee and not a sub-committee and Administration was charged with providing recommendations of the BHCC to the Executive Committee because that is the Committee Administration reports to so if Administration to report to Health Committee for some things, it might get confusing. Staff recommends that the County Board rules remain the same but we can work to set up a process to make sure that recommendations of the BHCC are shared with the Health Committee before they go to Executive Committee.

Ms. Schafer stated that she would accept a procedure in lieu of a Rule because ultimately she wanted to make sure that what the Health Department does for mental issues does not overlap or go against things the Behavioral Health Coordinating Council is doing. Mr. Gordon stated that we also need to make sure that we are clear on what we are going to do in the future as well as things we have or are acting on currently. Mr. Wasson stated that he believes procedures can be set up to accomplish this. Ms. Schafer indicated she would work with Staff to develop a process. Mr. Wasson stated that the BHCC grew out of needs to have under Executive Committee but may not always need to be there.

Ms. Schafer asked for clarification on Health Department reporting to the Health Committee and Board of Health and asked that language be added to the Rules to specify that the Health Committee has oversight of the Health Department. Mr. Gordon asked for clarification from Staff, legal counsel as he felt that issued had been addressed in the past, and it was determined at that time that the County Board and Health Committee have oversight over the budget only. Ms. Woods indicated that the Board of Health has oversight over contracts for health services and the County Board has oversight over contracts for such things as software and the budget. Ms. Schafer asked if we could use the word "general" for oversight and pointed out that County Board recommends policies to the Board of Health. Mr. Caisley provided history on why authority was split between the County Board and the Board of Health. He stated there is not general supervision over them and if you do not like how things are being handled at the Health Department then you do not appropriate money the next year. Mr. Erickson agreed that the statute is the statute and changing the rule is not going to change anything. Ms. Wollrab suggested that maybe there is wording in the statute to clarify the relationship. Mr. Wasson stated that rule was created when we did not have professional administrators and staff at health departments and relied on physicians in the community to provide day-to-day oversight. He stated that operations are different today but we still have the same statute and while Staff understands Ms. Schafer's goal to provide language that is clarifying, Staff is not sure how well they would be able to accomplish that goal.

Ms. Woods provided language from the statute "exercise all authority with regard to the Board of Health and Health Department as described by the division 5/25 of the County's Code, that could be inserted into the Code. Mr. Gordon stated that if we are going to site

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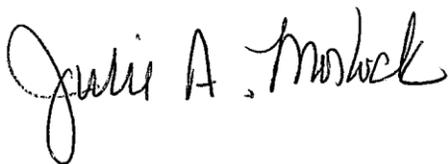
statutory provision then we have to include what that means so that everyone will understand. Mr. Wasson suggested that modifications could be brought to a stand up before Executive Committee. Mr. Soeldner stated that he did not feel that was necessary and other members agreed.

Mr. Soeldner moved on to the next point on the list. He stated that a member asked that remote attendance more liberal. Mr. Wasson stated that the only provision that is allowed by State law that is not currently allowed in the Code is remote attendance when out of town because of their employment. He recalled that the Committee and Board made a determination they did not desire to have that option. Mr. Soeldner stated the member who suggested change did not have that in mind. Mr. Erickson stated that he did not feel the rule needed to be changed. Mr. Caisley stated that the statute limits us. It was determined to leave the Rule as it currently reads.

Mr. Soeldner stated the last topic was the change of meeting times for the County Board. Mr. Soeldner stated Chairman McIntyre was not opposed to changing meeting time but asked that we consider waiting until after election to give new members chance to weigh in on this decision. Mr. Beard stated he would support waiting until after the election. He said he wanted Staff time considered as staffing is tighter than it used to be. Mr. Beard indicated he felt need to change time is slightly less now that we broadcast live and if changed would prefer a 4:30 time to 7:00. He also asked that when the Board did consider it that a sunset provision be considered. Mr. Erickson stated he did not feel the outgoing board should decide this issue. He stated that the current Board voted on this, that he felt it was a political issue now and agreed that if the new board wants to come in and set a trial period for 6 months then that is what the new board can do. Mr. Soeldner stated that when discussed in 2016 there were members of the Board that are no longer on the Board and felt that the vote might be different this time. Mr. Soeldner stated that unless anyone felt different they would table to discuss later.

Chairman Soeldner asked if there was any other business before the Committee, hearing none, he adjourned the meeting at 6:03 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Julie A. Morlock". The signature is written in a cursive, flowing style.

Julie A. Morlock  
Recording Secretary