

Minutes of the Rules Subcommittee

The Rules Subcommittee of the Executive Committee of the McLean County Board met on Monday, February 13, 2023 at 4:30 p.m. in Room 404, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chair Elizabeth Johnston, Vice Chair Jim Soeldner, Members Chuck Erickson, George Wendt, Lea Cline and Val Laymon

Members Absent: None

Other Members Present: Member John McIntyre

Others Present: None

Staff Present: Ms. Cassy Taylor, County Administrator; Ms. Cathy Dreyer, Assistant County Administrator; Anthony Grant, Assistant County Administrator, Mr. Chris Spanos, First Assistant State's Attorney, Civil Division; and Ms. Julie Morlock, Recording Secretary

Department Heads/
Elected Officials Present: None

Chair Johnston called the meeting to order at 4:30 p.m. and declared a quorum.

Chair Johnston confirmed no minutes to approve nor members of the public to appear.

Ms. Cassy Taylor, Administrator presented for action a request to approve Amendments to Chapter 20 of the McLean County Code – County Board Rules. Ms. Johnston noted items to be discussed had been listed on a separate sheet and asked if they wanted to go over each suggestion and then take one vote at the end. The Committee agreed.

a-1. Ms. Taylor noted scrivener errors in Chapter 20 including Sections: 20-10(C), 20-11(E), 20-13(L) 20-15(I), 20-16 (E),(F), 20-22 . Members agreed with the changes.

a-2. 20-4 term of office. Ms. Cline asked if this is because of the changes every 10 years. Ms. Taylor confirmed because of the census every 10 years. Language was added "After a decennial redistricting". Members agreed with the changes.

a-3 20-10(H)1 – Vacancies. Mr. Spanos indicated he was concerned about adding the last sentence. Ms. Cline asked for clarification. Mr. Spanos noted there might be a candidate no one on the Board wants to appoint but if they are the only candidate then with this language that person would have to be appointed. Mr. Wendt agreed that it could limit who the Board appoints and he felt it should remain as it was currently written. Mr. Erickson asked Mr. Spanos for clarification on language he would recommend be stricken. Mr. Spanos indicated he would strike from "no other candidates" to the end. Mr. Spanos stated that while there was a minor chance, they could find a candidate had a criminal record or other radical stance and no one on the Board supported the appointment. He stated if the appointment does not take place within 60 days then the Board could be sued. Ms. Cline asked about the ILCS

reference. Ms. Taylor indicated they were going to insert the site for the Illinois Election Code. Ms. Cline asked about possible language that could be added to limit the powers of the Chair for appointments. Mr. Wendt indicated the rules they followed are laid out in the statute. Ms. Cline indicated the statute says the Chairman has to put forward an appointment within 60 days. Mr. Erickson indicated that adding the words "Illinois Election Code" is redundant because the Code supersedes our Code. Language was updated "or as otherwise required by the Illinois Election Code." Members agreed on the language.

a-4. 20-11D Meetings – Agenda preparation. Mr. Erickson stated he did not like the change because he did not want the Administrator to overrule a Chair of a Committee regarding material on an Agenda. Ms. Johnston stated she felt this was more about clarifying procedure and not about removing power from the Chair of a Committee. Mr. Wendt felt it should be left the way it currently read. Mr. Laymon stated as a new member in a chair role she had questioned the process for putting together agendas as she felt the rules indicated she was to prepare the materials included on the agenda, but after consultation with Administration she realized they put the material together. Suggested language was added "at the direction of". Mr. Soeldner noted he felt this new language was more powerful and liked it.

20-13G(2)(c) – Appearances by members of the public – this requested change would reduce it to 24 hours for both items on or not on the agenda. Ms. Cline indicated she felt we are out of step with colleagues such as the City and Town. Mr. Soeldner stated if he remembered correctly the time frames were to direct people to appear before the Committee meeting. Mr. Erickson confirmed that was the idea behind the difference. Ms. Cline provided an example. Mr. Erickson stated it does not stop them from speaking allows Admin to refer them to the appropriate Committee. Mr. Erickson read the beginning of the rule "With the acknowledgement that the most appropriate forum for the general public to address County Board members is the committee charged with overseeing the subject matter of the address". Ms. Johnston stated this change is to simplify the process and asked for clarification on process to approve requests to speak. Ms. Morlock was recognized and noted the process of approving speakers and letting them know if the item was or was not on the agenda and when it would be on an agenda.

Ms. Cline noted if they changed it to 24 hours then if not on the agenda they could still speak. Mr. Erickson stated he preferred it the way it is. Ms. Laymon stated she felt it was a barrier for the public. Mr. Erickson stated he felt it was not a barrier but a way to direct individuals to the appropriate committee. Ms. Cline stated she felt it was barrier and restrictive. Ms. Johnston stated she felt the public has a right to come and speak no matter the topic and felt this was more open to the public as it made the process easier for people to understand. Mr. Erickson stated that he felt the process was easy as it directs them to the appropriate Committee. Mr. Erickson noted the County Board is not a committee of the whole and so we need to direct them to the appropriate committee. Mr. Erickson stated if they come this Thursday then should be directing them to the appropriate Committee meeting next month.

Ms. Johnston stated she felt more language on the website directing them to speak at the Committee meetings and not at the Board would be helpful. Mr. Wendt indicated he preferred to leave the language as it currently reads. Mr. Soeldner stated he liked it the way it currently reads. Ms. Cline indicated she did not see why it could not be 24 hours. Ms. Johnston agreed as she did not see advantage of 48 hours versus 24 hours. She stated OMA is to allow more public access. Ms. Taylor indicated that past administrators supported the 48 hours as it gave them time to research issues if there are questions by Board members. Ms. Cline asked if OMA required speakers to declare what they would be speaking about. Mr. Spanos noted nothing specific but it says public body can add provisions as they see fit. Ms. Cline stated that she felt every layer makes us feel more remote and less welcoming. Discussion about voting on this item and it was determined this item would be pulled.

a-6 20-13(G)2f – written submission of public comment. Ms. Cline stated she would limit to pages and not words and questioned when the submissions deadline would be. Ms. Taylor stated they could add a time and clarified this was for speakers who wanted to speak but could not make it to the meeting and wanted to share information. Ms. Laymon asked if these would be read into the record, passed out to members, and if read into record would it still have the same time parameters. Ms. Taylor noted current practice is that we forward any item we receive addressed to the Board or that is related to an agenda item. Mr. Wendt stated he felt this was duplication of what we already do and did not feel it was necessary to add this. Mr. Erickson stated he did not feel this should go forward. Discussion and determination there were questions and it was not ready to be considered; item was pulled.

a-7 - 20-16A(1)(a). removed as they were notes only

a-8 – 20-16A(1)(b). removed as they were notes only

a-9 2016B(13) –Personnel Policy and Procedures. Ms. Taylor noted that many other counties have their personnel policies and procedures in a handbook for employees and is not part of their County Code. Ms. Taylor noted that by removing it from Code they would not have to bring to the Committee requests for changes when there are federal and state laws that affect the policies. She provided examples such as sex harassment policies, new federal rules on protected classes, and cannabis policies. Ms. Johnston asked Ms. Taylor to confirm that personnel policies and procedures were part of the Code when we did not have employees dedicated to human resources services. Ms. Taylor confirmed. All members except for Mr. Erickson were in agreement to approve this change.

(14) This would be to remove the word “ordinance” because it would be a separate document policy now.

(16) Ms. Taylor noted this was under Finance but would be for all committees and clarified it was to remove the requirement that changes that are \$2,500 or less be brought to Committee for approval. She provided an example of projects that are put on hold waiting for Committee and Board approval. Mr. Erickson asked for clarification on approval process both through

budget and after budget. Ms. Taylor went over the process. Mr. Wendt asked if Property Committee wanted this change or were aware of request. Ms. Laymon noted it had not been brought to the Committee prior to this but felt this was to simplify process. Mr. Erickson felt that all Committees should be able to weigh in on this. Ms. Johnston indicated she felt this was also a way to simplify how many times items are voted on. Mr. Erickson stated he was concerned that something would pass through one oversight committee during the budget process, that might affect another oversight committee's purview but they would never have input. Ms. Cline and Ms. Laymon noted they felt this was for ad hoc changes. Mr. Erickson said he wanted to make sure other committees can't put something through without consideration of the other committees. Discussion about making sure all committees are aware of changes that might overlap to other committees during the budget process. Ms. Cline noted that all Board members have access to the entire budget and the agendas presented to each committee for those budgets. Ms. Taylor indicated this was to help keep projects going as they have to put things on hold for changes in projects. Ms. Johnston pointed out putting a project on hold for a \$200 change order with a project at the park. Mr. Erickson asked if we could table this. The Committee agreed to pull this for later consideration.

a-13. 20-20c Remote Attendance. Ms. Taylor indicated this was to add a fourth condition to attend meetings remotely but to limit that to 3 times a year.

Mr. Wendt indicated he was not in favor of these changes. Mr. Wendt provided history for when this provision was added to the rules several years ago when he was sick and noted that previous State Attorney said there were only 3 instances that a Board might consider remote attendance by a member Ms. Cline noted that the Committee had been provided a legal opinion that the law could be interpreted as allowing them to attend remotely because of employment. Ms. Johnston stated we have a shift in technology and during COVID proved that we could be completely remote and still be functional. She stated she felt it was a disservice to constituents as their representative should be able to participate as often as possible. Mr. Wendt questioned limiting it to 3 opportunities to be remote for employment purposes but not limit for the other reasons.

Ms. Johnston noted that during planting or harvest season there are members who are not able to make meetings. Ms. Cline indicated the number was put in so someone did not abuse it. She also noted she felt this would encourage those who live farther away from Bloomington Normal to run for office. Ms. Cline also noted that the legal opinion indicated one other county that does it this way and they have not been challenged. Mr. Wendt noted a legal opinion was provided by previous State's Attorney and he further noted how the statute was written, employment or business of the public body as one item without a comma.

Ms. Cline provided example of when Mr. Barnett had been called out of town on business at the last minute. Mr. Soeldner indicated he did not like the change and noted that there are two seats in every district so they would still be represented. Mr. Soeldner noted he would like to hear how another county is doing it. Ms. Johnston pointed out many members have

full-time jobs and have to travel for work and they cannot always set their travel around Board meetings. Mr. Soeldner noted individuals were aware of timing of meetings when they ran for office. Mr. Erickson asked if we are required to allow remote attendance. Mr. Spanos indicated the word used is “may” so they do not have to allow remote attendance. Ms. Johnston stated if we write this it could be noted the preference is to attend in person but have allowances for if you need to travel for work. Mr. Erickson noted that when it was first added there was resistance. Mr. Erickson stated he felt people needed to be in person. It was discussed and decided to remove this item.

Discussion among members to bring for information a-9 through a-12 to the Executive Committee in March and schedule a second Rules meeting for after Executive. Discussion about items that the members agreed upon that could go to Executive and the Board for action in March – items a-1 through a-4 on the working sheet and then items that would be removed and discussed at Executive and the second Rules meeting and considered for action in April – items a-9 – through a-12. Even though part of a.9 was agreed upon, the entire section was held for consideration at the next meeting.

Motion by Cline/Laymon to recommend approval of Amendments to Chapter 20 of the McLean County Code – County Board Rules, as amended to include only items a-1, a-2, a-3 and a-4 and remove remaining items from consideration.
Motion Carried.

Chairman Soeldner asked if there was any other business to come before the Committee; hearing none, he adjourned the meeting at 6:28 p.m.

Respectfully submitted,

Julie A. Morlock

Julie A. Morlock
Recording Secretary