

Minutes of the Rules Subcommittee

The Rules Committee of the McLean County Board met on Monday, April 2, 2001 at 4:00 p.m. in Room 700, Law and Justice Center, 104 West Front Street, Bloomington, Illinois.

Members Present: Chairman Sorensen, Members Arnold, Gordon, Renner, Kinzinger, Sommer

Members Absent: None

Staff Present: Mr. John M. Zeunik, County Administrator; Mr. Terry Lindberg, Assistant County Administrator; Ms. Martha B. Ross, County Administrator's Assistant, County Administrator's Office

Department Heads/
Elected Officials
Present: None

Chairman Sorensen called the meeting to order at 4:04 p.m. The minutes of the March 5, 2001 meeting were approved by consent of the Committee.

Chairman Sorensen presented the chart labeled as Section 5.17-9, which divides the responsibilities for grounds and maintenance at County facilities and assigns those responsibilities to certain oversight Committees. He noted that all requested revisions to the previously existing version of the chart have been made.

Mr. Gordon asked whether Chairman Sorensen had referred to the chart as being codified as Section 5.17-9. He stated that on the chart's face, the codification is now Section 5.17-7.

Mr. Zeunik confirmed that under the new revised Rules, the correct codification for the chart would be Section 5.17-7.

Chairman Sorensen presented the overall draft of the Rules of the County Board, reflecting the changes made at the March 5, 2001 meeting of the Rules Subcommittee.

Mr. Sommer presented a proposed revision to the text of Section 5.16, Committees – General Functions and Responsibilities of All Committees. He suggested a refinement in the text by the insertion of the words *shall be* preceding subparts (A), (B), (C), (D), (E), (F), and (G). He further noted that many portions of Section 5.17, Committees – Functions and Responsibilities of Specific Committees, could benefit from the same refinement in the appropriate subsections.

Mr. Gordon remarked that it might also be appropriate, in the interest of avoiding awkward construction, to include the words *Functions and Responsibilities of* and insert the name of each specific Committee as subtitles in Section 5.17.

The consensus of the Committee was to ask the Administrator's Office to prepare the revised construction of the appropriate subsections within Section 5.17

Chairman Sorensen presented the issue of the requested input from the Board members regarding the appointment of positions, in addition to vacancies on the Board itself. He noted that, following the stated deadline, there was one item submitted by one member of the Board for the Committee's consideration. He explained that it had been suggested that appointments to certain Boards and Commissions should be considered with a heightened sense of consideration. The Boards and Commissions noted are: Bloomington-Normal Airport Authority; Bloomington-Normal Water Reclamation District; Bloomington Township Public Water District; Board for Care and Treatment of Persons with Developmental Disabilities; County Engineer; Emergency Telephone Systems Board; Farmland Assessment Review Board; McLean County Board of Review; McLean County Regional Planning Commission; Public Building Commission; Sheriff's Office Merit Commission; Zoning Board of Appeals.

Chairman Sorensen stated that it would be inappropriate for the Board to peruse the list of entities to which it makes appointments, and arbitrarily select only certain groups to examine more closely prior to appointments being made. He noted that, in the event that the Board as a whole begins to play a more active role in the appointments to Boards and Commissions, a list of criteria should be established for their intervention and participation.

Mr. Renner asked on what basis could such an action be accomplished. Chairman Sorensen noted that in the case of some of the Boards and Commissions, Illinois State law might supercede local regulations or customs.

Mr. Gordon asked whether the feedback received addressed any specific direction as to either procedural or substantive participation by the Board as a whole. Chairman Sorensen responded that the feedback was non-specific in that regard.

Mr. Gordon asked, with regard to the intent of the submitting Board member, whether the listed Boards and Commissions were the entities that should be subject to increased participation by the Board. He asked whether the Board's participation would take the form of the procedure that was last utilized to fill a vacancy on the Board in December 2000.

Mr. Renner asked what type of process is being proposed. He noted that the Board could only participate in such a way in which it was not statutorily prohibited. He noted that a heightened role of advice and consent might be an acceptable option, in that it would still leave appointments

to the discretion of the County Board Chairman.

Chairman Sorensen remarked that the Appointment Book is published annually, including the terms of service of the various positions for trustees and commissioners. The book is distributed to all Board members, allowing them to have access to the same information that the Chairman has with regard to positions to be appointed, as well as the length of terms. In the event that any Board members desire to play a more active role in advising the Board Chairman prior to the making of appointments, they may do so, utilizing the information available.

Mr. Renner asked whether the County Board members might function in an oversight capacity. He noted that there is an obligation on the part of the Board members to hold these smaller Boards accountable.

Chairman Sorensen stated that the County Board has a cursory obligation to confirm that the Boards to which the Chairman appoints are being managed properly. Since the County Board Chairman makes the appointments, Chairman Sorensen noted that any one of the Districts or Boards might hold the County Board Chairman responsible to make more appropriate appointments, in the event that there are difficulties in management.

Mr. Sommer noted that many of the Boards and Districts recommend citizens from their own ranks to fill vacancies. Often, the recommendations are based upon the relationship that is already established with the other members of the Board or District. In that event, the County Board Chairman then makes the appointment based on the compatible relationship that has been demonstrated between the members of the Board or District, and the appointment candidate. He noted that that this process currently works well.

Mr. Kinzinger remarked that, if the County Board accepts an expanded advise and consent role with regard to the appointments made to Boards and Districts, all of the proposed appointments to Boards and Districts should be examined with an equal level of scrutiny.

Mr. Gordon noted that the constituency he represents does not often become involved with appointments to Boards or Districts. Therefore, he is uncertain about the level of involvement in the Boards and Districts by those who live outside the confines of the Bloomington and Normal city limits. He noted that the current process, which is more informal, seems to work well at this time.

Mr. Renner stated that many boards and districts operate consistently well, utilizing a more informal process for appointments. However, there are the occasional groups that do not consistently function well within an informal structure. He explained that addressing the problems that inevitably arise might involve a higher level of action on the part of the Board.

Mr. Sommer stated that the members of the County Board would not likely learn about the functioning of the boards and districts unless a dispute or problem arises. He cited an instance when a candidate for a particular Board position was not compatible with the other Board members, and therefore, was subsequently not appointed to the position.

Chairman Sorensen noted that he has some familiarity with a similar situation, in which a change in the Board of Trustees was requested by a majority of the people who reside in his district. He noted that it was a difficult situation to change the appointment to the position.

Mr. Renner stated that his constituency is like that of Mr. Gordon's in that he does not have involvement with the more rural areas of the County, where many of the Boards and Districts are active.

Chairman Sorensen noted that County Board Chairman Sweeney has stated that he is comfortable with the process adopted to address vacancies on the Board, being extended to all Countywide elected positions. He noted that this process could be utilized for appointments to any interim vacancies that may occur for which the County Board Chairman would be responsible.

Chairman Sorensen explained that by providing a forum for the candidates to address the Executive Committee prior to making the appointment, the County Board Chairman is effectively making it possible for Board members to become acquainted with the candidates in order to provide more effective advice and consent.

Chairman Sorensen stated that there should be a clear delineation between appointed and elected positions. He stated that the size of the tax levy might be considered as a defining factor.

Mr. Gordon asked whether there is a mechanism currently in place by which general management deficiencies can be identified. He noted that micromanagement may be a result of too much participation in the appointment process.

Mr. Renner asked whether the Chairman of the Rules Committee could confer with the County Board Chairman on a regular basis regarding the proposed appointments under consideration. He stated that this procedure might not qualify as micromanagement.

Mr. Gordon asked whether this type of meeting could be included under the auspices of the Rules Committee or whether it would be under the auspices of the Executive Committee. Mr. Zeunik responded that the Executive Committee would be the Oversight Committee to address this situation.

Chairman Sorensen explained that the most frequent scenario is that of a Trustee or Commissioner of a board, who holds the position being unable to continue in that capacity any

Minutes of the Rules Subcommittee Meeting

longer. Upon either resignation or expiration of term, the County Board Chairman must locate an individual to fill the vacancy. He explained that there is occasionally a controversial appointment.

Mr. Sommer stated that Section 5.11-6, stating that all appointments shall be made according to State law, should be emphasized.

Mr. Gordon asked whether any of the specific Districts previously cited, are governed by State statute with regard to the appointment process. Chairman Sorensen responded that the Board has the latitude to determine in what form its advice is communicated to the County Board Chairman. However, it is his understanding that the actual appointment is made by the County Board Chairman, with the advice and consent of the Board. The opportunity is now at hand to provide a slightly more formal process with regard to the advice role of the Board.

Chairman Sorensen asked about the possible expansion of Section 5.11-7, which refers to the filling of County Board vacancies and Countywide elected positions. Mr. Gordon remarked that Section C could be revised to say, "Any applicant must be a resident of the Board District *or County, respectively,...*" Chairman Sorensen responded that all other rules would apply. In this way, it would be shown that the elected officials, both Countywide and on the County Board, have been included in this provision.

Mr. Renner stated that the desire of the Board to have increased opportunity for input regarding appointments has been communicated. He noted that previous appointments did not utilize a significant amount of input from the Board, and this change is welcome.

Mr. Arnold remarked that formalizing the appointment process to the extent being proposed might have the effect of destroying the harmony that currently exists on many of the Boards and Districts. Many individuals would not be inclined to submit resumes or appear before the Executive Committee, even though they might be excellent candidates for a position.

Mr. Arnold stated that such a potential infusion of unfamiliar commissioners or trustees might have a negative effect upon the collegial relationship that many Boards and Districts currently enjoy. He explained that he would prefer a less formal process, preferring instead to rely on the sensitivity of the Board or District chairperson.

Mr. Sommer stated that, with regard to elected officials, any mid-term appointments that might be made would have to be made according to law. There is no latitude for the County Board to override any State statutes with regard to mid-term appointments.

Chairman Sorensen stated that section 5.11-7, Procedure for Filling Board Vacancies may apply to the making of mid-term appointments for elected officials as well as to mid-term appointments for County Board members. He noted that the same process would be followed, in that the actual Minutes of the Rules Subcommittee Meeting

appointment is made by the County Board Chairman, with the advice and consent of the Board.

Mr. Gordon noted that the title to Section 5.11-7 could be revised to say, "Procedure for Filling Board Vacancies and Vacancies in Countywide Elected Positions." He then suggested that the first sentence of that section could be revised to state, "When a vacancy in the office of Board Member *or Countywide elected official* occurs..." Mr. Gordon remarked that Subsection (C) of Section 5.11-7 could state, "Any applicant must be a resident of the Board District *or the County, respectively*, in which the vacancy exists..."

Motion by Renner/Kinzinger to change the title of Section 5.11-7 to Procedure For Filling Board Vacancies or Countywide Elected Officials; revise the first sentence of that section to state, "When a vacancy in the office of Board Member *or Countywide elected official* occurs..."; revise Subsection (C) of Section 5.11-7 to state, "Any applicant must be a resident of the Board District *or the County, respectively*, in which the vacancy exists..."

Mr. Sommer noted that the text of Section 5.11-7 (C) which states that, "Each applicant must provide evidence of membership in the same political party as the person whom the applicant proposes to succeed," should be examined as well. Mr. Zeunik noted that this statement is consistent with Illinois State law. Mr. Sommer noted that the chairman of the political party of the proposed applicant may wish to exert influence over a potential appointment and the members of the County Board may not wish to oppose the wishes of the chairman of the political party.

Mr. Gordon remarked that Mr. Lindberg suggested alternative wording to the title of Section 5.11-7 as being, Procedure for Filling County Board and Countywide Elected Official Vacancies.

Chairman Sorensen noted that the specific phrasing to convey the spirit of the thoughts expressed would be entrusted to the Administrator's Office.

Chairman Sorensen called for the question on the amendment to the proposed draft of the Rules of the County Board, subject to the refinement of the language in Section 5.11-7 regarding the filling of vacancies on the County Board and for Countywide elected officials.

Motion carried.

Chairman Sorensen stated that before the Committee is a draft set of rules that incorporates the changes based upon discussions of the Rules Committee, motions and activities over the course of two (2) months. The draft has just been amended again in Section 5.11-7 and some wording adjustments as proposed by Mr. Sommer. He noted that the revised chart delineating the various County facilities, and their Oversight Committees is also before the Committee for their Minutes of the Rules Subcommittee Meeting

consideration. That chart is now correctly codified at Section 5.17-7. He noted that, in the event that the Committee approves the proposed set of Rules, including the chart, the Rules would then go to the Executive Committee for consideration.

Motion by Arnold/Renner to advance the current draft of the Rules of the County Board, including the chart codified as Section 5.17-7, to the Executive Committee for consideration. Motion carried.

Chairman Sorensen opened the discussion regarding amending the Ordinance Establishing County Board Meeting Dates for Calendar Year 2001. He noted that the issue was discussed on the floor of the Board and was then remanded to the Rules Committee asking that the Administrator's Office prepare a survey to be distributed to the Board membership. He noted that, as a result of the responses received, there was not a clear mandate for any of the choices. The final tabulation at the time of the Rules Committee meeting was: 1) 4 members suggesting no change in the meeting schedule; 2) 4 members suggesting a change to 5:00 p.m. for the months of August, September, and October 2001; 3) no members suggesting a change to 7:00 p.m. for the months of August, September, and October 2001; and 4) no members suggesting that the issue of evening meetings be postponed to 2002 for further consideration. There were also two members who selected two responses, equally weighted.

Chairman Sorensen noted that the Committee should advance something to the full Board for its consideration.

Motion by Renner/Kinzinger to advance option #2 from the survey to the Full Board for its consideration. Option #2 states that the regular monthly Meeting of the County Board would take place on the third Tuesday of the Months of August, September and October 2001. The Board would have a change in meeting time, from 9:00 a.m. to 5:00 p.m. This change would be on an experimental basis.

Chairman Sorensen asked whether the Executive Committee would vote on this option as well. Mr. Zeunik responded that the Executive Committee would vote on the proposed change in the meeting time for the months of August, September and October 2001.

Mr. Gordon asked whether the tabulations would be reported to the Executive Committee. He noted that it would be more efficient to report only the numbers of responses to each of the options, rather than report the individual responses of each Board member.

Mr. Gordon asked whether Chairman Sorensen would vote on the motion. Chairman Sorensen responded that he would not need to vote at this time, because there were enough Committee members present already. However, he noted that he would advance the wishes of the Rules Minutes of the Rules Subcommittee Meeting

April 2, 2001
Page Eight

Committee to the Executive Committee, where he would vote on the matter.

Mr. Gordon stated that he supported the change to a 5:00 p.m. meeting time because it is a worthy experiment and it is, at this time, on an experimental basis.

Mr. Renner remarked that he supports the 5:00 p.m. time change for Board meetings in August, September, and October. This time may be more convenient for those Board members who have longstanding time commitments at the 7:00 p.m. hour. Additionally, he noted that Department Heads and Elected Officials may find it easier to attend a meeting immediately following the official close of their workday, rather than to come back for an evening meeting. Mr. Renner advised the Committee that he generally supports the experiment of evening meetings to demonstrate an effort to make government more accessible to the people it serves.

Mr. Kinzinger stated that the 5:00 p.m. meeting option is more viable than the 7:00 p.m. option. He noted that the 9:00 a.m. meeting time often excludes school students and teachers who may find attendance at County Board meetings to be good learning experiences. He further noted that there may be certain segments of the population that are consistently excluded by holding the meetings in the mornings at 9:00 a.m. Therefore, alternative meeting times may be an attractive option.

Mr. Gordon noted that most of the Committees meet in the late afternoon or evening, with the exception of the Transportation Committee, which meets in the morning. He noted that those meetings typically take place at the end of the day because of school and work commitments for the Committee members.

Chairman Sorensen called for the question and announced that he would vote.

Motion carried, 4 members voting "Aye," 2 members voting "Nay."

Chairman Sorensen stated that he would advance the issue to the Executive Committee as a split vote and advise the Executive Committee that the Committee's research provided no clear cut recommendation.

There being nothing further to come before the Committee at this time, Chairman Sorensen adjourned the meeting at 4:57 p.m.

Respectfully submitted,

Martha B. Ross
Recording Secretary