

Note: These minutes are not official until approved by the Ad Hoc Rules Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.

DeKalb County Government
Sycamore, Illinois

**Ad Hoc Rules Committee Minutes
March 21, 2017**

The Ad Hoc Rules Committee of the DeKalb County Board met on Tuesday, March 21, 2017 at 7 p.m. in the Administration Building's Conference Room East in Sycamore, Illinois. Chairman Pietrowski called the meeting to order. The roll reflected that the Members present were Mr. Bagby, Mr. Faivre, Mr. Frieders, Mr. Jones, Ms. Leifheit, Mr. Stoddard, and Chairman Pietrowski. Ms. Askins was absent. A quorum to begin the meeting was established with seven Members present and one absent.

County Administrator Gary Hanson and Greg Millburg were also present.

APPROVAL OF THE MINUTES

It was moved by Mr. Jones, seconded by Mr. Faivre, and it was carried unanimously by voice vote to approve the minutes from the January 30th and February 21st Committee Meetings.

APPROVAL OF THE AGENDA

Mr. Bagby moved to approve the agenda as presented and Mr. Frieders seconded the motion. The motion was carried unanimously by voice vote.

PUBLIC COMMENTS

There were no public comments made.

ETHICS POLICY

Mr. Hanson reviewed that at the Committee's last meeting they suggested some updates to the County's Ethics Policy. Since then, the suggested updates to the Policy had been done and Mr. Hanson wanted to bring those changes back for another review.

The changes included the addition of a preamble, renumbering, deletion of a duplicate item, and clarifications on who specifically is the Ethics Advisor. Mr. Hanson and the Committee reviewed the changes and made a minor editorial to the amendments. Chairman Pietrowski reiterated that the last time this Policy was reviewed was in 2006 so he wanted to be sure that the Committee had reviewed and updated anything they saw fit. He additionally shared that he would still like to see the County employees be made more aware of the Ethics Policy and be aware of the fines that can accompany unethical behavior and actions.

Mr. Faivre moved to forward the Amended County Ethics Policy to the full County Board recommending its approval. Ms. Leifheit seconded the motion and it carried unanimously.

COUNTY ADMINISTRATOR AUTHORITY OUTLINE

Chairman Pietrowski reviewed that he has mentioned this many times and he and Vice Chairman Jones have spoken as well regarding setting guidelines for granting the County Administrator position (he reiterated that he was not talking about any individual person, solely the position) more authority over day-to-day operations. He continued that these additional guidelines would allow the County Administrator to deal with more personnel matters that arise and whatever else the Committee/Board may see fit but still having the full County Board maintain the power and final vote on the decisions they currently do. The Chairman didn't want to rush this process but he did want the Committee to discuss this matter and come up with a general outline and be able to finalize everything at their next meeting.

Mr. Hanson offered that he wrote up an outline as a starting point for the Committee to review, if they so wished. He additionally cautioned the Members that he may have taken some items a little farther than they may have wished but he also didn't take it as far as he could have. He just wanted to offer the Committee an outline to review.

Mr. Hanson walked the Committee through his suggestions of changes for Sec. 2-66 – County Administrator. He shared that the first couple of items were minor name changes and renumbering. Mr. Hanson also wanted to make good clarification in the code at these day-to-day coordination and operation of county services would only be to the Departments that are under the control of the County Board and not the Elected Official's Offices or offices of other Boards. Mr. Hanson continued to review the sections with the Committee. He noted that some of the items weren't necessarily an expansion of the County Administrator position, some are duties that are already being done because someone has to do them and they are now being formally identified in the Code.

A new item that was proposed was to administratively amend departmental budgets between line-items and categories but not be able to increase or decrease any total appropriations to a Department. It also addressed emergency spending (ie: a boiler goes out, a tornado occurs within the County). The Committee discussed the emergency expenditure portion of the new proposed section and Chairman Pietrowski suggested adding that in the case of an emergency, that the Leadership Team of County Administrator, Board Chairman and Vice Chairman, and the appropriate Committee Chair all be notified. Mr. Bagby offered the following language to use instead: "The County Administrator is authorized, pursuant to departmental request, to amend departmental budgets between line-items and categories within a Department's total appropriation of all their cost centers within a fund. But only the County Board may increase or decrease the total fund appropriation for a Department. In the event of an emergency, the County Administrator, in consultation with the Chair, the Vice Chair, the Finance Chair, and the Chairman of the relevant jurisdiction Committee, may authorize additional spending to address the emergency, but such expenditures must be reported to the Finance Committee at their next regular meeting." The Committee agreed to proceed with the wording Mr. Bagby provided.

Mr. Hanson continued with items that outlined the County Administrator position would be responsible for the County's buildings and grounds, approving staff re-organizations within a Department where the resulting annualized expenses do not exceed the monies already budgeted,

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and negotiating and recommending labor contracts to the County Board as well as labor disputes and policy interpretations. Chairman Pietrowski added that he would like to see the Board Chairman and Vice Chairman brought in on the preliminary strategy sessions for labor contracts. The Committee agreed and Mr. Hanson said he would put together additional wording to reflect the addition.

Mr. Hanson presented the Committee with two possible options on how to address vacancies on a Department Head level. The Committee unanimously agreed that they were more in favor of the first suggested option (9a) which would allow for the County Administrator to bring up to five candidates for consideration to the appropriate Committee. It was additionally suggested that the initial “screening committee” that reviews all applications and resumes consists of the County Administrator, Board Chairman or Vice Chairman, and appropriate Committee Chair.

The Committee also reviewed and discussed the new proposed sections regarding the County Administrator performing performance evaluations of appointed Departments Heads and providing the authority to the Administrator to suspend appointed Officials as deemed appropriate until the County Board can take action at their next regular monthly meeting. There were also minor changes and clarifications identified to the Limitations on Authority and Removal sections. The Committee thanked Mr. Hanson for providing these sections and he noted that he will insert and clean up the wording for next month’s meeting.

COUNTY CHAIR & VICE CHAIR AUTHORITY OUTLINE

Chairman Pietrowski shared that just like the County Administrator Authority Outline they just did, he wanted the Committee to explore or discuss granting the County Board Chair and Vice Chair the ability to speak with employees and Department Heads under their jurisdiction on behalf of the full County Board. The Chairman continued that it is difficult to get all 24 Board Members together to meet with an individual on certain issues.

Mr. Stoddard expressed that he felt that is why the County has an Administrator and doesn’t think it is a good idea for the Chair and the Vice Chair to be getting involved with personnel issues. Other Committee Members agreed and didn’t feel any change was needed in this area.

EMPLOYEE EVALUATION PROCESS

The Committee discussed the overall process of evaluating County Appointed Department Heads and opened up the discussion to Mr. Frieders, Chairman of the County Highway Committee, on how his Committee’s current evaluation process is going on the County Engineer, whose six-year term is up this year. Chairman Pietrowski shared that he would like to see an overall process be constructed in the County Board Rules outlining that each Committee shall offers annual evaluations of the appointed Department Heads that report to them. He also expressed that he would like to add in there that the County Board expects Department Heads to provide annual evaluations of their employees as well.

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RECORDS KEEPING PROCESS

Chairman Pietrowski asked Mr. Hanson what types of records are kept on County employees. Mr. Hanson shared that most all of the County's employee's sick time, and vacation/holiday time (PHOs) are all tracked through the County's payroll system in the Finance Office. The Finance Office's Benefits Coordinator also keeps track of all the employees' benefits and meets with all the new employees and explains health insurance, etc. He also clarified that because the County Nursing Home is so large, they have their own business office that does their own payroll and benefits.

The Chairman additionally asked about personnel files and where any employee complaint or complement letters may go. Mr. Hanson reiterated that any initial hiring letters are kept with the employee's benefits records in the Finance Office and he added that some departments choose to keep their own internal employee folders.

HUMAN RESOURCES FUNCTION

It was reiterated that the County currently has two-three individuals that perform some Human Resources (HR) like functions in the Finance Office, the Health Department, and at the County Nursing Home. Chairman Pietrowski shared that the one piece he would like to see added somehow, some way, is the employee-relations function. He described this function as someone who would act as a mediator if a conflict situation arose and who would perform some internal trainings for employees. He added that he feels that this type of position could be very beneficial to an organization and he would like to see this worked into the County, even if it is tied to an existing position. Chairman Pietrowski expressed that he would like to continue exploring how this HR function or person can be added to the County by reorganizing or categorizing.

OLD BUSINESS / NEW BUSINESS

Chairman Pietrowski shared that Mr. Stoddard had brought up putting Committee Meeting audio recordings on the County's Website in the past at an Executive Committee Meeting and Chairman Pietrowski wanted it to be brought up once again for discussion. He also added that he did a little research and found a County in another state that did provide audio recordings from their meeting and they were available for 180 day from the meeting date. The audios were provided via an mp3 and this is minus any executive sessions. Chairman Pietrowski also noted that the County currently allow any individual to simply email a request for a meeting audio recording and it will be sent to them via online through a dropbox on the County's website.

Mr. Stoddard expressed that having these audios available online is a matter of transparency. It isn't that they are trying to hide anything and he understands most won't ever be heard but they are conducting the people's business and he thinks it's up to them to make the information accessible as possible to the people. He added this is something he really supports and think it is something that they should be doing.

The Committee Members discussed their opinions on this topic once again. It was also mentioned that having the audio recordings could help them be more ADA compliant. It was also clarified that the Illinois Open Meetings Act doesn't say that any meetings, besides executive session, have to be audio recorded. Most meetings are recorded solely for the purpose of helping

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write the minutes. Mr. Hanson explained how the audio files could potentially be stored on the website and assumed that they could be added for a small cost for storage space.

Mr. Bagby questioned that if they made the audio available, would they be obligated to be able to provide a full transcript of the audio as well and questioned how much something like that would cost an individual.

Mr. Jones noted that he agrees with Mr. Stoddard on a lot of the issues but expressed his concerns with allowing the audio to be completely accessible to the public and that he would ultimately vote no on the issue. Ms. Leifheit also expressed how she thinks these recordings may stifle ideas and additional back and forth conversations. Mr. Frieders shared that he felt bad for those who truly can't come to meetings but he also feels that if people are really interested in government, they should actual come and engage the Committee and Board.

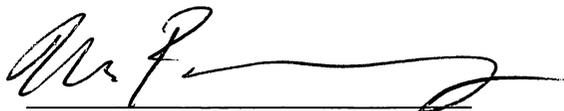
Another option suggested was to put "Audio available upon request" on the County's website as well. The Committee agreed that they would add this item to their next Committee's agenda to determine more details on how they may want to proceed with this topic.

The Committee agreed that their next meeting date would be Monday, April 17, 2017 at 7 p.m. in the Conference Room East in Sycamore, IL.

ADJOURNMENT

It was moved by Mr. Faivre, seconded by Mr. Bagby, and it was carried unanimously to adjourn the meeting.

Respectfully submitted,



Chairman Mark Pietrowski



Tasha Sims, Recording Secretary

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ETHICS POLICY

Preamble

WHEREAS, the purpose of the Ethics Act is to ensure the Elected Officials and Public Employees do not place their interests above those of the public.

- 1.1.0 WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and
- *(Adopted 06/16/2000)*
- 1.1.1 WHEREAS, the Act requires all units of local government and school districts, within six months after the effective date of Public Act 93-615, to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units “in a manner no less restrictive” than the provisions of the Act; and
- *(Adopted 6/16/2006)*
- 1.1.2 WHEREAS, it is the clear intention of the Act to require units of local government and school districts to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government to penalize ordinance violations; and
- *(Adopted 6/16/2006)*
- 1.1.3 WHEREAS, it is the clear intention of the Act to provide units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish ordinance violations that might otherwise be applicable; and
- *(Adopted 6/16/2006)*
- 1.1.4 WHEREAS, because the Act provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by Ordinance rather than by Resolution;
- *(Adopted 6/16/2006)*
- 1.1.5 NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, AS FOLLOWS:
- *(Adopted 6/16/2006)*
- 1.2.0 The Code of Ordinances of DeKalb County is hereby amended by the addition of the following provisions:
- *(Adopted 6/16/2006)*

- 1.4.0 “Prohibited political activity” means: **(Sections in 1.4 re-numbered.)**
- 1.4.1 (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event. *(Adopted 6/16/2006)*
- 1.4.2 (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event. *(Adopted 6/16/2006)*
- 1.4.3 (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution. *(Adopted 6/16/2006)*
- 1.4.4 (4) Planning, conducting, or participating in a public opinion poll in connect with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question. *(Adopted 6/16/2006)*
- 1.4.5 (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question. *(Adopted 6/16/2006)*
- 1.4.6 (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question. *(Adopted 6/16/2006)*
- 1.4.7 (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls. *(Adopted 6/16/2006)*
- 1.4.8 (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question. *(Adopted 6/16/2006)*
- 1.4.9 (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office. *(Adopted 6/16/2006)*
- 1.4.10 (10) Preparing or reviewing responses to candidate questionnaires. *(Adopted 6/16/2006)*
- 1.4.11 (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question. *(Adopted 6/16/2006)*
- 1.4.12 (12) Campaigning for any elective office or for or against any referendum question. *(Adopted 6/16/2006)*
- 1.4.13 (13) Managing or working on a campaign for elective office or for or against any referendum question. *(Adopted 6/16/2006)*
- 1.4.14 (14) Serving as a delegate, alternate, or proxy to a political party convention. *(Adopted 6/16/2006)*
- ~~1.4.14 (15) Serving as a delegate, alternate, or proxy to a political party convention. *(Adopted 6/16/2006)*~~

1.8.0 ETHICS ADVISOR

Section 15-1. The ~~County Board Chairman, with the advice and consent of the County Board, shall designate the~~ DeKalb County State's Attorney or his/her designated Assistant ~~are designated~~ as the Ethics Advisor for the County of DeKalb.

- *(Adopted 6/16/2006)*

1.8.1 Section 15-2. The Ethics Advisor shall provide guidance to the officers and employees of the County of DeKalb concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the County Board. The County Administrator is delegated the responsibility for ethics training for Board members and employees.

- *(Adopted 6/16/2006)*

1.9.0 PENALTIES

Section 25-1. Penalties (a) A person who intentionally violates any provision of Article 5 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

- *(Adopted 6/16/2006)*

1.9.1 (b) A person who intentionally violates any provision of Article 10 of this Ordinance is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

- *(Adopted 6/16/2006)*

1.9.2 (c) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

- *(Adopted 6/16/2006)*

1.9.3 (d) A violation of Article 5 of this Ordinance shall be prosecuted as a criminal offense by an attorney for the County of DeKalb by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

- *(Adopted 6/16/2006)*

1.9.4 (e) A violation of Article 10 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the County of DeKalb, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

- *(Adopted 6/16/2006)*

1.9.5 (f) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article 5 or Article 10 of this Ordinance is subject to discipline or discharge.

- *(Adopted 6/16/2006)*

Sec. 2-66. - County administrator.(d) *Authority, duties and responsibilities.*

- (41) The county administrator reports directly to the county board through the chairman and the ~~rules/~~executive committee.
- (2) The county administrator is responsible for gathering and disseminating to the board objective information which will aid in their decision-making process including, where appropriate, staff recommendations.
- (3) The county administrator facilitates and promotes communication between the board, the public, department heads, county employees, external boards, commissions and their governments.
- (4) The county administrator, ~~in this capacity, does not formulate policy but does~~ provides key staff support to the board in its policy formulation efforts and makes recommendations as appropriate. The county administrator assures that the actions of the board, as expressed through their various ordinances and resolutions, are carried out.
- (4 5) The county administrator is responsible for the day-to-day coordination and operation of all county services that are under the control of the County Board.
- (6) The County Administrator is authorized to amend departmental budgets between line-items and categories within a Department's total appropriation of all their cost centers within a fund, but only the County Board may increase or decrease the total fund appropriation to a Department. In the event of an emergency, the County Administrator may authorize additional spending to address the emergency, but such expenditures must be reported to the Finance Committee at their next regular meeting.
- (6) The County Administrator is responsible for the allocation, use, renovation, safety, and stewardship of the County's buildings and grounds.
- (7) The County Board retains the authority to approve the number of authorized positions for each Department, but the County Administrator may approve staff re-organizations within a Department where the resulting annualized expenses do not exceed the monies already budgeted.
- (8) Labor contracts are to be negotiated and recommended by the County Administrator to the County Board for the Board's final approval. Labor disputes and policy interpretations arising above the Departmental level will be handled by the County Administrator.

(9a) When a vacancy exists at the Department Head level (other than that of County Administrator), the County Administrator is responsible for bringing forward to the appropriate County Board Committee up to five candidates for consideration by the Committee. If none of the candidates are found to be acceptable by the Committee or the County Board, the process starts over.

Or

(9b) When a vacancy exists at the Department Head level (other than that of County Administrator), the appropriate County Board Committee will recommend up to five candidates for consideration by the County Administrator. The County Administrator then selects one candidate to recommend to the full County Board for approval. If the candidate is not found to be acceptable by either the County Administrator or the County Board, the process starts over.

(10) Performance evaluations for County Board appointed Department Heads will be conducted by the County Board in a manner determined from time to time by the Executive Committee of the County Board. The County Administrator may submit input to the Board as part of that evaluation process. The County Administrator may also choose to perform interim evaluations as deemed appropriate.

(11) In situations where the County Administrator deems it necessary, the County Administrator shall have the power to order the immediate suspension of a County Board appointed Department Head, with or without pay as deemed appropriate, until acted upon by the County Board. In such cases, the County Board shall act on the suspension at their next regular monthly meeting, either to reinstate or to permanently remove the Department Head.

- (e) *Limitations on authority.* ~~It is the intention of the county board in adopting this section only to create a position to which may be delegated certain administrative duties in and under its direction. No provision of this section is intended to vest in or grant to the county administrator any duty or any authority which is vested by general law or ordinance in any other county officer, official, or employee. No provision of this section shall be construed to delegate to the county administrator any authority reserved to the county board by law; nor shall the county administrator have the power to bind, obligate or commit the county in any manner except as provided in this section or by the express grant of authority by the county board. nor may the County Administrator purchase or sell real estate on behalf of the County, nor bind the County to any debt obligation, unless specifically granted such authority by an ordinance or resolution.~~
- (f) *Removal.* The county administrator is an employee at will who serves at the pleasure of the board. The county administrator may be removed by a majority vote of the thirteen (13) members present at any regular ~~or special~~ meeting of the board. In situations where the chairman deems it necessary, the chairman shall have the power to order the immediate suspension of the county administrator with pay until acted upon by the board. In such cases, the board shall act on the suspension within ten days at their next regular meeting, voting either to remove permanently or reinstate the county administrator.