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DeKalb County Government
Sycamore, Illinois

**Ad Hoc Rules Committee Minutes
August 12, 2019**

The Ad Hoc Rules Committee of the DeKalb County Board met on Monday, August 12, 2019 in the Administration Building's Conference Room East in Sycamore, Illinois. Chairman Pietrowski called the meeting to order at 6:30 p.m. Those Members present were Mr. Tim Bagby, Mr. Scott Campbell, Vice Chairman John Frieders, Ms. Dianne Leifheit, Mr. Jeff Whelan, Ms. Suzanne Willis, and Chairman Mark Pietrowski, Jr. Mr. Steve Faivre was absent. A quorum was established seven Members present and one absent.

Others present were Gary Hanson and Derek Hiland.

APPROVAL OF THE AGENDA

Ms. Willis moved to approve the agenda as presented and Mr. Whelan seconded the motion. The motion was carried unanimously by voice vote.

APPROVAL OF THE MINUTES

It was moved by Ms. Leifheit, seconded by Mr. Bagby, and it was carried unanimously by voice vote to approve the minutes from the last meeting which was held on March 13, 2019.

PUBLIC COMMENTS

There were no public comments made.

PERSONNEL POLICY

Mr. Hanson updated that at 5:30 p.m. yesterday a partial draft of the updated Personnel Policy was received by the County's Labor Attorney. He added that with the upcoming FY 2020 Budget approaching he had not had time to review that partial draft yet. The draft will be sent to the Committee to review and discussed at a future meeting.

CREATION OF A COUNTY BOARD COMMITTEE OF THE WHOLE

Mr. Hanson shared that it was brought to the Board's attention by the State's Attorney's Office that when they attended a past Executive Committee, they noticed that there were other Board members, not part of the Executive Committee, present and participating during discussions throughout the meeting. This had them concerned that the Board Members participation was being a violation of the open meetings act.

As you know OMA defines a meeting as "[a]ny gathering of a majority of a quorum for the purpose of discussing public business." 5 ILCS 120/1.02.

When a majority of a quorum of Executive Committee meets and discusses public business, it is a meeting of that committee. However, when more County Board Members come to the meeting and participate, they then come into the equation and equal a majority of a quorum of the county board – which is not what the meeting is noticed for. They had also noticed Board members

passing around a sign-in sheet, which raised the concern that the Members were also being paid a per diem for being at the Committee's Meeting that they do not sit on. If that was the case (which it was), then they are for all intent and purposes the Board engaging in the meeting.

DeKalb County State's Attorney Rick Amato noted that, *"Simply stated, county board members that are not part of a Committee place the entire Board in violation of OMA as soon as they being participating in the discussions. They are welcome to attend any committee meetings if they do not participate – but that has been forgotten. The not participating is the key to attending meetings and not being in violation. Now, I understand that some may argue that they aren't sitting at the table, know they are not part of the committee or are not formally voting- but that is simply not the point, nor the measure. It is that they are members of a body (the County Board), and are discussing public business – and there is enough of them doing it together to equal a majority of a quorum of the county board.*

What I believe may be occurring here is that the Executive Committee, with the best intentions, has been utilized more as a "Committee of the Whole", wherein anyone on the Board can attend and discuss issues. This needs to be addressed. A Committee of the Whole is a meeting of the entire Board, that follows agenda and notice practices, but does not hold formal votes or take action. Generally, if you look at how other counties use it (i.e. Lake, Kane, Kendall, etc.), this is where the Board can freely discuss issues that are going to be going to the Board, approve board agendas by consent, have special presentations given to them, etc. It is like a Board meeting, without the legislating. If you want to have an insurance carrier provide a demonstration as has been recently discussed – this would be the format for it. If the County Board wants to utilize a meeting for discussions and allow all Board members to appear, then the "Committee of the Whole" should be created in the Board Rules as a standing committee, and that is where such events occur.

With that being said, we must recommend that the Executive Committee is not utilized for discussion by all of the Board members that wish to attend. I believe if a Board member is paid a per diem for a committee that they do not serve on, this could also indicate an OMA violation. Simply, you cannot be in attendance at a meeting, and claim to not be there participating as a Board/Committee member, and at the same time be paid for being there. The reasoning for this should be readily apparent."

Mr. Hanson shared that after the State's Attorney's Office brought light to this situation he is proposing the following County Code Changes to established a Committee of the Whole which would be designed to take place prior to the current Executive Committee Meetings.

Sec. 2-41. – Executive Committee and Standing Committees Enumerated.

- (c) Committee of the Whole. The Committee of the Whole, comprised of all County Board Members and chaired by the County Board Chair, receives, studies, questions, and debates matters of general interest to the entire County Board. These meetings are designed to learn and gather information and as such, no formal votes may be taken. Discussions which may ultimately lead to business items for action by the entire County Board are still subject to the Standing Committee process. No requirement is made nor inferred that a matter for Standing Committee consideration must first be routed through the Committee of the Whole.

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Sec. 2-47. – Per Diem & Mileage.

DeKalb County Board members may collect a per diem and mileage for the attendance of any County Board or Committee meeting for which they are assigned and attend. Should a Board member attend more than one county meeting in a calendar day, then he/she may only receive the payment of one per diem for the day in total and mileage only for trips actually driven. Per diems and mileage cannot be collected for meetings attended where the Board Member is not themselves a member.

Sec. 2-48. – Board Member Attendance at Non-Assigned Committee Meetings.

County Board members are permitted, and in some cases encouraged, to attend the meetings of committees that they do not serve on, so as to be informed on all issues. However, when a Board Member is attending a Committee meeting that they are not a member of, it is imperative that they do not participate in discussions, but rather just attend for informational purposes. When a Board member participates in a Committee meeting for which they are not assigned, the result could be a violation of the Open Meetings Act and thus must be strictly avoided.

Mr. Campbell moved to forward the new Code language to the full County Board recommending their approval. Mr. Whelan seconded the motion and it was carried unanimously.

DEPUTY COUNTY ADMINISTRATOR CODE CHANGES

Mr. Hanson provided the current language in the County Code Section 2-67 pertaining to the Deputy County Administrator. The current language allows for one or more Deputies but does not stipulate.

Chairman Pietrowski provided his personal reasonings behind reviewing this language again and that he and Vice Chair Frieders had discussed limiting this position to only one individual. As well as ensuring that the candidates for this position are only Appointed Department Heads and not Elected Officials. The Chairman also shared that he sees this position more as a “duties as needed” role that would come with an official title but only added compensation “when needed”.

The Committee briefly discussed their ideas of what they saw the position becoming.

Mr. Campbell directed staff to update Sec. 2-67 with the changes as described for their next meeting for further review. Ms. Willis seconded the motion and it was carried unanimously.

PARKING LOT ORDINANCE

Mr. Hanson shared that this item was to gauge the Committee’s interest in seeing if they would be inclined to establish a Parking Lot Ordinance for County-owned parking lots. For many years now there has been a struggle with employees parking in visitor-only designated parking areas (i.e.: in front of the Administration Building). Due to the County having no enforcement measures, all Department Heads can do is repeatedly ask employees not to park in these areas. Mr. Hanson confirmed that there are enough parking places within the lots for all employees to park, although there are times (during jury trials) when the lots are very full and some may need to park further away from the buildings. The Committee briefly discussed this item.

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Mr. Bagby directed Community Development Director Derek Hiland to draft a Parking Lot Ordinance for the Committee to review at a future meeting. Vice Chair Frieders seconded the motion and it was carried unanimously by voice vote.

PRESERVATION OF COUNTY HISTORY

Chairman Pietrowski explained that this item was to codify within its Code what the County does with its historical artifacts. He also explained that after a twenty-year agreement between the Sycamore Library and the County, the least for housing the DeKalb County Joiner History Room was up last year. As this was happening, the new DeKalb County History Center was formed on March 1, 2018 and the construction of a new facility, was underway and opening in early 2019. The DeKalb County History Center has invited the Joiner History Room to be housed in the new facility with space available for the archiving, storage, and presentation of historically significant materials. In November of 2018, the Board approved a Memorandum of Understanding with the DeKalb County History Center, effective as of January 1, 2019, to provide for the long-term sustainability of the Joiner History Room by incorporating the County's Joiner History Room into the new facility being constructed by the DeKalb County History Center.

The Chairman shared that since this has all taken place, there has been concerns expressed by the County Historian on behalf of the Joiner History Room on keeping the Joiner History Room identity, keeping the Joiner History Room inventory separate, who is keeping the money the Joiner History Room had earned and will earn in the future and who has control of it.

Chair Pietrowski stated that he believes the intentions are to keep that Joiner name moving forward for the legacy of the room and to provide history on how the whole project started. That being said, it is clear from the MOU that Joiner History Room is now part of the DeKalb County History Center and the intent was to have one organization housing the history of the county and providing thought provoking programming. While there is a County Historian, the Director of the DeKalb County Historical Center is the overall Director and who the Historian should now report to directly. There has never been a formal supervisor for this position and he feels having this setup works must better than having it be the County Board or County Administrator.

In terms of keeping the Joiner History room inventory separate he believe firmly that all materials should be together now without separation. In the MOU all new materials belong to the DeKalb County History Center and all materials should be kept together to best catalog, track and maintain materials. When considering tax dollars being used, they need to ensure they are being used in the best way and keeping materials separate would not be the best way. Further, any future setup of the Joiner History Room is under the discretion of the Director of the DeKalb County History Center as it is their building.

During discussions, Mr. Hanson noted that another issue has been circulating, the Joiner History Room was created as a repository for County Government history. That mission has been expanded throughout the years. His hope that if the intent is to codify these actions, they can better define or narrow the focus of what the Joiner History Room is the repository for.

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Chairman Pietrowski reiterated that because of these confusions and questions he believes it would be best to codify the Board's intent in the County Code. Draft wording will be presented at the next meeting, the Chair shared.

PROCUREMENT POLICY

Chairman Pietrowski explained that this item is something that Chief Civil Assistant State's Attorney David Berault worked on in Kendall County prior to coming here. He has recently adapted that Policy to fit DeKalb County.

Mr. Hanson noted that he hadn't studied the draft yet. It is an extensive document and he was not sure if this Committee or the Finance Committee would be best to review it. Chairman Pietrowski shared that he would like the Rule Committee to take a look at it but then it would ultimately move onto the Finance Committee for consideration to forward to the Board. The Chairman requested the document be sent to the Committee to review prior to their next meeting where they could discuss it further.

ADJOURNMENT

It was moved by Mr. Whelan, seconded by Ms. Leifheit and it was carried unanimously to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

Chairman Mark Pietrowski

Tasha Sims, Recording Secretary

All Language is New

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DeKalb County Code
January 1, 2019

Sec. 2-67. - Deputy County Administrator.

One or more deputy county administrators may be hired by the county board to serve as key staff to the board and county administrator and shall serve at the pleasure of the county board. Deputy county administrators shall provide executive, administrative, and operational support and analysis to the county board and county administrator and shall assist in the formulation and implementation of policies and procedures for the county. Deputy county administrators serve under the direction of the county administrator and their duties shall include all duties as assigned by the board and county administrator including, but not limited to:

- (1) Serve as a resource to the county board, the county administrator and county department heads in the formulation of overall county policy. Assist the county administrator in the formulation of operating policies and procedures.
- (2) Provide advice and guidance to the county board, its committees, the county administrator and department directors on a variety of strategic planning, financial, and management matters; recommend policy, interpret procedures, answer questions, and offer information both generally and concerning specific projects.
- (3) Assist the county administrator and participate in the formulation and administration of personnel policies, personnel procedures, and union negotiations. Serve as the county's privacy officer as it relates to employee matters. Confer with and advise the county administrator and county board on difficult work problems, and develop, implement and monitor new work procedures.
- (4) Initiate and craft internal and external communications on behalf of the county board and county administrator on matters of information of concern, public policy, and of general interest.
- (5) Working with the county administrator, department heads, and the county board coordinator, prepare and articulate an annual federal and state legislative agenda on behalf of the county board. The deputy county administrator should stay abreast of local initiatives and issues throughout the county and communicate any impact of those issues on the county with recommendations for policy positions as necessary.
- (6) Participate in the development of the annual county budget in cooperation with the county administrator and finance director. Attend, as necessary, all county board, committee and public budget hearings.
- (7) Stay abreast of applicable Freedom of Information Laws, the Illinois Open Meetings Act, and the County Code as it pertains to meetings; serve in an advisory capacity to the county board and county administrator, as needed, regarding same.
- (8) The county administrator shall appoint one deputy county administrator as chief deputy county administrator to perform the duties of the county administrator, in the administrator's absence.
- (9) The county administrator shall identify and recommend appropriate candidates to fill this position to the executive committee. The executive committee of the county board shall have the authority to further define the duties of deputy county administrators as needed, from time to time.