

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
October 30, 2019**

The Ad Hoc Rules Committee of the DeKalb County Board met on Wednesday, October 30, 2019 in the Administration Building's Conference Room East in Sycamore, Illinois. Chairman Pietrowski called the meeting to order at 7:00 p.m. Those Members present were Mr. Tim Bagby, Mr. Scott Campbell, Mr. Steve Faivre, Vice Chairman John Frieders, Ms. Dianne Leifheit, Mr. Jeff Whelan, Ms. Suzanne Willis, and Chairman Mark Pietrowski, Jr. A quorum was established with all eight Members present.

Others present were Gary Hanson, Derek Hiland, Pete Stefan, and David Berault.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

It was moved by Mr. Bagby, seconded by Ms. Leifheit, and it was carried unanimously by voice vote to approve the minutes from the last meeting which was held on August 12, 2019.

PUBLIC COMMENTS

There were no public comments made.

PROCUREMENT POLICY

Chairman Pietrowski invited DeKalb County Chief Civil Assistant State's Attorney David Berault to join them and review his Executive Summary of the Draft Procurement Ordinance he wrote. Mr. Berault explained that a few months back the State's Attorney's Office was asked to provide their thoughts on a "Responsible Bidder Ordinance", which led to discussing purchasing Ordinances as a whole. Over the year he had reviewed procurement laws and Ordinances for the State and several Counties. As such, the SAO explained that the County could have one comprehensive procurement (a.k.a. purchasing) Ordinance that would establish the rules for staff and vendors prior to ever engaging in an actual bid or RFP. Something that would work to safeguard the integrity of purchasing decisions, dissuade favoritism, set the necessary terms for vendors and give the Board, and its various departments, more interactive control over their purchasing actions.

Mr. Berault continued to shared that it is the SAO's hope that the results of this research and drafting will provide a comprehensive solution for the County. He added that it may have elements that the Board may not want to include. It may also be missing some systems they want in place (such as an appeals process). It may also have responsibilities placed with departments/committees they would not agree with. That is quite alright, Mr. Berault shared. It is an initial draft for the Committee and/or Board to work with. However, the basis for many of the legal elements in the draft were vetted and often times necessitated to achieve the ultimate goal of legal, open and competitive purchasing.

The draft model was initially built on an older draft of the DuPage County Purchasing Ordinance that is largely seen as one of the better State Ordinances. Mr. Berault took that structure, stripped out a lot of material that would not be necessary, and then retooled it in a manner that would be applicable to a smaller County, with no central purchasing office. It looks at the flaws in the DuPage Ordinance and made alterations to remedy them. This model would allow Department level purchases for amounts under \$5,000.00; Committee level purchases for amounts between \$5,001.00 and \$14,999.99, and; County Board level purchases from \$15,000.00 and above. The County Board are the only ones who have the right to contract, unless the Board allows others to.

It was also clarified that this proposed Ordinance would replace the County's current Purchasing and Award of Contracts Policy. The County's Procurement Policy for Federal & State Grants is already very specific and would stay in place.

Vice Chairman Frieders questioned what problems have occurred that makes them now want to adopt a Policy that is 27 pages long. Mr. Berault shared that there are issues on a spectrum of bonding requirements, insurance requirements, indemnification, conflict of interests, string bidding, etc. that could occur and that do occur in the world that this Policy addresses to preemptively keep from occurring here in DeKalb County. Mr. Berault added that he doesn't currently know where all of the day to day purchasing is being done within the County because it is not laid out.

The Committee and Mr. Berault discussed the proposed draft Ordinance further and more specifically the reasoning for the length of the document. Chairman Pietrowski shared with the Committee that one of the things he has wanted to do with his time on the County Board is to make sure all of the rules are being reviewed and to continue to look for ways to limit the County's potential liabilities and to set themselves up well moving forward.

Mr. Bagby moved to refer the proposed Draft Procurement Ordinance to the County Board's Finance Committee for further review. Mr. Campbell seconded the motion and it was carried unanimously by voice vote.

PARKING LOT ORDINANCE

Community Development Director Derek Hiland joined the Committee to present his Draft Parking Lot Ordinance that was task to him by the Committee at their last meeting. It was reviewed that 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 repeated ask employees not to park in these areas. 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.

Mr. Hiland reviewed that the purpose of the Ordinance was to regulate parking on the County's Sycamore Campus as a means to (a) set aside a reasonable number of designed visitor parking spaces to allow citizens conducting County business easy access to the services needed, and (b) to maximize safety, maintenance, and the useful life of the parking lots.

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Mr. Hiland and the Committee discussed the ongoing parking issues on the Sycamore Campus. Mr. Hanson added that he believes this Ordinance may not be well welcomed by everyone so he suggested sending it out to Department Heads first and receive some reaction before the Committee take any action on the item.

Mr. Faivre moved to authorize County Administrator Gary Hanson to send out the Draft Park Lot Ordinance to all of the Sycamore Campus Department Heads for review and feedback before the Committee's next meeting. Mr. Whelan seconded the motion and it was carried unanimously.

DEPUTY COUNTY ADMINISTRATOR CODE CHANGES

As requested by the Committee at their last meeting, Mr. Hanson presented updated language for County Code Section 2-67 pertaining to the Deputy County Administrator. Mr. Hanson shared that he incorporated all of the Committee's suggested changes as well as some formatting details.

The Committee reviewed and discussed the proposed changes. There was a question in the language for item #8. The intent was not clear. Mr. Bagby suggested the following:

(98) The eCounty aAdministrator shall identify and recommend appropriate candidates to fill this position to the eExecutive eCommittee who shall forward their recommendation to the County Board. The eExecutive eCommittee of the eCounty bBoard shall have the authority to further define the duties of dDeputy eCounty aAdministrators as needed, from time to time.

The Committee agreed that the highlighted wording clarified the intent of #8 better.

It was moved by Mr. Bagby, seconded by Mr. Campbell and approved unanimously to forward the Deputy County Administrator Code Amendments to the full County Board recommending their approval.

PRESERVATION OF COUNTY HISTORY

Mr. Hanson explained that this was a new item and that he would not be asking for action on the item at this time. He added that the purpose of this item was because the County desires to provide for the preservation of DeKalb County Government history that can be shared with, and enjoyed by, future generations. This Ordinance pertains to documents and artifacts that are not mandatory by Federal and State Statutes to be retained by the County, but rather other documents and artifacts that would be of historical interest.

Mr. Hanson additionally explained to the Committee that he would like an opportunity to discuss and review this potential Ordinance with the DeKalb County History Center and bring this item back to the next meeting for consideration. All Committee Members concurred with Mr. Hanson's request.

PERSONNEL POLICY

Mr. Hanson noted that the Personnel Policy was emailed to the Committee last Friday for review. It is a very lengthy document and due to formatting, somewhat hard to read at this time but it is an initial draft. The sections referring to the Nursing Home, unions, and other items that no longer pertain were eliminated.

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He added that now is the time for Board Members to review the policies within and suggest any changes or amendments. The Committee agreed to take the time and review the document further and revisit it at their next Committee Meeting.

COUNTY CODE MAINTENANCE

Mr. Hanson shared that the County uses a service (Municipal Code Corporation) to codify the County Code and has for many years. It has not been a very cheap service to maintain and right now there are many updates that are needing to be codified into the County Code and the cost estimate that came back was around \$7,500.00. Mr. Hanson expressed that he is kind of inclined to bring to the County Code in-house. The thought is that the County can keep the code up to date much faster (after every County Board Meeting). Mr. Hanson wanted to provide the Committee with his thoughts and wanted to ensure none of the Members were completely against going to an in-house code codifying structure.

Mr. Faivre shared that he thinks doing the County Code in-house was a good idea. All of the other Committee Members agreed that it was a good idea to host the County Code in-house and liked the potential savings to the County.

The Committee scheduled their next meeting for Wednesday, December 11th at 7:00 p.m. in the Administration Building's Conference Room East.

ADJOURNMENT

It was moved by Mr. Whelan, seconded by Ms. Willis and it was carried unanimously to adjourn the meeting at 8:27 p.m.

Respectfully submitted,

Chairman Mark Pietrowski

Tasha Sims, Recording Secretary

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Stephen Harrell, Assistant State's Attorney
Julie Beach, Office Manager

October 28, 2019

Executive Summary
Draft Procurement Ordinance

A few months back we were asked to give our thoughts on a “Responsible Bidder Ordinance”, which led to discussing purchasing ordinances as a whole. Over the years I have reviewed procurement laws and ordinances for the State and several counties. As such, our office explained that we could have one comprehensive procurement (a.k.a. purchasing) ordinance that would establish the rules for staff and vendors prior to ever engaging in an actual bid or RFP. Something that would work to safeguard the integrity of purchasing decisions, dissuade favoritism, set the necessary terms for vendors and give the Board, and its various departments, more interactive control over their purchasing actions.

It is our hope that the results of this research and drafting will provide a comprehensive solution for the County. Of course, as I am not a Board member, it may have elements that you do not want to have included. It may also be missing some systems you would want in place (such as an appeals process). It may also have responsibilities placed with departments/committees you would not agree with. That is quite alright. It is an initial draft for you to work with. However, the basis for many of the legal elements you will see in this are vetted and often times necessitated to achieve the ultimate goal of legal, open and competitive purchasing.

So, what does it contain? Well, the model is initially built on an older draft of the DuPage County purchasing ordinance that is largely seen as one of the better state ordinances. I took that structure, stripped out a lot of material that would not be necessary, and then retooled it in a manner that would be applicable to a smaller county, with no central purchasing office. I looked at the flaws in the DuPage ordinance and made alterations to remedy them. So, at this point, it should not look too much like the DuPage Model that it was inspired by.

The draft contains:

- The Purpose and Application sections of Article I, Part A can be altered as you see fit, but they express who would have to follow the ordinance as well as what it seeks to achieve.
- There are some already existing purchasing/procurement ordinances that it either replaces or works along side of. This is explained early on.
- Part B includes the definitions that are often times needed for clarification of purchasing as a whole.
- Part C is where the discussion on bidding and bonding begin and where we lay out some of the essential needs for contracting with the County if someone desires to bid on a project. It explains immediately that they will need to provide proper bonds, indemnification and insurance (as well as a few other issues).
- Parts D-H present some rules to be considered by the County before bids/proposals are sought. They involve the ability of another board to bind the county board, proper agendas for purchase of services/items, the effect of unauthorized purchases, and the public's right to purchasing information.
- Part I (as in i) lays out what a "Responsible Bidder" is, and allows for a uniform method to approach it across the county.
- Article II, Part A is where we get into the actual process of procurement itself. There are different technique for different amounts involved.
- The important thing to note is that this section is splitting up the purchasing process so that the County Board is essentially enabling committees and/or departments to have purchasing power that the law does not currently afford without it being expressly granted by you. The hope is that this will allow for responsible purchasing at multiple levels, while not burdening the County Board with smaller purchasing decisions that can result in slowing of the process. This includes:
 - Department level purchases for amounts under \$5,000;
 - Committee level purchases for amounts between \$5,001.00 and \$14,999.99, and;
 - County Board level purchases from \$15,000.00 and above, which are to be done through competitive bidding and/or RFP process.
- Article II, Part A also has language in it regarding when the classic competitive bidding situation cannot be utilized:
 - Sole Source
 - Processional Services
 - Joint Purchasing
 - Legal Services
 - Emergency Purchases
 - Data/Telecommunications
 - Professional Services
- Article II, Part A also contains a section on not allowing 'cost plus percentage of cost' contracting. This is an issue that the federal government has addressed, but many local governments have not. This form of purchasing often rewards vendors for increasing the costs of a project, which is not advantageous for taxpayers.
- Article II, Part B is in regard to record keeping and monitoring.

- Article II, Part C describes the authorization for initiating a process as well as some important considerations in the formation of contracts. These issues can be pretty important and should be individually reviewed.
 - There is language within this section that will again be implemented in contracts and can be recognized from the earlier disseminated Standard Addendum to County Contracts.
 - Note that the Standard Addendums language could be directly placed within the ordinance, as mandatory contract language. A section could state something as simple as: *Mandatory Contract Terms: All contracts entered into with vendors must contain those within the DeKalb County Standard Addendum. To the extent that any conflicting contracts or terms are utilized in contract preparation by a Vendor, they shall be considered void, stricken and replaced by those within the DeKalb County Standard Addendum to the extent necessary to resolve such conflict.*
 - You would likely want something like this in bold and would not want to rely on it exclusively, as it is better to either explicitly incorporate the Addendum (or individual contract terms) on a case by case basis to ensure understanding and compliance.
- Article II, Part C 5 & 6 deal with the legal issues that come along with contract renewals and the submission of change orders. These are issues that often are confusing and this gives a direct reference and mandate for all to follow.
- Article III discusses the specifications used for purchasing and what those specifications should achieve.
- Article IV offers a process for clearing up issues during the bid process.
- Article V covers the various ethics issues in contracts and bidding as well as mandatory disclosures and the result of violating the policy.
- Article VI is in regard to Amendment & Effective date. The most important issue here is that it calls for review at least every 5 years for changes in purchasing law.

DEKALB COUNTY GOVERNMENT
AUTHORITY TO REGULATE THE PARKING OF VEHICLES ON THE COUNTY'S
SYCAMORE CAMPUS PROPERTY
Draft as of 10/30/2019

Purpose: The County desires to regulate parking on the County's Sycamore Campus as a means to (a) set aside a reasonable number of designated visitor parking spaces to allow citizens conducting County business easy access to the services needed, and (b) to maximize safety, maintenance, and the useful life of the parking lots.

1. Visitor Parking: The County Administrator is responsible for designating restricted Visitor parking spaces as needed and to see that proper signage is in place designating such.
2. Parking for County-owned Vehicles: County vehicles, except for Sheriff's Office vehicles, shall be parked in lots east of Locust Street and south of Exchange Street, or by the Facility Management Office garage. The Sheriff may designate parking for vehicles for the Sheriff's Office based on the specific needs of that office.
3. Vehicular Limitations: No person shall park on the County's campus parking lots any motor vehicle, or attached combination of motor vehicles, twenty-five (25) feet or more in length, except that vehicles exceeding said length may park temporarily for the purpose of loading and unloading.
4. Parking Citations: Citations for parking violations may be issued by the Community Development Office under their Code Enforcement responsibilities. The citation shall specify thereon the amount of the applicable fine as provided in this chapter and a due date.
5. Fines: The first two violations will be noticed as warnings only. A third violation will be assessed a fine of five dollars (\$5.00), the second offense a fine of ten dollars (\$10.00), and a fine of twenty dollars (\$20.00) for the third and future offenses. Parking violations under this chapter made be paid by mail or in person at the _____ Office. Fines not paid within thirty (30) days of the issuance of the citation will be doubled.

Sec. 2-67. - Deputy County Administrator.

A 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. A Deputy County Administrator shall not be an elected official and compensation will be determined by the County Board in the hiring resolution. A Deputy County Administrator 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. A Deputy County Administrator serves 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 Heads 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, and 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; and assist the County Administrator in the timely and accurate codification of the County Code.
- ~~(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.~~
- (98) 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.

DEKALB COUNTY GOVERNMENT
PRESERVATION OF COUNTY GOVERNMENT HISTORY
Draft as of 10/30/2019

Purpose: The County desires to provide for the preservation of DeKalb County Government history that can be shared with, and enjoyed by, future generations. This ordinance pertains to documents and artifacts that are not mandatory by Federal and State Statutes to be retained by the County, but rather other documents and artifacts that would be of historical interest.

1. The DeKalb County History Center is named as the County's official repository for documents and artifacts not required by Statute to be retained by the County.
2. The DeKalb County Joiner History Room, which is part of DeKalb County Government and currently housed in the DeKalb County History Center, is the County's resource for assisting the History Center, and the general public, in acquiring documents and artifacts on DeKalb County Government, as well as providing a place and/or methods for the public to research and learn about DeKalb County Government.
3. In as much as DeKalb County Government derived historically from the township form of government, the Joiner History Room is also charged with the responsibility to secure documents and artifacts about township government in DeKalb County.
4. DeKalb County Department Heads are charged with the responsibility of working with the DeKalb County History Center to determine and provide documents and artifacts which are of historical significance, if Departments are not otherwise required by law to house said documents and artifacts within offices and storage areas provided to the Department.
5. The DeKalb County Board Chair, with the advice and consent of the County Board, may appoint a "County Historian" for a two-year term beginning on July 1st of even-numbered years and ending on June 30th of even-numbered years. If a vacancy exists, an interim appointment may be made to fill out the term, using the same method as for a complete term. The County Historian may be removed by a majority vote of the County Board. This Code Section becomes operative on July 1, 2026, or when the position next becomes vacant, whichever is first.
6. The role of the County Historian is to oversee the Joiner History Room, provide for the easy access of DeKalb County Government documents and artifacts no longer under the responsibility of a County Department Head, and provide opportunities for the public to learn about DeKalb County Government history.