

Minutes of the Rules Subcommittee

The Rules Subcommittee of the Executive Committee of the McLean County Board met on Thursday May 7, 2015 at 8:30 a.m. in Room 400, Government Center, and 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman McIntyre, Members Owens, Gordon, Rankin and Erickson

Members Absent: None

Other Members Present: None

Others Present: None

Staff Present: Mr. Bill Wasson, County Administrator; Ms. Hannah Eisner, Assistant County Administrator; Mr. Don Knapp, First Assistant State's Attorney, Civil Division, Ms. Julie Morlock, Recording Secretary

Department Heads/
Elected Officials Present: None

Chairman McIntyre called the meeting to order at 8:31 a.m.

Chairman McIntyre presented the minutes from the April 17, 2015 Rules Subcommittee meeting for approval.

Motion by Owens/Erickson to approve the Minutes of the April 17, 2015 Meeting.
Motion carried.

Mr. McIntyre stated that at the last committee meeting the committee had approved the recommend changes on gender neutral rule change.

Mr. Gordon raised a question about whether the rule should allow members to request how other members address them.

Mr. Wasson indicated that this could create difficulty in that one member may wish to refer to another member in one way and that member may prefer to be addressed in another.

Chairman McIntyre indicated that we would not be able to address all language issues.

Mr. Owens indicated he felt this section provided a happy medium “as is” as it gives members options on how they will address other members.

Chairman McIntyre indicated that this provision would be forwarded to the Executive Committee as recommended at the last meeting.

Chairman McIntyre moved to discussion of number 2 from the previous agenda regarding Robert’s Rules. He stated this item was left open and staff had been directed to take another look at item. Mr. Knapp presented the committee with three options: 1) replace “shall use Robert’s Rules” to “Robert’s Rules... may be used as a guide”, 2) retain the “shall use Robert’s Rules and add statement that “Failure to strictly or technically adhere to Robert’s Rules of Order shall not serve as a basis for invalidating an action of the Board”, 3) replace “shall use Robert’s Rules” to “Robert’s Rules... may be used as a guide” and add the following statement: “ Should any Board member request that a meeting be conducted pursuant to Robert’s Rules of Order, then the Chairman shall conduct that meeting according to the last published edition of Robert’s Rule of Order, Revised which are not inconsistent with these rules. Failure to strictly or technically adhere to Robert’s Rules of Order shall not serve as a basis for invalidating an action of the Board”. Mr. McIntyre indicated he supported option #3. He asked if there was any discussion on the matter.

Mr. Erickson indicated he wanted to clarify that we were trying to come up with a rule to help prevent the situation where the County Board acts on a matter and then someone else comes in and says you did not do it according to Robert’s Rules and in turn files a lawsuit to have the decision invalidated. Mr. Erickson stated he does not want a legal issue to arise later because we did not follow Robert’s Rules procedures. Mr. Erickson questioned changing procedures in the middle of process, but wanted to give staff a rule that they can defend if needed.

Mr. Knapp indicated that the State’s Attorney’s office is spending a lot of time dealing with complaints against other units of local government by citizens stating that bodies of government have violated their rules because they did not follow Robert’s Rules. Mr. Knapp further indicated that the municipal league has recommended being proactive in this respect. He explained that the situation does not seem to be getting better so he wanted to give the Board options. Mr. Knapp stated there is not a current case where a court has invalidated any action of a unit of local government for violating Robert’s Rules. .

Mr. Wasson pointed out that the committee was not following Robert’s Rules now because there was no motion on the floor. He stated the concern is citizens or groups bringing cases forward challenging actions of government bodies based upon the fact they did not following Robert’s Rules.

Mr. Erickson acknowledged that there are groups or individuals of different political persuasions who want to stop what government bodies are doing and trying to do so by challenging them using the rule violations issue.

Mr. Knapp discussed how the State's Attorney handles citizen's complaints of rule violations by asking the person to explain how the rule violation affected citizens. Mr. Knapp stated that he has not received any great explanation as to how the violation resulted in inappropriate action.

Chairman McIntyre asked the committee to look at the options provided and determine what would fit the needs of the Board and committees.

Mr. Knapp indicated that option number 2 probably presented the best balance as it does not delete Robert's Rules.

Chairman McIntyre asked for motion for purposes of discussion.

Motion by Gordon/Rankin approval of Proposed Amendment #2 for McLean County Code Section 20.10 F which reads as follows: "F. Parliamentarian. The State's Attorney or an Assistant State's Attorney shall be in attendance at all meetings of the Board and shall be Parliamentarian of the Board. Upon request of the Chairman, the Parliamentarian shall render to the Chairman advice or an opinion on questions of parliamentary law and procedure applicable to matters arising before the Board. The rules of parliamentary procedures as set forth in the latest published edition of Robert's Rules of Order, Revised shall govern procedure of the Board in all cases applicable and in which the same are not inconsistent with these rules. **Failure to strictly or technically adhere to Robert's Rules of Order shall not serve as a basis for invalidating an action of the Board.** "

Mr. McIntyre opened the floor for discussion on the motion.

Mr. Gordon proposed replacing the "shall use" to "used as a guide

Mr. Wasson indicated there were legitimate concerns from last meeting about being able to hold a chairman to using Robert's Rules and if we change the wording from shall and make it more of a guide than don't feel you can hold the Chairman to Robert's Rules. He further indicated Amendment #2 gives members opportunity during a meeting to voice concern that Robert's Rules are not being followed and with this option

once voted on they can't come back and challenge a decision based on Robert's Rules not being followed.

Mr. Rankin indicated that Robert's Rules are rules and seem to be used as guidelines. He indicated that it might help to provide education to Chairs and Vice Chairs on how to use Robert's Rules.

Chairman McIntyre agreed it would be good to have further education on Robert's Rules. He asked for any other comments. Hearing none he called for vote on the motion. Motion carried.

Chairman McIntyre moved to item #3 from previous agenda to examine the proposed amendment regarding attendance at meetings.

Mr. Rankin indicated there was a difference between missing a meeting occasionally and missing meetings regularly. He did not want the policy to indicate the number of meetings you could miss without action nor did he feel there should be judgement as to the reason given. Mr. Rankin felt that the reason member missed a board or committee meeting should be part of the public record.

Mr. Owens indicated that a courtesy call or email stating the reason for missing a meeting should be given and indicated he tries to make it part of the public record by stating why members are missing the meeting when he does roll call.

Chairman McIntyre inquired whether there was anything on file allowing actions be taken as a result of a member's action regarding not only attendance but any other conducted.

Mr. Knapp responded that nothing is on file giving the Board the ability to sanction another member.

Chairman McIntyre asked for Motion.

Motion Rankin/Owens to amend the County Board Rules by adding section 5-12.9 Attendance at meetings. "If unable to meet the obligations as defined in section 20-8A(2) members shall call the Chair or vice Chair of any committee to which they are appointed or the Chair or Vice Chair of the County Board to inform him or her of any expected absence from a committee or Board meeting and provide the reason for such absence."

Chairman McIntyre asked if there was any discussion.

Mr. Gordon indicated the word “call” should be changed to “contact” in line 2.

Mr. Rankin inquired as to timeframe of contact. He indicated the more notice given then can determines if they are going to have a quorum for the meeting. He further stated that information should be available to public, not as a judgement but because the public should have the right to know why as an elected official missed meetings.

Mr. Gordon inquired as to whom contact should given.

Chairman McIntyre indicated that the member should contact the Chair or Vice Chair and it was the responsibility of Chair or Vice Chair to inform staff so it can be determined whether meeting should be rescheduled.

Ms. Eisner explained that the amendment should be read in conjunction with Section 20-8(2) to determine when a member must call. That section states: “Faithfully perform all duties as Board members by studying Board issues and by attending all sessions of the Board and assigned committees, unless prevented from so doing by a compelling reason.” Ms. Eisner indicated that if member feels reason is compelling then according to this section they would not be required to contact or call Chair.

Mr. Rankin questioned the word “compelling”.

Mr. Erickson inquired as to need to include the reason for missing meeting and whether we are trying to solve by rule what is ultimately a political situation.

Mr. Rankin stated should be part of public record that a member missed meeting to take care of a professional or family matter as opposed to a member consistently missing meetings for several months for several years in a row because they were on vacation. He further stated that members are elected and paid to do a job and if they miss meetings then they are not doing the job they were elected to do and should have to give a reason.

Mr. McIntyre discussed options to handle situation internally.

Mr. Owens stated this is less of a political move but more about meeting a quorum.

Mr. McIntyre suggested the rules could be amended to allow for counting the Board Vice Chairman in a meeting in order to meet quorum.

Mr. Erickson indicated that he could support a rule on attendance if it was for the purpose of verifying quorum. He wanted it clarified that this is not for political reasons.

Mr. Gordon indicated that providing reasons for missing meetings internally and externally is both administrative and political. Providing information to the voters is part of the job.

Chairman McIntyre reminded committee members that members have been removed from committees in the past to try to handle situations internally.

Mr. Rankin indicated that remote participation had also been provided as an option and missing several meetings in a row indicates members are so indisposed that they can't join meetings by telephone.

Mr. Gordon indicated that there are rules or guidelines for missing a meeting that would allow for remote attendance.

Mr. Rankin stated that in the amended wording timing of contact should be mentioned.

Discussion among committee members Owens, Gordon, and Rankin regarding proposed language on time of contact.

Mr. Gordon proposed amended language: "As soon as a Member becomes aware that he or she is unable to meet the obligations as defined in section 20-8A(2), that member shall contact the Chair or Vice Chair of any committee to which he or she is appointed or the Chair or Vice Chair of the County Board to inform him or her of any expected absence from a committee or Board meeting and provide the reason for such absence."

Motion by Gordon/Rankin to send to the Board for approval amended wording regarding Section 5.12-9 Attendance at Meetings. Motion Carried

Mr. McIntyre asked if any further items for discussion at this sub-committee meeting.

Mr. Owen indicated his desire to pursue the amendment proposed by Chairman McIntyre to provide for the Vice Chair of the Board to attend meetings of committees and be counted toward making a quorum.

Chairman McIntyre indicated he had discussed with Chairman Sorenson.

Mr. Wasson read part B of Section 20-14 entitled Number of Committees Designation and Members. "Each member shall serve on two or more standing committees at the discretion of the County Board Chairman, with the Chairman of the Board being an ex officio member of all standing committees. The Chairman's attendance at a committee meeting shall be counted when determining if a quorum is present. However such

attendance shall not increase the number of members constituting a quorum.” Mr. Wasson further stated that he believed we could insert “or Vice Chairman” in this section.

Mr. Gordon raised concern about both Chairman and Vice Chairman making quorum on a committee.

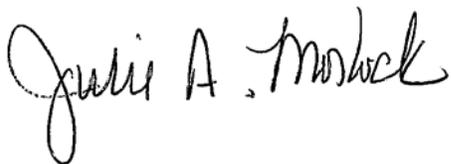
Mr. Knapp indicated that the committee could propose a motion directing staff to write an amendment in the singular to follow the committee’s wishes to present to Executive Committee.

Chairman McIntyre reminded committee that all information from this sub-committee is subject to approval by Executive Committee and the full Board.

Motion Owen/Erickson directing staff to draft language to go before the Executive Committee on Tuesday, May 12th to add Vice Chairman language.
Motion Carried.

Chairman McIntyre asked if there were any other comments, hearing none, he adjourned the Rules Subcommittee meeting at 9:40 a.m.

Respectfully submitted,



Julie A. Morlock
Recording Secretary