

Minutes of the Executive Committee Meeting

The Executive Committee of the McLean County Board met on Tuesday, January 13, 2009, at 4:30 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Sorensen, Members Owens, Gordon, Hoselton, Renner, Segobiano, Nuckolls, and Butler

Members Absent: Member Bostic

Other Members
Present: None

Staff Present: Mr. John Zeunik, County Administrator; Mr. Terry Lindberg, Assistant County Administrator; Mr. Bill Wasson, Director, Administrative Services; Ms. Jude LaCasse, Assistant to the County Administrator

Department Heads/
Elected Officials Present: None

Others Present: None

Chairman Sorensen called the meeting to order at 4:33 p.m.

Chairman Sorensen presented the minutes from the December 9, 2008 Executive Committee Meeting. Hearing no corrections to those minutes, Chairman Sorensen advised that the minutes would stand approved as presented.

Chairman Sorensen presented the Reappointments, Appointments and Resignations.

Motion by Segobiano/Renner to Recommend Approval of the Reappointments, Appointments and Resignations as recommended by the Chairman.
Motion carried.

Chairman Sorensen presented a request for approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2008 Combined Annual Appropriation and Budget Ordinance, General Fund 0001, County Board Department 0001. He explained that the County has received more grant funding for the SHOWBUS Rural Public Transportation grant than was originally budgeted in the Fiscal Year 2008 Combined Annual Appropriation and Budget Ordinance.

Motion by Hoselton/Owens to Recommend Approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2008 Combined Annual Appropriation and Budget Ordinance, General Fund 0001, County Board Department 0001.
Motion carried.

Chairman Sorensen presented a request for approval of a Resolution of Congratulations for the Central Catholic High School Football Team and approval of a Resolution of Congratulations for Ms. Kelly Curran, a member of Central Catholic High School Girls' Cross Country Team.

Motion by Segobiano/Owens to Recommend Approval of a Resolution of Congratulations for the Central Catholic High School Football Team, and to Recommend Approval of a Resolution of Congratulations for Ms. Kelly Curran, a member of the Central Catholic High School Girls' Cross Country Team.
Motion carried.

Ms. Diane Bostic, Chairman, Property Committee, was unable to attend the meeting. Chairman Sorensen reported that the Property Committee brings no items for action to the Executive Committee.

Mr. Stan Hoselton, Chairman, Transportation Committee, presented a request for approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2008 Combined Annual Appropriation and Budget Ordinance, McLean County Highway Department Fund 0120, McLean County Highway Department 0055. He explained that the diesel and gas fuel costs exceeded the Highway Department budget. This amendment will increase the amount to \$310,000.00.

Motion by Hoselton/Segobiano to recommend approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2008 Combined Annual Appropriation and Budget Ordinance, McLean County Highway Department Fund 0120, McLean County Highway Department 0055.

Mr. Segobiano asked if there is a formula to determine the fluctuation of gas prices to try to avoid these types of Emergency Appropriations. Mr. Hoselton replied that \$325,000.00 was adopted in the budget, and the addition is \$87,000.00 for a total of \$412,000.00. Mr. Zeunik indicated that when the Fiscal Year 2009 budget was prepared, the price of fuel was very high. Therefore, the 2009 budget for fuel reflects the price of gas when it was high. Mr. Zeunik stated that, at that time, the departments and offices were conservative in their estimate of fuel costs because they did not anticipate that the price of fuel would go below \$2.00 as it has done. He noted that the price of fuel has spiked again.

Mr. Zeunik indicated that the Highway Department has the advantage of purchasing their fuel in bulk as they have storage tanks to store diesel and gas fuel. He added that the County has an agreement with the City of Bloomington for other County departments to refuel at Bloomington's Public Works facility at a discounted price. Mr. Zeunik advised that there is no ultimate formula to predict the fluctuations in the price of fuel.

Mr. Segobiano stated that, as the fuel prices fluctuate and as the economy continues to decline, some County departments may experience savings and another department may request that savings. He pointed out that the tax anticipated revenue will not be the same this year as we anticipated last year. Therefore, Mr. Segobiano recommended that any savings collected from one department should not be transferred to another department.

Mr. Hoselton advised that the Highway Department has \$430,000.00 set aside to purchase new trucks. He indicated that a decision was made to purchase only two trucks and save the balance for any unforeseen expenses that may occur due to the economy and fuel prices. Mr. Hoselton stated that the Highway Department is diligent in controlling their budget.

Chairman Sorensen called for a vote on the Motion.

Motion carried.

Mr. Hoselton presented a request for approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2008 Combined Annual Appropriation and Budget Ordinance, McLean County Highway Department Fund 0122, McLean County Highway Department 0055. He explained that construction expenses exceeded the budget. The funds will come out of the Bridge Matching Fund and will be an additional \$115,000.00.

Motion by Hoselton/Segobiano to recommend approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2008 Combined Annual Appropriation and Budget Ordinance, McLean County Highway Department Fund 0122, McLean County Highway Department 0055.

Motion carried.

Mr. Hoselton advised that there are a number of items that will be presented at the Board.

Chairman Sorensen asked if there were any questions or comments. Hearing none, he thanked Mr. Hoselton.

Mr. Ben Owens, Chairman, Finance Committee, reported that the Finance Committee brings no items for action to the Executive Committee. He indicated that there are several items to be presented to the Board, including a settlement from the explosion and fire claim at the Law and Justice Center that happened on June 15, 2003. Mr. Owens noted that outside counsel, Mr. Robert Neiryneck, Costigan and Wollrab, did a wonderful job in mediation for the County.

Mr. Nuckolls requested an opportunity to discuss the request from the Recorder's Office to offer a salary above the starting maximum salary permitted under the County's Personnel Ordinance. He expressed concern that this request came so quickly after the Fiscal Year 2009 Budget was approved.

Chairman Sorensen advised that Mr. Nuckolls' concern is a very legitimate topic to discuss. He noted that he attended the Finance Committee meeting to make a quorum and is aware of the lengthy discussion that occurred regarding this request. Chairman Sorensen asked Mr. Owens to update the Executive Committee on the discussion that took place at the Finance Committee Meeting.

There was a brief discussion on whether or not it was necessary to go into Executive Session. It was determined that as long as the discussion centered on the position and the basis for the request, the Committee could stay in Open Session.

Mr. Owens stated that this request was discussed, at length, at the Finance Committee in Executive Session. He recommended that the minutes of the Executive Session be included in the Board Packet envelopes under a "Confidential" notice.

Mr. Owens indicated that Finance Committee members expressed the same concern as Mr. Nuckolls, namely that this request was being made so soon after the FY'2009 Budget was adopted. He stated that Mr. Newcom responded that there was a misunderstanding between him and the Administrator's Office during their budget meetings. Mr. Owens recalled that, at budget time, a Committee member questioned why the Recorder's Chief Deputy salary was going down. The response was that the salary went down because there would be a new Chief Deputy. Mr. Owens recalled that another Committee member followed that up with the question on what would happen if the current Chief Deputy lost the election. The response, made by Mr. Newcom, is that there would be a new Chief Deputy regardless of the outcome of the election. Mr. Owens noted that the budget was approved with the understanding that the Chief Deputy salary would go down. Mr. Owens stated that, after the FY'2009 Budget was adopted by the Board in November, Mr. Newcom advised that he intended the salary to start at the same starting salary as the former Chief Deputy and that a misunderstanding had occurred. Mr. Owens indicated that this misunderstanding was the rationale for this request.

Mr. Segobiano remarked that McLean County Government would not be in the positive shape that it is without Mr. Zeunik and his administrative staff. However, he indicated that he finds it inconceivable that every time someone new is hired, there is an attitude that the new person must be better than the person that left and needs to make more money. Mr. Segobiano asserted that he does not believe that new employees, without County government experience, deserve a higher salary than the employees who leave.

Mr. Owens agreed with Mr. Segobiano. He advised that he had to ask twice for a vote on the motion. Mr. Owens pointed out that Mr. Newcom did not post the position. Mr. Owens indicated that there was a position open in the Building and Zoning Office that was posted at less than \$30,000.00. There were more than 85 applicants, with many of them having four-year Bachelor degrees and some with Master's degrees. Mr. Owens added that Mr. Newcom's rationale is that six months ago the economy was stronger and it would have been difficult to find a qualified applicant at \$34,000.00. Mr. Segobiano noted that there are a lot of qualified people who are looking for jobs that would be glad to make \$34,000.00.

Mr. Hoselton recommended that procedures be placed in the Personnel Code regarding County hiring practices, including a rule that all jobs be posted.

Chairman Sorensen advised that the Committee should have specific facts regarding the request, as follows:

- This individual is not being hired for more money than the incumbent who left. Rather, Mr. Newcom is hiring the new Chief Deputy at the same comparable rate that the previous Chief Deputy started at four years ago.
- This request has no budget implications.

Mr. Nuckolls asserted that, whether or not there is a budget implication, this sets a dangerous precedent.

Mr. Segobiano stated that it appears that there is no longer an entry level salary for someone just coming into County Government. He noted that salaries seem to be based on what someone else is making. Mr. Segobiano concluded that, in the future, this will have implications on the budget as the salary continues to increase.

Mr. Gordon responded to Mr. Nuckolls comment that this is setting a dangerous precedent. Mr. Gordon noted that it may be dangerous, but he does not believe it is a precedent as it has happened in the past.

Mr. Gordon expressed concern about hiring someone with no experience at a higher salary.

Mr. Zeunik provided additional facts and history on the situation. He stated that, in May of 2008, Mr. Newcom came to the Finance Committee to request approval of a succession plan in anticipation of the Chief Deputy leaving. The succession plan included offering the Chief Deputy position to an employee, who had been working in the office. In May, Mr. Newcom asked the Finance Committee to authorize his succession plan and move the individual to a higher step in the salary range for an Office Support Specialist level. The increase to a higher step in the range recognized that the employee would be assuming additional responsibilities and training to take over as Chief Deputy. Mr. Zeunik stated that, beginning in May 2008, this individual was considered the Chief Deputy designate. He noted that the Finance Committee and the Board approved this request.

Mr. Zeunik stated that when the Administrator's Office met with Mr. Newcom during the budget discussions, one of the issues of importance to Mr. Newcom was moving positions out of the Recorder's Document Storage Fund and into the General Fund, including funding 100% of the Chief Deputy in the General Fund. When Mr. Newcom asked for the increase four years ago for the initial Chief Deputy, the funding was allocated between the General Fund and the Document Storage Fund. In 2009, 100% of the salary for the Chief Deputy position is back in the General Fund. Mr. Zeunik stated that there was clearly a difference from the former Chief Deputy's salary and the FY'2009 salary for the Chief Deputy.

Mr. Zeunik added that it was not corrected during the budget discussion. When the Finance Committee met to review the Recorder's budget, a member of the Committee pointed out to Mr. Newcom the significant difference in salary. Mr. Zeunik pointed out that, at that time, Mr. Newcom did not indicate that it was a mistake that needed to be corrected. It was only after the budget had been approved that Mr. Newcom sent in a Payroll Change form proposing that the individual be at the higher salary. Mr. Zeunik indicated that he explained to Mr. Newcom that the salary cannot be changed because the Board approved the salary in the budget. He noted that he advised Mr. Newcom that he would need to go back to the Finance Committee for approval to move the person to a higher step. Mr. Zeunik stated that the budget implications for 2009, in the Recorder's Office, are neutral. He clarified that the reason there is no impact is because a senior employee in the office is planning to retire this month and will be replaced with an employee who will start at Step 1. Another employee transferred out of the Recorder's Office to a position in another County Office. Mr. Zeunik stated that the individual taking that position will come in at Step 1. He advised that, when you look at the movement in that office from the time the 2009 budget was prepared to where the salaries will be when these changes are made, the funding is available. As such, a budget amendment is not necessary. This is simply an authorization to allow Mr. Newcom to pay this employee an hourly rate that exceeds what is authorized under the County Board's Personnel Ordinance.

Mr. Gordon expressed concern that the position was not posted. He asked if posting positions is a policy and is there an exception to the rule when these types of requests are made. Chairman Sorensen replied that any job in an elected official's office can be filled at will by the elected official. He added that the Board recommends that positions be posted, but elected officials cannot be forced to follow the hiring policies.

Mr. Gordon expressed additional concern that this discussion may be "skating on the edge" of needing to be in Executive Session. Chairman Sorensen replied that the official action of the Board will be public next week.

Mr. Segobiano commented that Mr. Zeunik is completely knowledgeable about the budget and that his explanation of the situation was perfectly clear. He noted that the Board votes on the budget as it is prepared and presented by Mr. Zeunik. Mr. Segobiano expressed concern with the "gamesmanship" played by elected officials when they pronounce that they are exempt from following the personnel code. He cautioned the Executive Committee not to "buy into" that gamesmanship.

Mr. Owens stated that the Committee in May discussed this request at length. He indicated that one member of the Finance Committee who was very vocal at that time was unable to attend the meeting last week. Mr. Owens added that two other members of the Committee were absent as well. He questioned whether the outcome of the vote would have been different had they attended the meeting.

Mr. Owens reiterated his request that the Executive Session minutes be included in the Board Packet envelope under a "Confidential" notice.

Mr. Nuckolls stated that, based on the previous meetings about this position, he is surprised that the Finance Committee approved the request. He indicated he would be curious to know what some of the absent Committee members would feel about this vote. Mr. Nuckolls suggested that the Board recommend that this issue be sent back to the Committee for further discussion.

Chairman Sorensen shared his perspective of the meeting. He stated that, as onerous as this issue is and as offensive as the request was to him as a former member of the Finance Committee, in the end, he reconciled himself to the fact that the elected officials voluntarily submit themselves and their departments to the County's policies. Chairman Sorensen advised that he was not interested in creating a scenario where the Recorder would declare internal control and submit payroll change forms to the Treasurer over the objection of the County Board. He indicated that the Treasurer is then in a situation where she has to say "no" because she chooses to honor the policies of the Board. This creates a level of debate between two elected officials that will result in the Treasurer going to the Finance Committee seeking direction or authority to go ahead and honor the Recorder's request.

Chairman Sorensen indicated that he does not completely understand the premise of internal control. He stated that, at some point, the Board may test that idea. Chairman Sorensen advised that it may be wiser to test that theory when an elected official is asking for more money.

Mr. Segobiano recommended that the County Board address the issue of elected officials taking advantage of their positions.

Chairman Sorensen asked if there were any further questions or observations. Hearing none, he thanked Mr. Owens.

Mr. Tari Renner, Chairman, Justice Committee, presented a request for approval to accept a Task Force Six, Project Safety Neighborhoods Grant from the Illinois Criminal Justice Information Authority in the amount of \$8,998.00 in the Sheriff's Department.

Motion by Renner/Segobiano to Recommend Approval to Accept a Task Force Six, Project Safety Neighborhoods Grant from the Illinois Criminal Justice Information Authority in the amount of \$8,998.00 in the Sheriff's Department.
Motion carried.

Mr. Renner presented a request for Approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal year 2008 Combined Annual Appropriation and Budget Ordinance – General Fund 0001, Sheriff's Department 0029. He explained that these emergency funds are to be used to cover the expense incurred in fiscal year 2008 to house inmates out of County.

Motion by Renner/Gordon to Recommend Approval of an Emergency Appropriation Ordinance Amending the McLean County Fiscal Year 2008 Combined Annual Appropriation and Budget Ordinance - General Fund 0001, Sheriff's Department 0029.
Motion carried.

Mr. Renner advised that the Redeploy Grant that was pulled last month will be considered at a Justice Committee Stand-Up meeting prior to the Board meeting on Tuesday, January 20th.

Chairman Sorensen asked if there were any questions or comments. Hearing none, he thanked Mr. Renner.

Mr. George Gordon, Chairman, Land Use and Development Committee, reported that the Land Use and Development Committee brings no items for action to the Executive Committee.

Chairman Sorensen asked if there were any questions. Hearing none, he thanked Mr. Gordon.

Mr. John Zeunik, County Administrator, announced that, based on the response received from Board members, the Board Orientation Workshop will be scheduled following the County Board Meeting on February 17th. Chairman Sorensen noted that the Gravel Pit Zoning Case will be presented at that Board meeting as well.

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Chairman Sorensen presented the December 31, 2008 bills as recommended and transmitted by the County Auditor for payment. The Pending Total is \$32.13 and the Prepaid Total is \$261,374.34 for a Fund Total of \$261,406.47.

Motion by Owens/Butler to recommend approval of the Executive Committee bills for December 31, 2008 as presented to the Committee by the County Auditor.
Motion carried.

There being no further business to come before the Committee, the meeting was adjourned at 5:14 p.m.

Respectfully Submitted,

Judith A. LaCasse
Recording Secretary