

CHAMPAIGN COUNTY BOARD  
**COMMITTEE MINUTES**

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**POLICY, PERSONNEL, & APPOINTMENTS COMMITTEE**

Wednesday, February 8, 2006

Meeting Rm. 1, Brookens Administrative Center

1776 E. Washington St., Urbana

7:00 p.m.

**MEMBERS PRESENT:** Betz, Beckett, Fabri, Feinen, Knott, Moser, Putman, Wysocki

**MEMBERS ABSENT:** Busboom

**OTHERS PRESENT:** Deb Busey (County Administrator of Finance & HR), Denny Inman (County Administrator of Facilities), Joel Fletcher (Office of the State's Attorney), Ron Gremore (Deputy County Administrator of HR), Susan McGrath (Office of the State's Attorney), Julia Rietz (State's Attorney), Robert Kirchner

**CALL TO ORDER**

Chair Betz called the meeting to order at 7:03 p.m.

**ROLL CALL**

The Recording Secretary called the roll. Betz, Beckett, Fabri, Feinen, Knott, Moser, Putman, and Wysocki were present at the time of the roll call. The Chair declared a quorum.

**APPROVAL OF AGENDA/ADDENDUM**

**MOTION** by Beckett to approve the agenda for the meeting; seconded by Wysocki. Motion carried.

**APPROVAL OF MINUTES**

**MOTION** by Moser to approve the regular session minutes of January 11, 2006; seconded by Wysocki. Motion carried.

**PUBLIC PARTICIPATION**

There was no one for public participation.

**MONTHLY REPORTS**

County Clerk Fees Report

**MOTION** by Moser to receive and place on file the County Clerk's monthly report for January 2006; seconded by Beckett. Motion carried.

**COUNTY BOARD**

**Appointments/Reappointments**

**St. Joseph-Stanton Fire Protection District**

**MOTION** by Wysocki to appoint Michael Dilley to the St. Joseph-Stanton Fire Protection District with a term ending date of 4/30/2008 to fill the term of Forrest Chism; seconded by Moser.

Wysocki explained this appointment was deferred from the January meeting. Terry Hitt withdrew his application on the advice of the Illinois Fire Protection Organization due to a conflict of interest. Subsequently, Michael Dilley and Kenneth Brown submitted applications for the appointment. Wysocki interviewed Brown and Dilley, both of whom were very qualified. Wysocki recommended Dilley because he had more first-hand fire experience that would be useful as a fire protection district trustee.

Knott asked McGrath and Fletcher about the process to increase the number of trustees in a fire protection district. The attorneys will look into the issue.

Motion carried.

**ADMINISTRATOR'S REPORT**

**Vacant Positions Listing**

The vacant positions listing was provided in the agenda packet for information only.

**CHAIR'S REPORT**

**2006 NACo Conference in Chicago, Illinois**

Betz made an announcement about the NACo Conference that will be held in Chicago this year. Betz did not know the amount budgeted for County Board members to attend the conference, but noted more County Board members might be able to attend the conference because of the location. Betz said the County Board Chair should attend and a member of each political party. Wysocki stated this item was on the agenda because a budget amendment would need to be prepared if a number of County Board members would like to attend the conference. Wysocki explained the County Board has several options. The County could agree to pay the registration fees for the County Board members who attend the conference, with members providing for their own transportation, lodging, and meals. The County could allocate \$1,000 per Board member who attends the conference and each Board member would decide how to spend the money on registration, transportation, lodging, and meals. The early bird registration is open until July, so a decision does not need to be made immediately. But Wysocki wanted the Board members to be aware of the terms under which they could consider going to the conference, so they could make a decision and travel arrangements. Betz said when he attended a past NACo Conference he noticed that other counties sent multiple Board members. The committee discussed how many County Board members have attended past NACo Conferences. McGrath stated the County allocated a certain amount of money for each Board member to spend as they chose for a conference in the past. Busey offered to investigate the cost of a block of hotel rooms for a lesser rate in Chicago. Betz designated this agenda item on next's month agenda.

Betz asked if the Board members were aware of the UCCI Conference in Springfield. Wysocki explained the UCCI Conference will be held on February 27<sup>th</sup> and 28<sup>th</sup> and there was an item in the County Board's mailing about this conference last week. The conference will be held at the Sangamo Club in Springfield. The 27<sup>th</sup> will be an evening event for County Board members and legislators. The morning of the 28<sup>th</sup> will be an educational session run by the University of Illinois Government Program.

**LEGISLATIVE REPORT**

**House Resolution 4466 Concerning Requiring the Federal Communications Commission to Prescribe Rules Regulating Inmate Telephone Service Rates**

Putman had asked Beckett and Fletcher to obtain information about the Family Telephone Protection Act of 2005. Putman thanked Beckett and Fletcher for their research. Putman explained she has been in contact with an aide to Congressman Bobby Rush, who told her to contact Congressman Tim Johnson in order to support the bill. Putman detailed the four main parts of the bill: 1. it would require prisons to use both collect calling and debit calling systems, 2. it would require prisons to stop collecting a commission from inmate-placed phone calls, 3. it would require prisons to allow more than one phone company to enter the market, and 4. it would prohibit the phone providers from refusing to place calls to phone numbers served by rival phone companies.

**MOTION** by Putman to submit a letter to Congressman Tim Johnson in support of the Family Telephone Connection Protection Act of 2005 and request that he become a co-sponsor of the bill; seconded by Beckett.

The committee discussed the motion. Putman volunteered to compose the letter to Congressman Johnson. The committee agreed. Betz ordered a roll call vote.

Motion carried with a vote of 8 to 0. Betz, Beckett, Fabri, Feinen, Knott, Moser, Putman, and Wysocki voted in favor of the motion.

**Pending Legislation for the General Assembly Spring Term**

Beckett and Knott presented a handout of pending legislation in the current legislative session. Beckett called the committee's attention to House Bill 4207, which provides that a period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for theft of public funds. Beckett noted there is a trend to change sentencing to not permit probation and instead require incarceration. Offenses that are non-probationable lead to judges setting higher bonds at arraignments that are more difficult to pay and cause the number of inmates in custody at a county jail to increase. Beckett thought this information would be interesting to the committee in light of the recent study session on jail issues. Beckett also brought the committee's attention to House Bill 4527 that allows counties to impose a \$10 fee on guilty defendants to finance a county mental health court, House Bill 4669 that pays for the State's share of the public defenders, House Bill 4761 that permits for a vicious dog finding by the animal control warden instead of by a Circuit Court Judge, House Bill 5280 that would amend the Election code so voters would not have to indicate party affiliation to vote in a primary, House Bill 5342 that would require the Illinois Department of Corrections to pay a county one-half the cost of incarceration of someone who was charged and incarcerated while on supervised release, and Senate Bill 2967 that indicates a county would be reimbursed by the Department of Healthcare & Family Services for the health costs of inmates who are eligible for medical assistance and whose health costs exceed \$500. Knott brought the committee's attention to House Bill 4130 that would require home rule municipalities within counties to reimburse the counties for primary election costs, House Bill 4232 and House Bill 4335 on the election of mass transit district trustees, the House Bills on page 2 relating to woodland assessments, House Bill 4338 that involves a county-wide smoking ban, House Bill 5387 that allows reimbursement for autopsy costs from the Trauma Center Fund for counties with a Level I trauma center, and Senate Bill 2241 that allows a County Recorder to purchase revenue stamps electronically. Beckett and Knott offered to gather more information on any bill at the request of any County Board member.

Regarding House Bill 5280, Betz stated open primaries have low voter turnout, the Democratic Convention will not recognize and seat any delegation produced in an open primary, and the Republican Convention will soon follow suit. A closed primary is necessary for primary votes to count in Presidential election years. Busey asked the committee to look at House Bill 4820 PTELL – Exempt Pensions. Busey noted the past year's IMRF increase required was 22%, the year before was 17% when overall taxes are only increase 4-6%. Growth that should go to other levies has had to be appropriated to the IMRF Levy to cover the cost increases. Busey said House Bill 4341 that alters the juvenile delinquency age could affect Champaign County because 17 year olds currently housed in the County Jail would have to be housed at the Juvenile Detention Center. In the long-term, it is more expensive to incarcerate someone in the JDC than in the County Jail. Knott voiced his support of Senate Bill 2683 regarding eminent domain in cases of economic development.

Beckett and Knott requested County Board members contact them about any piece of legislation on which the members would like further information or would like the County Board to support. Moser talked about the woodlands assessment issue and requested the County send a letter to the legislators requesting to delay the implementation of the assessment changes until some regulations come to the County Assessors about how to assess the woodlands. Moser would urge the legislators to enact a two-year moratorium. Wysocki asked what constitutes a third class county as mentioned in Senate Bill 2560. Fletcher said population is used to distinguish between first, second, and third class counties. He could not recall the population cutoffs off the top of his head.

## **OTHER BUSINESS**

### **RFP Process**

Betz stated the current RFP procedures are included in the agenda packet. Beckett stated he was looking at the issue of the particular process that was used regarding the Mason Tillman Disparity Study. He expressed concerns of a parliamentary nature at the time the Mason Tillman Study was first discussed because he was concerned how the Justice & Social Services Committee, which does no purchasing, sought to have the County enter into a contract. This issue has been brought up again by Beckett's campaign opponents, so he reviewed the Justice & Social Service Committee minutes from the October 2004 and November 2004 meetings and found the RFP process that had been followed was very unusual. Beckett asked Fletcher what documents the County had regarding the solicitation of proposals and the responses that were received. Fletcher checked with the County Clerk's Office and reported that the County did not have any documents. Beckett thought this was strange. The County did have a proposal from Mason Tillman, because there was a contract document that was approved, subject to review by the State's Attorney's Office. Beckett asked Administrative Services staff to look for transmittal letters, because the 2004 Justice and Social Services Committee minutes mentioned the County Board Chair was going to write a letter soliciting proposals and such a letter would be with the County's records. No records of this letter were found. Beckett asked Fletcher if anything could be done to try to put the transaction back together and Fletcher stated he would contact Mason Tillman to see what was the basis of the contract they submitted. Fletcher provided a memorandum that he prepared on this issue to the committee. The memorandum includes a Request For Proposals to Conduct a Disparity Study that Fletcher received from Mason Tillman. The County does not have this RFP in its records. Beckett was concerned because the 2004 minutes (also included in Fletcher's memorandum) reflect that the effort to have the Justice & Social Services Committee authorize an RFP was not passed by the committee and was, in fact, withdrawn and there was to be no RFP. In Beckett's experience as Chair of the County Facilities Committee, an RFP is a special kind of document. The County Board can only act as a body politic. No one County Board member can act and purport to do something on behalf of the County unless that Board member is specifically asked to do so and delegated the power to do so by action of the full County Board or a subdivision of the Board (such as a committee). There are also policy issues related to the RFP process. An RFP issued by the County Board must be

published in the newspaper and allow everyone to respond and considered by the County Board. The greater number of responses to an RFP, the more competitive the process is, which lowers cost. The RFP to Conduct a Disparity Study troubled Beckett because it indicated there were three County Board members who were contact members and he saw no source of authority for this in the minutes. As a result, Beckett wanted to make sure the County Board members become fully cognizant of the Champaign County Purchasing Policy, what an RFP is, and what the proper procedure is to follow an RFP. Beckett agreed with Fletcher that ultimately when the County Board acts, either by committee or full Board, it ratifies the process that has been used. But Beckett has great concern when the County Board's actions and do not have transparency or accountability, when ratifying a transaction that they should know what they are ratifying. In this situation, there was no transparency. The transaction could not be pieced together except by records outside of the County Board's records. It is not known what contractors were contacted. Other RFPs include a list of contractors who were contacted and the proposals they submitted in the County Board records. The RFP process also gives the Board the opportunity to see if there are any local vendors for a project. Beckett was aware there was consideration that a study of this nature could be done by the University of Illinois. Beckett wondered if the University received a copy of the RFP because there is no documentation that this happened. Any information about the University of Illinois receiving the RFP is only anecdotal.

Beckett had a few questions for Fletcher because this is the first time he has seen Fletcher's memorandum, though he met with Fletcher yesterday. Beckett asked how Fletcher located the RFP response from NGT of America since yesterday. Fletcher stated he spoke with Wysocki about the records kept in the County Board Chair's Office. Wysocki allowed Fletcher to look through the records in the County Board Chair's Office, where he located this record. Fletcher stated he is not the custodian of records for the County Board. He was able to locate a copy of the RFP in his contract documents since yesterday. Beckett asked where Fletcher obtained his copy of the RFP. Fletcher, reminding the committee this transaction took place two years ago, said he believed he received the RFP from Robert Kirchner, who was a County Board member in 2004. Beckett asked if Fletcher was able to locate any documents concerning other responses to the RFP. Fletcher stated he did know if he ever had a copy of those responses and he does not have a copy of those responses. Information about those responses is anecdotal. Beckett asked if Fletcher was able to find the transmittal or the letters that were mentioned as going to the Board Chair based on the October 6, 2004 minutes. Fletcher stated he did not have those letters in his records and again clarified that he is not the custodian of records for the County Board. Beckett asked the County Administrators if they had any documents related to this matter. Betz asked if the County Administrators had performed a search for the records. Busey and Inman indicated that they had performed a search and did not have the records.

Fletcher recommended amending the Champaign County Purchasing Policy to more clearly distinguish between RFPs subject to the Purchasing Policy, RFPs which are not subject to the Purchasing Policy, and contracts which are not let by RFP but are let by bid. It was Fletcher's opinion that the terminology in the Purchasing Policy is inconsistent, so he recommended amending the policy for clarification. Fletcher further stated that the County Board Rules are not as specific as he would like relating to the assignment of issues to specific committees. He also believed that contracts which would require a budget amendment should be referred to the Finance Committee. Fletcher stated he does not encourage individual members of the County Board to issue RFPs, even by delegated authority of the County Board. Betz stated he agreed with Fletcher that individual Board members should not issue RFPs and he asked Fletcher if he could think of any reason why that would ever be done. Fletcher stated he was not aware of a circumstance where a Board member should issue an RFP, though a Board member with particular expertise in an area might work with Administrative Services in drafting an RFP. Fletcher's main concern is if Board members are to issue RFPs that the delegation of authority be clear and all pertinent documentation be submitted to Administrative Services and the County Clerk. Betz asked about court rulings, because he thought County Board members could not take any action without the full authority and approval of the County Board. He would consider an RFP something that would require a vote of the County Board. Betz

asked if the current rules permit an individual Board member to seek an RFP. Fletcher explained the current rules are not that specific with respect to contracts that are not subject to the Purchasing Policy. Under state law, individual County Board members generally do not have power to take action on their own. The County Board can delegate its power to committees and there is a legal method for the committees to delegate their power to individual members. Fletcher said a legal risk was not created in this situation because error would have been cured through ratification; his concern is about documenting the process. He wanted to clarify that he did not voice a concern about the record-keeping at the time the transaction occurred. Beckett asked if any vote was a ratification or if there need to be disclosure for there to be ratification. He wondered how a County Board vote could ratify an RFP if the County Board did not know an individual County Board member had issued the RFP. Fletcher noted Beckett raised a legitimate point and stated he had not researched that issue. Fletcher's final comment was that the State's Attorney's Office does not approve of the County Board taking action subject to approval as to form by the State's Attorney's Office.

Knott requested this item be included on next month's agenda. He was amazed that a County Board member could issue an RFP and asked Inman how to prevent this from occurring in the future. Inman and Beckett have been working to get the new Purchasing Policy before County Board members, but other projects have caused a delay. Inman believed after the Nursing Home project is completed, he will bring the new Purchasing Policy to the County Board for a review. It will be a lengthy process and Inman recommended any desired changes be collected and incorporated into the new policy. With Betz's approval, Inman suggested the new policy be distributed to department heads for review and comment, then sent to other intergovernmental agencies. An extensive policy review of the Purchasing Policy has not been done for some time. The current policy has some shortcoming that should be addressed and Inman recommended taking the time to review the policy thoroughly. The committee agreed to continue discussion of the RFP process when the Purchasing Policy was ready for review. Knott asked if the Purchasing Policy could state that the only issuers of RFPs are the County Administrators upon direction of the County Board. Fletcher stated that while this could be included in the policy, he would suggest including some waiver provisions because there could be emergency circumstances.

Betz asked if state law precludes individuals Board members from binding the County contractually. Fletcher explained state law does not empower individual County Board members to bind the County contractually. He also noted that issuing an RFP does not bind the County contractually because it is a solicitation for offers. Betz noted there is a cost often associated with the issuance of an RFP. Betz asked if the County Board Rules could be amended to state that individual County Board members are without authority to contractually bind the County or to issue RFPs or bids. Betz requested some amendment that could prevent any County Board members from doing so until the Purchasing Policy is revised. Fletcher reiterated that individual County Board members already lack that power and the County Board Rules could be amended to include that statement. Beckett stated he thought the people involved in the Disparity Study RFP process were very zealous about what they wanted to accomplish and they misunderstood. He thought it was an honest misunderstanding and there was no evil intent. It is clear that the Purchasing Policy was not followed and the authority that was granted by the specific committee was not followed. He is concerned, as a matter of policy, that the transaction did not have any transparency and there was no accountability. The County must be able to document how a contracting decision was reached. Other RFPs issued by the County include documentation of each step in the process.

Betz asked when the new Purchasing Policy might be ready to come before the Policy, Personnel, & Appointments Committee. Inman answered it would likely be April or May of this year. Inman reminded the committee members that in times of emergency, there are many disaster preparedness plans that Delegate responsibility to the County Board Chair, and possibly the Vice-Chair or the Finance Committee Chair in the case of a catastrophic event. Inman explained many people are writing policies that the County Board is not

aware of or had a chance to review that involve the transaction and expenditure of funds. Fletcher requested that a month be built into the Purchasing Policy review process for legal review. Betz agreed.

#### Semi-Annual Review of Closed Session Minutes

Betz asked if the State's Attorney's Office had reviewed the minutes and determined whether any should be opened at this time. McGrath stated she did review the minutes in question and recommended all minutes remain closed.

**MOTION** by Putman that all closed minutes remain closed; seconded by Wysocki. Motion carried.

Wysocki asked about the prescription drug provision publicized by NACo that was brought to the committee's attention by Putman several months ago. Wysocki has had conversations with people in the health care field who wanted more information. Putman said she took the information to Champaign County Health Care Consumers, who thought with all the confusion surrounding Medicare Part D that now would be a very bad time to launch a program. Putman volunteered to ask a NACo representative what other counties are doing. The committee discussed the issue and how to receive more information.

Feinen asked if there would be another piece of information with regard to the Personnel Policy and domestic partners. Betz said he and Busey have discussed this and they are still in the process of getting information from other communities regarding how to develop the form itself. Busey stated the total Personnel Policy will come before the committee in March with the draft changes to begin a review.

Beckett requested Fletcher's memo be distributed to all County Board, because when the issues regarding the Purchasing Policy arise the Board will wonder where they came from. Betz asked Fletcher if there was anything in the memo that he would like to revise or expand upon. Fletcher said no. Busey explained, via a new policy about what is posted on the website, all documents distributed at committee meetings are posted on the website. Beckett requested the County Board members also receive a hard copy of the memo. The committee concurred.

Robert Kirchner, a member of the public audience, stepped to the podium microphone and requested that a public record be made of his request that all audio tapes relating to the Justice Committee meetings quoted in Fletcher's memo be preserved because in his opinion it characterizes in a false light what occurred. Betz asked the County Administrators about the policy regarding meeting tapes. Busey explained it is current policy to keep the audio tapes of meetings.

#### **DESIGNATION OF ITEMS TO BE PLACED ON COUNTY BOARD CONSENT AGENDA**

Betz designated agenda item 7 A 1 for the consent agenda.

#### **ADJOURNMENT**

Meeting was adjourned at 8:24 p.m.

Respectfully submitted,

Kat Bork  
Administrative Secretary

*Secy's note: The minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.*