

CHAMPAIGN COUNTY BOARD
COMMITTEE MINUTES

POLICY, PERSONNEL, & APPOINTMENTS COMMITTEE

Wednesday, September 3, 2008

Brookens Administrative Center, Lyle Shields Meeting Room
1776 E. Washington St., Urbana

7:00 p.m.

MEMBERS PRESENT: Carol Ammons, Tom Betz (Chair), Claudia Gross, Greg Knott,
Brendan McGinty, Steve Moser, Jenny Putman, Jonathan Schroeder

MEMBERS ABSENT: Kevin Hunt

OTHERS PRESENT: Kat Bork (Administrative Secretary), Deb Busey (County Administrator of
Finance & HR Management), Debbie Chow (Insurance Specialist), Roger
Holland (Court Administrator), Denny Inman (County Administrator of
Facilities & Procurement), Susan McGrath (Senior Assistant State's
Attorney), Alan Nudo (County Board Member), C. Pius Weibel (County
Board Chair), Barbara Wysocki (County Board Member), Alan Kurtz,
Dianna Visek

CALL TO ORDER

Betz called the meeting to order at 7:00 p.m.

ROLL CALL

Bork called the roll. Ammons, Betz, Gross, Knott, McGinty, Moser, and Putman were present at the time of the roll call. Betz declared a quorum and proceeded with the meeting. Betz stated Hunt's absence was excused because he had notified the committee.

APPROVAL OF AGENDA/ADDENDUM

MOTION by Ammons to approve the agenda and addenda; seconded by Knott. **Motion carried.**

APPROVAL OF MINUTES

MOTION by Knott to approve the Policy, Personnel, & Appointments Committee minutes of August 6, 2008; seconded by McGinty.

Schroeder entered the meeting at 7:01 p.m.

Motion carried.

PUBLIC PARTICIPATION

Dianna Visek spoke about transparency for units of government, such as posting all contracts and itemized expenses on the website. She appreciated the committee's previous direction to Busey to develop

procedures for posting contracts on the website. Visek also requested the County Board change its procedures for closed sessions. She drafted a resolution requiring written notice in advance of closed sessions and a 2/3 vote of the Board to enter into a closed session. Her third issue concerned FOIA appeals. She felt if a FOIA request is denied and the appeal is denied by the head of the public body, namely the County Board Chair, then a person should have a second appeal to the full County Board and a vote be taken requiring 2/3 support of the Board to sustain the denial before taking the appeal to court. Visek addressed the statements made by Senior Assistant State's Attorney McGrath in her memo to the committee. Visek requested the County televise its committee meetings because otherwise the public has to attend the meetings to know what is going on.

MONTHLY REPORTS

MOTION by Moser to receive and place on file the County Clerk Fees Monthly Reports for July 2008; seconded by Putman. **Motion carried.**

APPOINTMENTS/REAPPOINTMENTS

Champaign County Land Resource Management Plan Steering Committee

Weibel indicated that he directed these appointments not be placed on the August County Board agenda after they were approved by this committee. He did not think the committee needed to reapprove the appointments, a point to which McGrath concurred. Wysocki stated that the three candidates, Jay, Roloff, R. Dee Shonkwiler, and Tiffany McElroy-Smetzer, are from the urban areas of Mahomet, Savoy, and St. Joseph. These are areas whose voice is necessary for work of the Steering Committee. Shonkwiler has already attended the last two meetings as non-voting person and given valuable input. Wysocki also contacted the elected officials or city managers and confirmed all three candidates have worked on planning commissions or zoning boards.

Moser stated McElroy-Smetzer is not from an urban area. Wysocki said she is the village clerk and on the local school board. Gross asked if any consideration was given to those not selected in original appointments to the Steering Committee. Wysocki started with those candidates, but no one was from the needed areas. Most of the previous candidates were from areas already represented by other members on the committee.

Somer #1 Drainage District

Weibel nominated Troy Flessner to the Somer #1 Drainage District.

MOTION by Moser to appoint Troy Flessner to the Somer #1 Drainage District for a term beginning September 18, 2008 and ending August 31, 2011; seconded by Knott. **Motion carried.**

Triple Fork Drainage District

Weibel nominated Lowell "Pete" Johnson to the Triple Fork Drainage District.

MOTION by Moser to appoint Lowell "Pete" Johnson to the Triple Fork Drainage District for a term beginning September 18, 2008 and ending August 31, 2011; seconded by Knott. **Motion carried.**

Dewey Community Public Water District

MOTION by Knott to accept the resignation of J.L. Knell; seconded by Moser. **Motion carried.**

County Board District 7

Betz asked whether the committee needed to accept Carrie Melin's resignation. McGrath stated Melin's resignation became effective as of the date of acceptance.

Weibel nominated Alan Kurtz to that Champaign County Board to the term vacated by Carrie Melin in District 7.

MOTION by McGinty to appoint Alan Kurtz to the Champaign County Board in District 7; seconded by Ammons.

Weibel stated Alan Kurtz was selected by the Democratic Central Committee. Kurtz introduced himself at Betz's request. He provided details on his background and qualifications to the committee.

Motion carried.

ADDENDUM

Silver Creek Drainage District

Weibel nominated Cecil Hudson to the Silver Creek Drainage District.

MOTION by Moser to appoint Cecil Hudson to the Silver Creek Drainage District for a term beginning September 18, 2008 and ending August 31, 2011; seconded by Knott. **Motion carried.**

CIRCUIT COURT/PUBLIC DEFENDER

Personnel Policy Change Request

MOTION by Ammons to adopt Judge Difanis's recommendation to exempt the Public Defender from the requirements of Article 9-3.9 of the Personnel Policy; seconded by Putman.

Betz thought the committee did right thing last month, policy-wise and this memo works around that to issue. Betz was in favor of approving this change to solve the problem. He ordered a roll call vote

Motion carried with a vote of 7 to 1. Ammons, Betz, Knott, McGinty, Moser, Putman, and Schroeder voted in favor of the motion. Gross voted against the motion.

Request to Submit Court Clerk Position to Job Content Evaluation Committee

MOTION by Schroeder to submit the Court Clerk positions to the Job Content Evaluation Committee for evaluation; seconded by Ammons.

Busey stated these are only the Court Clerk positions, not any positions in the Public Defender's Office.

Motion carried.

ADMINISTRATOR'S REPORT

Vacant Positions Listing

The vacant positions listing was provided for information only.

Response to Request for Evaluation of Lead Tax Extension Specialist in County Clerk's Office

MOTION by Moser to recommend to the Finance Committee approval of the reclassification of the Lead Tax Extension Specialist, AFSCME General Unit position, from Grade Range G to Grade Range H; seconded by Knott.

Gross asked if the committee ever turns down a requested change. Busey answered yes, some of the IT changes were downgrades or lateral changes. Gross asked if this committee did not receive the requests that result in no recommended change. Busey stated the Policy Committee always receives all reports from the Job Content Evaluation Committee, but some reports result in no change being made. Betz asked how the salary increases. Busey explained the bargaining unit contract defines the increase and it will go into effect when the County Board approves it per the contract.

Motion carried.

Approval of Employee Health Insurance and Other Benefits Package for FY2009

The health insurance recommendation materials were distributed to the committee. Busey explained the Health Alliance plan is identical to the plan offered this year except for the third tier of the high deductible health plan. The cost of the Personal Care premium increased by 17% and also offered a three tiered plan. The Personal Care plan is the more expensive 80/20 plan, so the County will pay the full premium of the Health Alliance 80/20 plan for employees. In the high deductible plans, the County pays \$800 of the deductible after the employee pays the first \$100. Busey reviewed all the recommendations provided in the packet regarding life, dental, and optional insurance. A separate recommendation from the Nursing Home Administrator was distributed for the Nursing Home non-bargaining employees. The County will pay the health insurance premium at the fixed FY2008 rate and offer the 80/20 and high deductible plan options.

MOTION by McGinty to approve the recommended health insurance, dental insurance, life insurance, optional insurance, and flexible spending accounts plans for non-bargaining employees; seconded by Moser.

Betz asked if the Nursing Home Board of Directors was aware of the insurance recommendation for the Nursing Home non-bargaining employees. Busey stated the recommendation comes from Management Performance Associates and Andrew Buffenbarger. The Nursing Home Board of Directors will get it at their next meeting. Betz asked if there would be any slow down in health insurance rates in the future. Busey said the rates vary, but the County has been able to point out valuable information about its census to negotiate lower rates.

Motion carried.

LEGISLATIVE REPORT

Knott shared that Representative Black sent him an article about states' average daily reimbursement from Medicaid and Illinois is doing pretty well based on the list. Betz wondered if anyone wanted to draft a resolution about the closing of state parks. Knott said he might send something.

CHAIR'S REPORT

There was no Chair's Report.

OTHER BUSINESS

Development of Champaign County Board Rules for Parliamentary Procedure

Weibel this idea originated from David DeThorne of the State's Attorney's Office to consider how the County Board uses Robert's Rules of Order. Weibel suggested a special committee be formed to develop a version of Robert's Rules of Order that is applicable to the County Board. The special committee can spend a couple of months working with DeThorne on this. Steve Beckett is interested on serving on such a committee. Ammons expressed interest in serving. Betz suggested a Republican be included and Knott agreed to do it. Weibel would serve as an ex-officio member in his role as County Board Chair.

Weibel nominated Knott, Beckett, and Ammons to serve on a Parliamentary Special Committee.

MOTION by Moser to approve the creation of a Parliamentary Special Committee and the appointment of Steve Beckett, Carol Ammons, and Greg Knott as members; seconded by McGinty. **Motion carried.**

Size and Structure of County Board: In Relation to Strategic Plan – Discussion

Knott asked for this to be placed on the agenda so the committee could think about it in a broader context. He suggested maybe a group take a longer look at the size and structure of the County Board and return to the Policy Committee with their findings. Betz directed McGinty and Knott collect information about the size of county boards to include in the next agenda packet and attach the County Board's strategic plan to develop a framework for looking at things as a County Board. The committee discussed the issue of board size and involving the public in the discussion.

Revision of County FOIA Ordinance

MOTION by Gross to approve the revision of the Champaign County Freedom of Information Act Resolution as recommended by County's legal counsel; seconded by Putman.

Busey explained the revision was put together by McGrath. Verbal FOIA requests are not included in the statute and only accepting written requests allows for better documentation for the benefit of both the public and the County. Ammons asked about the FOIA form Busey was asked to create. Busey reported that she has been collecting documents and working on it, but the preparation of the County Budget has taken precedence. The County receives FOIA requests without a form now and she would hate to impose the requirement of a form on people who find it easier to submit a request via email. McGrath stated that department heads requested the FOIA form that had been originally attached to the resolution be removed in order to accommodate email requests. McGrath reviewed the clarifications made to the FOIA resolution.

Weibel raised the issue brought by Visek of an extra layer to the appeals process. McGrath explained that changes Visek asked for would require the County Board to engage in statutory construction and revision, which the Board is legally not allowed to do. Those are issues for the state legislature, not a County Board. McGrath's memo describes the way things work now, but County Board cannot change a state statute. Ammons argued that it was an interpretation issue because the state statute allowed for verbal requests, which by this revision would be removed from the County's resolution. McGrath replied that the state statute does not allow for verbal requests. Weibel commented on the FOIA appeals he has been involved with as the County Board Chair. He has only denied two FOIA appeals during his term as Chair, one involved a settlement with a confidentiality clause and the other concerned ongoing contract negotiations. He questioned why the County would need to impose an extra layer for appeals if there are so few. He added that he had never received a verbal FOIA request. Betz understood McGrath to say that adding such an extra layer would have County Board amending state law, which is not in its power to do.

McGrath confirmed Betz was correct. Weibel noted the requested extra layer would also require the County Board to go into more closed sessions. Ammons asked about the appeal process. McGrath said by statute the appeal goes to head of the public body and these clarifications in the resolution make this language more clear.

Betz said Visek raised the issue that going to court could be daunting and expensive for an average citizen. He suggested the County Board adopt a policy to encourage judges to waive filing fees in FOIA appeal cases. Ammons asked if that language could be added to the resolution. Betz does not think it could, but he thought it could be adopted as a policy statement by the committee.

MOTION by Moser to have a policy to encouraging the waiver of filing fees in FOIA appeals cases; seconded by Knott.

McGrath asked for a clarification if this policy was to be included in the document. Weibel suggested the motion be withdrawn, so it can be considered a separate item in the future. **The motion was withdrawn.**

Betz ordered a roll call vote of the original motion.

Motion carried with a vote of 7 to 1. Betz, Gross, Knott, McGinty, Moser, Putman, and Schroeder voted in favor of the motion. Ammons voted against the motion.

MOTION by Gross to approve the resolution drafted by Dianna Visek to modify the procedure for going into closed sessions listed on page 15 of the addendum packet; seconded by Ammons.

Gross talked about her frustrations with entering into closed sessions. She does not know about requiring a 2/3 vote, but she liked the 24-hour advance notice of a closed session. Betz noted the County Board must receive notice of a closed session 48 hours in advance now, so a 24-hour notice would be a reduction. Betz stated a closed session about litigation can include settlement information and if the County Board is going to reveal that it is considering settling a case before the closed session it will dramatically affect the litigation with the other parties. As a litigator he was not in favor of a description of going into closed session that includes settlement of litigation. He believed the statute specified the grounds under which you can go into closed session. As a matter of fiduciary responsibility to the taxpayers he would not want to reveal some of that information. Betz asked for McGrath's opinion. McGrath stated the County Board members have the freedom to decide whether they will go into closed session or not. At least a 48-hour notice is given on agendas about potential closed sessions. This time period gives County Board members the opportunity to find out, as they find out other information, what the closed session might be about. The state statute allows the Board to enter into closed sessions for specific topics. There is no statutory requirement that there be written notice of the topics to be considered in closed session and, as the Chair has indicated, that would defeat the purpose of going into closed session. The state statute says what is necessary to go into closed session and it is not a 2/3 vote of the County Board.

McGinty appreciated Visek's efforts, but he cannot support this issue. He felt the County Board can do a better job of determining whether they should go into closed session and he was all for openness that does not compromise the Board's legal and bargaining positions. Betz suggested the Board could hold all closed sessions at one extra meeting a month. Weibel stated that he tries to inform his caucus on what the closed sessions are about in advance of the meeting. Nudo was not in favor of requiring a 2/3 vote because it would create big hurdle if the Board is involved in personnel or legal issues. A person can sue the County for slanderous remarks made in open sessions and Nudo was concerned about liability if the Board is prevented from going into closed session. He suggested a vote be taken immediately after entering into a closed session as to whether the topic merits continuing in closed session. Nudo thinks the County Board can allow more transparency while still protecting itself from potential lawsuits. He has been very concerned

by some statements by Board members and the public, such as calling for specific employees' jobs, that are inappropriate in public.

Betz recognized Visek to speak. Visek said she wanted written notice to go to County Board members, not to the media, to make sure all County Board members are clear on the issue of a closed session. She was fine with County Board taking a vote on whether to remain in closed session when they enter closed session as Nudo suggested. As a taxpayer, she is not looking to increase the amount of money paid for legal fees and settlements. Betz said any notice published to the County Board members is required to be sent to the press, the Board has no choice in this. He shared that over the years in closed sessions the attorneys or parliamentarian have made sure the County Board stays on the specific topic of a closed session.

Ammons exited the meeting at 8:32 pm

Moser stated there have been occasions when a Board member has verbally attacked an employee in open session. He was advised by his attorney to leave the room when this happens because the entire Board could be held liable. He felt the County Board needs some protection to discuss personnel and legal issues. Betz said the Board has a fiduciary responsibility to not destroy the County's finances or individuals that might be harmed by such statements, so he immediately makes a motion to adjourn in such instances. Discussion continued over the closed session issue. Visek asked if the County Board had insurance to cover Board members' liability for statements made in meetings. Betz stated the County has insurance, but if a County Board member is knowingly and intentionally acting outside of their direct lawful authority, then there is a dispute on whether that insurance is going to cover them. County Board members do still have personal responsibility.

Gross asked to withdraw her motion because McGrath said it is not legal and there appeared to be very little support for it. Betz said the seconder was Ammons and as had she had left the meeting; the committee has to vote on it. Betz ordered a roll call vote.

Motion failed with a vote of 1 to 6. Gross voted in favor of the motion. Betz, Knott, McGinty, Moser, Putman, and Schroeder voted against the motion.

Semi-Annual Review of Closed Session Minutes

McGrath reviewed the closed session minutes and they all deal with the appointment, employment, discipline, performance, or dismissal of employees. She advised all the closed session minutes remain closed.

MOTION by Knott for all the closed session minutes to remain closed; seconded by McGinty.

Betz asked at what point, if ever, past minutes can be released. McGrath said the committee has released minutes when the employees are deceased. Unfortunately, there is a potential for the minutes to create problems for the County Board if they are released. Her recommendation is based on the minutes and the possible liabilities.

Motion carried.

DESIGNATION OF ITEMS TO BE PLACED ON COUNTY BOARD CONSENT AGENDA

Betz designated agenda items 7B, C, & F, 9C, and 12A for the consent agenda.

ADJOURNMENT

Meeting was adjourned at 8:42 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.