

Minutes approved on 5.23.23



Rules Committee Meeting

Second Floor Conference Room – McKenzie Building
Wednesday, April 14th, 2023 – 4:30 p.m.

Committee Members Present: Chairman Atkins, Sierra Smith and Russ Crawford

Committee Members Absent: None

Others Attending: Mike Deluhery

MOTION **MOTION BY SMITH, SECOND BY ATKINS** to approve the minutes of the MAY 13th, 2008 meeting.

On voice vote, **MOTION CARRIED.**

New Business Discussion of amendments to the Tazewell County Board Rules

DISCUSSION Chairman Atkins stated that he was aware of the proposed changes to the Clerk's duties at this time. However there has been some discussion related to the Purchasing Ordinance with State's Attorney Johnson, Assistant SA Mike Holly, Auditor Grimm and Property Chairman Longfellow. Chairman Atkins distributed information provided by Property Chair Longfellow for review. Member Crawford agrees the policy is in need of updating to allow elected and appointed officials more control over the budget funds as approved within reason. However he has not studied Auditor Grimm's proposal and therefore unsure if he fully agrees at this time.

Member Crawford began discussion related to the discrepancy between Chairman Zimmerman, Mike Deluhery acting on his behalf, and County Clerk Ackerman related to the authority of taking minutes and the process of keeping records. Member Crawford mentioned that all parties involved; Chairman Zimmerman, Mike Deluhery, Sue Beeney and John Ackerman were aware of the discrepancies and although County Clerk Ackerman was okay with the current situation, he planned to bring these duties and responsibilities back to the Clerk's Office upon the departure of Secretary Beeney. Member Crawford reached out to State's Attorney Johnson regarding consistency with State Law and the response, the law is vague. It is Member Crawford's hope that the

Administrator and the Clerk work together for team Tazewell in the most efficient and cost effective manner.

County Clerk Ackerman spoke to the lack of cost effectiveness, hiring a clerk for the Board to do the job that is statutorily the responsibility of the County Clerk. The County Clerk deputizes those responsible for taking minutes. He deputizes Jesse (Transportation), Community Development (Zoning Board of Appeals and Land Use) and previously Sue Beeney for all other committee, but does not plan to deputize anyone else. He expressed his discontent for those filling in, in the absence of a Board Secretary, and the fact that his staff was not called upon to assist when there are individuals trained to do so. He feels the re-hiring of a Board Secretary and changing of the rules in an attempt to build an office rather than continue what is already existing.

County Clerk Ackerman requests an Executive Session to discuss pending litigation, as directed by the State's Attorney. Chairman Atkins agreed to executive session once the meeting had reached - this topic, but not at this time.

Chairman Atkins readdressed the Purchasing Ordinance and the need to be updated if has not been since his prior involvement as Chief Civil Attorney. Administrator Deluhery questioned if the Purchasing Ordinance was considered part of the Board Rules or separate. Chairman Atkins suggests referring to the State's Attorney for clarification. Member Crawford reiterated that we need to be accountable to the taxpayers while also allowing the staff to work efficiently. Chairman Atkins stated that he would like to further address this matter at the next meeting, to be set at the close of this meeting. Member Crawford requests that both the Administrator and the Auditor have items prepared for the next meeting.

MOTION

MOTION BY SMITH, SECOND BY CRAWFORD to for discussion of proposed changes to the Tazewell County Board Rules.

On voice vote, **MOTION CARRIED.**

DISCUSSION

At the Board Chairman's request the County Administrator, Mike Deluhery, presented recommendations to update Board rules related to the duties of the County Board Office and Secretary to reflect current (and past) operations. Member Crawford opened,

stating that Chairman Zimmerman spoke of conflicts between the law and current practice, as pointed out by the prior Board Secretary Sue Beeney. This was identified as an item for discussion by the rules committee.

Administrator Deluhery provided revisions to that which was previously distributed, as suggested by Assistant State's Attorney, Mike Holly.

MOTION **MOTION TO WITHDRAW** his second for discussion based on the introduction of revisions.

MOTION **MOTION BY SMITH, SECOND BY CRAWFORD** to for discussion of proposed changes to the Tazewell County Board Rules **(AS REVISED)**.

Administrator Deluhery identifies changes, subsection 33.02(E) and 33.058(B), updated wording to help clarify the secretary of the committee. Based on these changes, County Clerk Ackerman request to enter into executive session at the recommendation of the State's Attorney do the imminent litigation specific to the dangers of just anyone doing these rules rather than individual following Statute.

Chief Clerk Dan Sullivan makes mentions that personality conflicts between the County Clerk and Board members should not play a role in this process. He questions why he and his staff have not been asked to assist in the absence of a Board Secretary with tasks that they are accountable for daily. Administrator Deluhery stated that those asked to assist from his team routinely also complete these tasks and it was more efficient due to close proximity for them to assist.

MOTION **MOTION BY CRAWFORD, SECOND BY SMITH** to move the Committee into Executive Session under 5 ILCS 120/2(c)(11) – probable or imminent litigation at 5:18 p.m. On voice vote, **MOTION CARRIED UNANIMOUSLY.**

Chairman Atkins moved the Committee out of Executive Session at 5:34 p.m.

DISCUSSION Chairman Atkins stated it seems based on the information provided, everything is within the authority of the county Board to do this. He said although I am in favor of whatever the Board

wishes to do, I may not be in favor of the division of duties. Administrator Deluhery responded that the committee meetings have been the responsibility of the Board Office since the creation of the County Board Secretary position in 1975. Research and preparation of the resolutions and the agenda are extremely important for the committee Secretary who also creates the agenda for the County Board Chairman. Member Crawford felt administration has many other critical issues to concern themselves with rather than who is responsible for committee meetings.

Chief Clerk, Dan Sullivan pointed out mistakes made the prior months and the lack of professionalism that could be concerning given the division of duties. Additional County Clerk staff time to correct mistakes made by other, given the authority to do so. Administrator Deluhery pointed out that Board Secretary Beeney was responsible for all activities the prior month and unfortunately mistakes do sometimes happen.

County Clerk Ackerman stated that both Transportation and ZBA/Land Use are capable of continuing these duties, however he is responsible for the oversight of these duties and ensuring they are done correctly under Statute. I understand the convenience of doing the agenda (internally in the Board Office) but consider the inconvenience, of the office receiving the FOIA requests. I trusted the abilities of the prior Board Secretary, but I am now being asked to trust the abilities of a person I have not been involved in the hiring and does not have the experience to research decades of information. Now that the asset (Secretary Beeney) is gone, I am responsible for FOIA requests. At the end of the month, the Committee report is now the County Board's report and this is a statutory report that shall be stored with the County Clerk. The Clerk plans to make all records accessible to the public, as they were until the 50/60s, maybe 70s, following which they were no longer a part of the Board records. County Clerk Ackerman has concerns with daily FOIA requests previously fulfilled by Secretary Beeney now being the task of 5 to 8 other offices.

Based on discussion, County Clerk Ackerman suggests the following; change from the County Clerk or designated person to County Clerk or his designee. He interpreted this to mean Dan, his Chief Deputy, or someone else deputized by him. However, it could be interpreted that each Chairman may pick any person they want.

Additionally, the County Clerk disagrees with the determination of the State's Attorney regarding executive session minutes. The Open Meetings Act is not segmented by, this is the open meetings act for County Board and this is the Open Meetings Act for committees in regards to executive session. County Clerk Ackerman stated, an Attorney General ruling states that the County Clerk is not statutorily responsible for committee minutes, which is why they will remain with the Board Office, which is fine. The County Clerk has concerns with executive session minutes being held in multiple locations, submitted for review separately and the number of employees potentially having access to such records. Once opened these records are to be added to the County Clerk's records and not having the records is an inconvenience. Administrator Deluhery points out that County Clerk Ackerman disagrees with the legal opinion of the Assistant State's Attorney Holly and an Attorney General Opinion regarding the separation of committees from County Board.

In reference to FOIA request, Administrator Deluhery states, each entity is responsible for their own FOIA requests, whether it be County Board, Animal Control, etc. County Clerk Ackerman disagrees, under the sited definition of a FOIA Officer, who has the authority to fulfill this obligation. Chairman Atkins stated that both parties were interpretations are incorrect, based on a judge's ruling in a recent court case.

According to Chairman Atkins, there is a lot of discretionary authority and legally things can be left the way they are or changes as proposed. The parties in question need to work together to determine

Chairman Atkins intends to report a summary of the discussion the Executive Committee and hopefully any progress made following this meeting in hope of receiving additional input from members of the County Board which will help the (Rules) Committee iron out details. Member Crawford does not want either party to present anything to the Committee independently. Chairman Atkins is requesting a joint document for review that represents a "handshake" agreement for further review. County Clerk Ackerman does not feel there will be time to discuss an agreement prior to the meeting of the Executive Committee. Administrator Deluhery encouraged an In-place meeting at County Board to resolve the matter prior to the end of the month to determine if in facts all records, currently located in the Board Office, would need to be

moved to the Clerk's Office. County Clerk Ackerman pointed out that this would require an in-place meeting of the Rules Committee, and in-place meeting of the Executive Committee and suspending the rules of the Board. Chairman Atkins is in support of any compromise, which means all three parties have willingly given up something for the greater good.

Following are Member Crawford's reasons for consideration to table; give the parties (County Clerk Ackerman and Chairman Zimmerman/Administrator Deluhery) the opportunity to reach an agreement and also to allow the Committee to methodically review all details before considering a presentation to the (Executive) Committee for consideration.

MOTION

MOTION BY CRAWFORD, SECOND BY SMITH to table the request to update the Board Rules.

On voice vote, **MOTION CARRIED.**

**UNFINISHED
BUSINESS**

Chairman Atkins recessed the meeting at 7:00 p.m.

(transcribed by J. Workman)