

Minutes approved 7.10.2023



Rules Committee Meeting

James Carius Community Room
Tuesday, May 23, 2023 – 4:19 p.m.

Committee Members Present: Chairman Atkins, Mike Harris, Nancy Proehl, Sierra Smith and Russ Crawford

Committee Members Absent: None

Others Attending: David Zimmerman, County Board Chairman; Mike Deluhery, County Administrator

MOTION **MOTION BY CRAWFORD, SECOND BY SMITH** to approve the minutes of the April 14, 2023 meeting.

On voice vote, **MOTION CARRIED UNANIMOUSLY.**

UNFINISHED BUSINESS

MOTION **MOTION BY CRAWFORD, SECOND BY SMITH** to recommend to the Executive Committee to approve amendments to the County Board Rules.

Chairman Atkins advised the new committee members that at the last meeting there was discussion on who was to take the minutes of the various committees of the County Board. Chairman Atkins stated there were multiple proposals submitted to discuss and procedurally he will be looking for a motion on which proposal to move forward. Chairman Atkins said upon the retirement of the former Board Secretary, who had handled the minutes and prepared agendas, it was stated by the County Clerk, John Ackerman that the County Clerk should be the official minute taker, etc. Mr. Atkins added Assistant States Attorney Mike Holly has opined that the items could be given to the clerk or kept within the board office, as past practice has been. Mr. Atkins stated the committee has received communications from both Administrator Deluhery and County Clerk Ackerman with alternate ideas of how minutes, etc. should be handled going forward. Mr. Atkins asked Mr. Deluhery and Mr. Ackerman to address the committee regarding their respective proposals.

Member Crawford listed each of the items at issue for the new committee members Harris and Proehl and asked that both Mr. Deluhery and Mr. Ackerman explain their proposals regarding the rules.

County Administrator Deluhery stated he is not looking to take away the Clerk's statutory duties, but he would like to keep the same process that has been done since 1975. Mr. Deluhery said he polled 10 counties, 5 larger and 5 smaller and all responded they have the same committee process. Mr. Deluhery added the current process gives the board secretary the ability to communicate directly with the chairmen of each committee which creates an efficient and seamless process. Mr. Deluhery stated that storage of items are generally kept with the office that handles the meetings, such as Community Development keeps the records for Land Use and the Highway Department keeping the records for Transportation. Mr. Deluhery said the County has been doing this process since 1975, the rules just do not have match this current process. Mr. Deluhery added Mr. Ackerman wanted to be the face of Tazewell County, and once the minutes are approved by the committees, the proposal includes giving minutes to the County Clerk to upload onto the clerk's website. Mr. Deluhery stated he felt his proposal is a compromise that would work well.

Chairman Atkins confirmed that Mr. Deluhery was addressing his email from April 26, 2023 that was included in the committee packet.

Member Harris questioned what functions would change.

Member Crawford stated the County Board approved money for a system to search criteria in board minutes and the same needed to be done with the committee minutes. Mr. Crawford said that if a FOIA request came in, it could be handled by either the board office for the clerk's office.

County Clerk Ackerman stated he proposes any employee that takes minutes needed to be deputized by him. Mr. Ackerman said with the records stored in the County Board office, he did not have access to them. Mr. Ackerman added he did not push the issue before, and the former board secretary did an amazing job and was very helpful in locating records. However, Mr. Ackerman said with a new employee, the knowledge of locating records was lost and all records should be transferred. Mr. Ackerman added that he would allow departments to continue to take minutes for their respective committees, and that he or his chief deputy would be present to take minutes for all other committees. Mr. Ackerman stated he did not want to take the agenda preparation, and as long as the employee was deputized, it would satisfy the Open Meetings Act requirements. Mr. Ackerman said that once committee minutes are approved, they become the board records, and should be moved to the clerk's office. Mr. Ackerman added the search website was funded by the County in the beginning, but the ongoing costs are covered by his department. Mr. Ackerman stated that he simply did not want just a

secretary to take the committee minutes, it needed to be a deputy of his office. Mr. Ackerman again said when minutes were approved, they were no longer the committee records, they are a board record.

Board Chairman Zimmerman stated Mr. Ackerman tried to obtain records 1 week after the former secretary's departure. Mr. Zimmerman said that the current process had worked for 48 years, and that there was no need to change it.

Chairman Atkins confirmed that Mr. Ackerman was addressing his email from April 17, 2023 that was included in the committee packet. Mr. Atkins stated that he had issue with John's presentation as Assistant State's' Attorney Holly stated Mr. Deluhery's proposal is legal, and that the secretary could be deputized by the County Clerk to take the minutes, which would be legal.

Member Harris stated it appeared as if each department wanted the original record and not a copy.

Member Crawford stated the rules need to reconcile the process, not complicate it. Member Crawford said the County always does what is legal and touched on several items addressed by both Mr. Deluhery and Mr. Ackerman. Member Crawford added he was not for Mr. Ackerman to sit in on the hiring process for a board secretary.

Board Administrator Deluhery stated Mr. Ackerman essentially wanted to have say in the selection of the secretary/deputy for the minutes. Mr. Deluhery also recommended stopping the physical signing of resolutions by committees since they are digitally born documents. Mr. Deluhery added he would be open to employees taking an oath of office prior to taking minutes.

County Clerk Ackerman stated the deputizing was not a part of the proposal and that he did not feel he should be forced to deputize anyone who was brought to him.

MOTION BY HARRIS, SECONDED BY PROEHL to accept the proposal of Administrator Deluhery.

MOTION CARRIED, WITH MEMBERS CRAWFORD AND SMITH VOTING NAY

NEW BUSINESS

Purchasing Policies **MOTION BY HARRIS, SECONDED BY SMITH** to discuss the purchasing policy.

Chairman Atkins thanked Board Member Longfellow and Auditor Grimm for a review of the purchasing policy.

Member Harris stated the policy on getting quotes and getting work done in this day and age was becoming impossible. Member Harris said there have been issues with obtaining bids simply due to the amount of time it takes. He added it is proposed that any contract under \$30,000 would be allowed to proceed as long as 3 quotes were obtained, as this would help in getting the actual work completed.

Auditor Grimm stated his job was to see the procedures were followed, not to set the procedure.

Property Chairman Longfellow stated the maintenance department cannot get any work accomplished due to the bidding process and that he had faith in the maintenance supervisor's knowledge and ability to get the work done and make the right choices.

MOTION BY CRAWFORD, SECONDED BY HARRIS to have Administrator Deluhery to prepare a proposal for the committee's vote at the next meeting. Due to the item not being on the agenda as an action item, no action was taken at this time.

Administrator Deluhery stated that he reviewed the purchasing policy of other counties and that there are additional items including bid-design, contract management and PO process that was not yet codified. Mr. Deluhery said that Section 31.05 needed to be updated per Assistant State's Attorney Holly.

Member Harris stated there were obvious holes in the purchasing process.

Chairman Atkins advised the Auditor and Board Administrator to work together or separately to propose changes to the policy.

MOTION BY CRAWFORD, SECOND BY HARRIS to amend the main motion to include allowing the execution of documents in the proposal.

Administrator Deluhery gave the committee the purchasing threshold as currently written.

MOTION BY HARRIS. SECOND BY CRAWFORD to amend the main motion to allow purchases without requiring quotes to be increased by \$5,000

Travel Policy

MOTION BY HARRIS, SECONDED BY SMITH to discuss the revisions to the travel policy.

Administrator Deluhery stated per the Auditor there was a law change regarding travel expenses.

Auditor Grimm stated that as of January 1, 2019 the County must reimburse individuals if there were no policy set. Mr. Grimm gave an example that if someone purchased dinner for the committee, they could submit a request for reimbursement of mileage and the cost of food. Mr. Grimm stated the county has 10, 15 & 20 year old policies and they need to be reviewed. Mr. Grimm displayed 2 large binders of policies to review and stated that the binders did not contain all of the policies, as the former Auditor did not maintain the proper records.

Chairman Atkins requested the committee be sent digital copies of policies and that this issue will need to be addressed further.

County Clerk Ackerman stated he had requested records 2 months prior, and they have not been provided.

Member Crawford stated the County Board Chairman asked for direction on appointing replacements to the County Board. Mr. Crawford said there were a lot a gray areas in the law.

Chairman Atkins stated the law states that the political party needed to be notified so they could recommend a replacement, however the recommendation does not have to be followed.

Member Crawford suggested that department heads be invited to give suggestions to the committee regarding policy changes.

Board Administrator Deluhery stated there were more policy items to be discussed and he would email items to the committee so that they could be added to the next agenda.

**RECONSIDER-
ATION**

County Clerk Ackerman asked Chairman Atkins for a reconsideration vote regarding his proposal to the takin of committee minutes following new information that was just received by him.

Chairman Atkins stated he would not entertain a reconsideration vote, as the information provided would not change his vote, and he did not feel it would affect Member Harris' vote either.

RECESS

Chairman Atkins recessed the meeting at 6:09 p.m.

(transcribed by M. Kreiter)