

Minutes approved 4.12.2024



Rules Committee Meeting

James Carius Community Room
Wednesday, March 6, 2024 – 4:03 p.m.

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

Committee Members Absent: Russ Crawford

Others Attending: Mike Deluhery, County Administrator

MOTION **MOTION BY MEMBER SMITH, SECOND BY MEMBER PROEHL**
to approve the minutes of the September 14, 2023 meeting.

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

DISCUSSION **Frequent Absences of Board Members**

§ 33.07 (F) Committees' Number, Designation, and Membership

Chairman Atkins stated that a problem in the past was when members called to advise that they would not make it to a meeting, and the meeting was cancelled, that ended up not being an absence. He stated that he would recommend taking out the definition of frequent absences and trust in the discretion of our Board Chairman and Chairman of the committee.

Chairman Atkins stated when a board member resigns, there is one less member on that committee until the vacancy is filled. He stated that the quorum automatically changes with how many members are on the committee.

There was committee consensus to remove the last sentence which states "Frequent absences are hereby defined as three consecutive unexcused absences or a total of six absences within a 12-month period."

Chairman Atkins stated that for the next meeting, the change will be proposed. He stated that the change needs to be circulated immediately to the board members following this meeting to make sure that we meet our notice requirement to be passed at the board meeting next month.

Chairman Atkins stated that he is hoping this change decreases the amount of in-place meetings at the board meeting.

DISCUSSION

Time Limit When Per Diems Can Be Submitted

§ 33.12 (6) (Committees' Number, Designation, and Membership)

Chairman Atkins stated that currently if you submit for mileage or a per diem within 60 days of the last day of the month when it was earned, it is approved without board approval. He stated that he would recommend removing the following language "except those approved separately by the County Board". He stated, however, that does not prevent the county board from approving it anyway.

Chairman Atkins recommended putting in language that stated "any board member waiting beyond the 60 day period, shall forfeit all right to such reimbursement", however, ASA Mike Holly advised him it would not be effective. Chairman Atkins stated that the County Board rules would need to be suspended in order to receive approval after the 60 days.

There was committee consensus to change the language to "Reimbursement request for mileage, per diem or miscellaneous expense reimbursement requests submitted after 60 days following the last day of the month during which the meeting/travel occurred shall not be paid. Any board member waiting beyond the 60 day period shall forfeit all rights to such reimbursement".

DISCUSSION

Member Mike Harris questioned if Administrator Mike Deluhery has the authority, for example, to fire one of Mike Schone's employees without going to the board.

Administrator Mike Deluhery stated that it is his position that the board hires him and he has direct authority for those underneath him.

Chairman Atkins stated that the language states in § 33.03 – Board Staff that "all work shall be assigned to the staff by the Board Chairman or the County Administrator. Any board member requiring services from the board staff shall make such requests through the Board Chairman or the County Administrator".

Member Mike Harris questioned if it states that County Administrator Deluhery has the authority to release somebody on just cause without it going to the board.

County Administrator Mike Deluhery stated that in the County Administrator Code, § 33.10(b), it states "the County Administrator and County Board Chairperson shall jointly select employ, supervise, suspect, discharge or remove all personnel positions or employment

under jurisdiction of the board (including the zoning administrator and staff, county board office, animal control director and staff, building and grounds supervisor and staff), except persons appointed by the board as required by the laws of the state”.

Chairman Atkins stated that the Administrator’s authority should be decided in executive committee.

Chairman Atkins stated that there is case law out there that the county board has substantial ability to change the authority of a County Board Chairman.

Chairman Atkins stated that having the County Administrator and the Board Chairman agree on whatever is done is a recipe for disaster.

Chairman Atkins recommended speaking to the Board Chairman to get this put on the executive agenda.

Chairman Atkins stated that years ago, the property chairman would have been in charge of the Facilities Maintenance Director, however, that is absolutely not in our rules. He stated that if we tried to change our rules to give the property chairman that authority, I think on a matter of principle the State’s Attorney’s Office would have to object.

Member Mike Harris stated that Chairman of a committee can get through the committee but it then has to go to the board.

Chairman Atkins stated that if we ever have a situation where we have either our Administrator or our Board Chairman thinking someone has done something and they need to be fired, I would hope that they would both agree with each but they may not. He believed at that point, it would need to go in front of the board, and in his opinion, that is not the right way to handle it.

County Administrator Mike Deluhery stated that him and Chairman David Zimmerman work together very well. He stated that he would prefer the board give him the same right to be able to oversee his managers and his employees.

Chairman Atkins stated he thinks the County Administrator should have the authority of all of the employees, the hiring, and firing, etc., to the extent he is allowed to by statute.

DISCUSSION

Member Mike Harris questioned how we handle criminal cases with

board members.

Chairman Atkins stated that if you are convicted of a felony, you would be removed from the board. He stated that short of that, we could censure them and publicly state that we do not like what they did and we could potentially remove them from committees.

RECESS

Chairman Atkins recessed the meeting at 4:44 p.m.

(transcribed by S. Gullette)