

COUNTY BOARD ADDENDUM

County of Champaign, Urbana, Illinois
Thursday, October 19, 2017 – 6:30 p.m.

Lyle Shields Meeting Room, Brookens Administrative Services
1776 East Washington Street, Urbana, Illinois

Agenda Item

XVI. Other Business

- A. Adoption of Resolution No. 10152 Appointing Diane Michaels as the Deputy Chair of the Finance Committee of the Whole**
- B. Adoption of Resolution No. 10153 Appointing Stephanie Fortado as the Assistant Deputy Chair of the Finance Committee of the Whole**
- C. Memorandum from the State's Attorney's Office on the Transition to the County Executive Form of Government (*For information only*)**

RESOLUTION NO. 10152

**RESOLUTION APPOINTING DIANE MICHAELS AS THE
DEPUTY CHAIR of the FINANCE COMMITTEE OF THE WHOLE to REPLACE CHRIS ALIX**

WHEREAS, Chris Alix has resigned from the County Board, effective October 3, 2017; and

WHEREAS, C. Pius Weibel has submitted to the County Board his appointment of Diane Michaels to be the Deputy Chair of the Finance Committee of the Whole to replace Chris Alix;

NOW, THEREFORE, BE IT RESOLVED By the Champaign County Board that the County Board does hereby advise and consent to the appointment of Diane Michaels to be the Deputy Chair of the Finance Committee of the Whole.

PRESENTED, ADOPTED, APPROVED, AND RECORDED this 19th day of October, A.D. 2017.

C. Pius Weibel, Chair
Champaign County Board

ATTEST: _____
Gordy Hulten, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 10153

**RESOLUTION APPOINTING STEPHANIE FORTADO AS THE
ASSISTANT DEPUTY CHAIR of the FINANCE COMMITTEE OF THE WHOLE**

WHEREAS, C. Pius Weibel has submitted to the County Board his appointment of Stephanie Fortado to be the Assistant Deputy Chair of the Finance Committee of the Whole to replace Diane Michaels, who has been appointed as the Deputy Chair of the Finance Committee of the Whole;

NOW, THEREFORE, BE IT RESOLVED By the Champaign County Board that the County Board does hereby advise and consent to the appointment of Stephanie Fortado to be the Assistant Deputy Chair of the Finance Committee of the Whole.

PRESENTED, ADOPTED, APPROVED, AND RECORDED this 19th day of October A.D. 2017.

C. Pius Weibel, Chair
Champaign County Board

ATTEST: _____
Gordy Hulten, County Clerk
and ex-officio Clerk of the
Champaign County Board

Julia R. Rietz
State's Attorney

Barbara Mann
Chief of the Civil Division
email: bmenn@co.champaign.il.us

Donna M. Davis
Assistant State's Attorney
email: ddavis@co.champaign.il.us



Courthouse
101 East Main Street
P. O. Box 785
Urbana, Illinois 61801
Phone (217) 384-3733
Fax (217) 384-3816

**Office of
State's Attorney
Champaign County, Illinois**

September 28, 2017
[Via Electronic Mail]

Champaign County Board
Pius Weibel, Board Chair
Rick Snider, Administrator

**Re: County Executive Form of Government
Update to Initial Implementation Information**

Dear Board Chair Weibel and Members of the Board:

In June, our office provided initial information to the Board regarding implementation of the County Executive form of government at the request of Board Chair Weibel. Those same draft materials were discussed when members of the SAO Civil Division and Board Chair Weibel met with officials in Will County, Illinois. Those discussions, which took place at the offices of each Will County official on June 28, 2017, provided additional insight into the implementation of this form of government. In addition to providing the materials necessary to complete the initial draft memorandum, the following materials may be helpful to the Board as it continues to consider the details of implementation.

The Champaign County SAO is extremely grateful to the officials in Will County for the candid discussions which occurred, and the information regarding the key legal issues involved in implementation of this form of government. The summary of issues provided herein is an attempt to provide the same insight for those not present, but should not be construed as exhaustive of the issues and discussions that day, nor mistaken to completely and accurately represent the information and opinions provided by the Will County officials.

(1) Summary of Discussions with Will County Speaker of the Board Jim Moustis

Speaker Moustis' insights stem from service on the Board since very early implementation of Will County Executive Form of Government. Speaker Moustis described the frustration of understanding the legal separation of powers in a simple way, but said after many years and many reviews of the statute he's boiled down the structure to a simple framework: policy decisions belong to the County Board, day-to-day

decisions belong to the County Executive. Even within this framework, Speaker Moustis was quickly able to describe situations where the question of whether an issue was a policy discussion or a day-to-day administrative decision was at issue for the Board or the County Executive. Speaker Moustis indicated both branches have always been willing to follow the advice of the SAO to resolve these issues.

Speaker Moustis described the numerous variations on how the County Executive and County Board administrative staffs have fluctuated since the inception of this form of government in Will County. He described the system as very costly for Will County, and estimated that the current annual costs might be around \$700,000 - \$800,000. Speaker Moustis described the difficulty in "sharing" staff due to the potential conflict of opinions, which has led to a mirroring of support staff for both branches. He described another issue which he framed as the constant need to formalize. He described the additional time necessary to move through the more formalized processes that get put into place.

In sum, Speaker Moustis shared his opinion that this form of government was designed with home-rule in mind, and that with Will County and Champaign County not having home rule authority, this form of government is misused. When asked to describe positives of this form of government, he described campaigns the County Executive was active in, such as an opiate abuse campaign, and the efforts to secure grants for such campaigns.

(2) Summary of Discussions with Will County State's Attorney's Office, Civil Division

Chief of the Civil Division Mary Tatroe similarly has long experience navigating this form of government. She described the State's Attorney's Office practical procedures in providing opinions to both branches. Another long-serving civil ASA joined her in our conversations. She observed that one of the more difficult, ongoing issues is that County Board members are very accustomed to providing constituent services at the ground level. Theoretically, this form of government removes them from that position to a policy making position, leaving executive and administrative functions to the County Executive Office, which can be frustrating at this level of local government. She described other situations where, within the two-branch structure, neither branch desired to be charged as the ultimate decision-maker in difficult decisions. SAO described the tensions that existed any time shared staff was utilized, with many questions relating to trust, loyalty, and fear of termination.

The State's Attorney's Office has always served as legal counsel for the County Executive, as statutorily charged for all elected officials in the County, even though the current County Executive has always had a salaried legal officer in what the SAO described as a strictly advisory role under that office's authority to hire separate legal counsel. The SAO described some specific legal issues that created great tension between the branches. They described times in the specific difficult legal issues where either branch would want the SAO to step in to determine issues under legal analysis

instead of either branch determining those issues under their own authority. They described the framework they've had to develop and maintain to address this issue, where either branch must assert a position, and the SAO will provide a legal opinion on that position. The SAO believes they have been successful in navigating these tensions by maintaining a long-view focus on providing objective legal advice. The SAO stated that the County Executive Chief of Staff was the key liaison between the County Executive Office and the SAO, and the Speaker of Board is the direct connection between the full Board and SAO.

When asked to summarize, the SAO did opine that this form of government was useless as a separate form of government without the accompanying home rule authority, (in the sense that a three branch form of government without home rule authority can already exist if the chairman is elected county-wide.), but that implementation of this form of government without that authority is not fatal. The positive they have seen is that the County Executive has been able to resolve some disagreements that arise between the County and municipalities. The SAO gave an estimate of additional costs for this form of government as somewhere around \$500,000 per year.

(3) Summary of Discussions with Will County Executive Larry Walsh

County Executive Larry Walsh has served in the position since 2004. County Executive Walsh, his Chief of Staff, and his legal counsel met with us together. The Chief of Staff described the breakdown of County Executive staff for us as (1) Chief of Staff, (2) Deputy Chief of Staff, (3) Operations Manager, (4) Legal Counsel, (5) three secretaries, and (6) two communications staff. The rest of the staff was described as co-located departments for county operations, including HR, Finance, and Purchasing. Everyone present compared the Chief of Staff to the position that is currently Champaign County Administrator.

County Executive Walsh has always utilized his statutory authority / discretion to hire full time legal counsel, and his legal counsel also serves as Deputy Liquor Commissioner.

The County Executive described situations where he did not feel that advice & consent of the County Board was required for any particular action he was taking as Executive, but indicated that he would most often follow that practice of securing the advice & consent of the Board. He believed his relationships with the municipalities has been a positive for the County. He believed that his staff is rightfully in the best position to have all of the knowledge necessary to carry out day-to-day functions and to make presentations that might educate and influence the County Board in their policy decisions.

Other Information

- Executive orders rarely, if ever, used.

- County Board sets bargaining parameters, County Executive negotiates contracts within those parameters.
- Veto power very rarely used (maybe six times), but an asserted clear framework that County Executive cannot participate in veto discussion at Board meeting.
- Tie-Breaker vote rarely used.
- County Executive must be able to place items on agenda through agenda process, but SAO has had to interpret that it must be done in a “reasonable time”.
- Will County population has doubled in last fifteen years. Resources due to intermodal truck center point, railroad line center point since World War II, landfill revenues.

Conclusion & Recommendation

The SAO has previously recommended that a special board committee be formed to update the County Board Rules for this form of government. SAO anticipates that such a committee would be the appropriate place for discussion of some of the other details listed in the “Notes & Considerations” and other materials from the first implementation memo provided from our office, dated June 1, 2017 and attached hereto in final form. Please review these materials as a whole.

Sincerely,



Donna M. Davis

DMD/dms
Enc.

Julia R. Rietz
State's Attorney

Barbara Mann
Chief of the Civil Division
email: bmenn@co.champaign.il.us

Donna M. Davis
Assistant State's Attorney
email: ddavis@co.champaign.il.us



Courthouse
101 East Main Street
P. O. Box 785
Urbana, Illinois 61801
Phone (217) 384-3733
Fax (217) 384-3816

**Office of
State's Attorney
Champaign County, Illinois**

June 1, 2017
[Via Electronic Mail]

Champaign County Board
Pius Weibel, Board Chair
Rick Snider, Administrator

Re: County Executive Form of Government – Implementation Information

Dear Board Chair Weibel and Members of the Board:

As you are aware, at the November 2016 general election, a majority of voters who voted on the proposition to establish the County Executive Form of Government in Champaign County voted in favor of the proposition. According to Illinois law, once that occurs, the board shall proceed to establish the county executive form of government in accordance with Division 2-5 of the Illinois Counties Code, 55 ILCS 5/2-5005(c).

Pursuant to the 1970 Illinois Constitution, the chief executive officer shall have the duties and powers provided by law and those provided by county ordinance.

Much like the traditional township form of government, authorized by the Illinois Constitution of 1848, adopted by Champaign County in 1859, and in place since that time, while the Counties Code and other state laws and federal laws establish authority and required duties of the local government, it is the priorities of the people of Champaign County which has and will continue to drive the operation of the county government in accordance with the statutes, ordinances, and resolutions which instruct appropriate governance. Each county in Illinois varies to most fully represent the desires and customs of the citizens of that county.

Champaign County governance has evolved with each sitting board, reflecting the citizens of Champaign County. No one could read the Counties Code Division on County Board authority and fully understand the values, vision, and priorities of Champaign County – or the practical functioning of the Champaign County Board. In the same way, no one can read the Counties Code Division on County Executives and understand and envision exactly how Champaign County will establish the county executive form of government.

Establishing a new form of governance will be a significant, ongoing task. It is wise to consider incremental implementation, which respects the successful referendum without expanding the scope of County government to an unsustainable model.

Enclosed please find the following materials as a resource for your consideration of the implementation of the County Executive Form of Government:

1. Illinois Constitution – Article 7 – Local Government – County Officers
2. Counties Code – Division 2-5 – County Executive Form of Government
3. Abridged Duties & Powers of County Executive
4. Notes / Considerations for Champaign County Implementation
5. Summary of Case Law on County Executive
6. Current Champaign County Board Rules

Sincerely,



Donna M. Davis

DMD/dms
Enc.

ILLINOIS CONSTITUTION

SECTION 4. COUNTY OFFICERS

(a) Any county may elect a chief executive officer as provided by law. He shall have those duties and powers provided by law and those provided by county ordinance.

Ill. Const. Art. VII, Section 4 (a)

ILLINOIS COUNTIES CODE

Division 2-5. County Executive Form of Government [In its entirety.]

55 ILCS 5/2-5001

Sec. 2-5001. Subtitle. This Division shall be subtitled the "County Executive Law".
(Source: P.A. 86-962.)

55 ILCS 5/2-5002

Sec. 2-5002. Legislative determination. It is declared as a matter of legislative determination that in order to promote the health, safety, morals and welfare of the public it is necessary in the public interest to provide for an elected county executive form of county government in accordance with Sections 4(a) and 6(a) of Article VII of the 1970 Illinois Constitution, and to permit counties which become home rule units by adopting an elected form of county executive government to simultaneously, pursuant to Section 6(b) of Article VII of the 1970 Illinois Constitution, elect not to be home rule units by referendum.

(Source: P.A. 86-962.)

55 ILCS 5/2-5003

Sec. 2-5003. Definitions. As used in this Division, unless the context requires otherwise:

(a) "County board" or "board" means the governing body of any county other than Cook County which has adopted the county executive form of government under this Division.

(b) "County executive" means the county official elected by the voters of any county other than Cook County to be the chief executive officer to administer the county executive form of government under this Division.

(c) "County executive form of government" means that form of government in which the departments of county government are administered by a single county official called the county executive elected at large by the qualified voters of the county. The board shall act as the legislative body of the county under this form of county government.

(Source: P.A. 86-926.)

55 ILCS 5/2-5004

Sec. 2-5004. Establishment of county executive form of government. Any county other than Cook County may establish the county executive form of government for that county by submission to and approval by the electors of the county of the proposition at a referendum as provided in Section 2-5005. A referendum to adopt the county executive form of government may be called by a resolution adopted by the county board of the county or by the filing of a petition as provided in Section 2-5005.

(Source: P.A. 86-962.)

55 ILCS 5/2-5005

Sec. 2-5005. Referendum on resolution of county board. (a) If the county board adopts a resolution calling for a referendum on the proposal to adopt the county executive form of government and home rule for the county, within the time provided in the general election law, the county clerk and the county board shall provide for the submission of such proposition to the electors of the county in accordance with this Section at the next general election held in an even-numbered year.

Upon filing of a petition with the clerk of the circuit court of the county within the time provided in the general election law signed by at least 2% of the registered voters in the county or 500 individuals, whichever is less, requesting that the county executive form of government be established in the county, the clerk of the circuit court shall transmit the petition to the chief judge of the circuit court who shall determine the sufficiency of the petition or shall assign the determination of the sufficiency of the petition to a circuit judge who shall make the determination. If the judge determines that the petition is sufficient, he shall certify the sufficiency of the petition and shall issue an order directing the county clerk and the county board to provide for the submission of such proposition to the electors of the county at the next general election held in an even-numbered year.

The referendum shall be conducted in such a manner as is prescribed in the general election law.

The proposition shall be in substantially the following form:

Shall the County of
..... become a Home YES
Rule County and establish the -----
county executive form of NO
government?

(b) If the county board adopts a resolution calling for a referendum on the proposal to adopt the county executive form of government and elect not to be a home rule unit within the time provided in the general election law, the county clerk and the county board shall provide for the submission of such proposition to the electors of the county in accordance with this Section at the next general election held in an even-numbered year.

Upon filing of a petition with the clerk of the circuit court of the county within the time provided in the general election law signed by at least 2% of the registered voters in the county or 500 individuals, whichever is less, requesting that the county executive form of government be established in the county and that the county elect not to be a home rule unit, the clerk of the circuit court shall transmit the petition to the chief judge of the circuit court who shall determine the sufficiency of the petition or shall assign the determination of the sufficiency of the petition to a circuit judge who shall make the determination. If the judge determines that the petition is sufficient, he shall certify the sufficiency of the petition and shall issue an order directing the county clerk and the county board to provide for the submission of such proposition to the electors of the county at the next general election held in an even-numbered year.

The referendum shall be conducted in such a manner as is prescribed in the general election law.

The proposition shall be in substantially the following form:

Shall the County of YES
adopt the county executive -----
form of government and elect NO
not to become a home rule unit?

(c) If a majority of the voters voting on the proposition described in subsection (a) or (b) vote in favor of it, the board shall proceed to establish the county executive form of government in accordance with this Division. A referendum under this Section may be held in a county only once within any 23-month period.

(Source: P.A. 86-962; 86-1028.)

55 ILCS 5/2-5006

Sec. 2-5006. Election of chief executive officer. The electors of a county which has adopted the county executive form of government under this Division shall, at the next general election, and at the general election every 4 years subsequent, elect a chief executive officer. Nominations for the office of chief executive officer shall be made in the manner provided for other county officers in the general election law. The election of the chief executive officer shall be governed by the provisions of the general election law applicable to the election of county officers.

(Source: P.A. 86-962.)

55 ILCS 5/2-5007

Sec. 2-5007. Term of county executive. The county executive shall serve a term of 4 years, commencing on the first Monday in the month following the month of his election and until his successor is elected and qualified.

(Source: P.A. 86-962.)

55 ILCS 5/2-5008

Sec. 2-5008. Qualifications of county executive. The qualifications for the office of county executive are the same as those for membership on the board. However, the county executive shall not be an elected member of the county board.

(Source: P.A. 86-962.)

55 ILCS 5/2-5009

Sec. 2-5009. Duties and powers of county executive. Any county executive elected under this Division shall:

- (a) see that all of the orders, resolutions and regulations of the board are faithfully executed;
- (b) coordinate and direct by executive order or otherwise all administrative and management functions of the county government except the offices of elected county officers;
- (c) prepare and submit to the board for its approval the annual budget for the county required by Division 6-1 of this Code;
- (d) appoint, with the advice and consent of the board, persons to serve on the various boards and commissions to which appointments are provided by law to be made by the board;
- (e) appoint, with the advice and consent of the board, persons to serve on various special districts within the county except where appointment to serve on such districts is otherwise provided by law;
- (f) make an annual report to the board on the affairs of the county, on such date and at such time as the board shall designate, and keep the board fully advised as to the financial condition of the county and its future financial needs;
- (f-5) for a county executive of a county that has adopted the executive form of government on or before the effective date of this amendatory Act of the 96th General Assembly, appoint, with the advice and consent of the board, all department heads for any county departments;
- (g) appoint, with the advice and consent of the board, such subordinate deputies, employees and appointees for the general administration of county affairs as considered necessary, except those deputies, employees and appointees in the office of an elected county officer; however, the advice and consent requirement set forth in this paragraph shall not apply to persons employed as a member of the immediate personal staff of a county executive of a county that has adopted the executive form of government on or before the effective date of this amendatory Act of the 96th General Assembly;

(h) remove or suspend in his discretion, after due notice and hearing, anyone whom he has the power to appoint;

(i) require reports and examine accounts, records and operations of all county administrative units;

(j) supervise the care and custody of all county property including institutions and agencies;

(k) approve or veto ordinances or resolutions pursuant to Section 2-5010;

(l) preside over board meetings; however, the county executive is not entitled to vote except to break a tie vote;

(l-5) for a county executive of a county that has adopted the executive form of government on or before the effective date of this amendatory Act of the 96th General Assembly, if the County Executive is temporarily not available to preside over a board meeting, the County Executive shall designate a board member to preside over the board meeting;

(m) call a special meeting of the county board, by a written executive order signed by him and upon 24 hours notice by delivery of a copy of such order to the residence of each board member;

(n) with the advice and consent of the county board, enter into intergovernmental agreements with other governmental units;

(o) with the advice and consent of the county board, negotiate on behalf of the county with governmental units and the private sector for the purpose of promoting economic growth and development;

(p) at his discretion, appoint a person to serve as legal counsel at an annual salary established by the county board at an amount no greater than the annual salary of the state's attorney of the county;

(q) perform such other duties as shall be required of him by the board.

(Source: P.A. 96-1540, eff. 3-7-11.)

55 ILCS 5/2-5010

Sec. 2-5010. Approval of ordinances. Any ordinance passed, adopted or otherwise enacted by the board shall before it becomes effective be presented to the county executive. If the county executive approves such ordinance, resolution or motion, he shall sign it; if not, he shall return it to the board with his objections, which shall be entered and spread upon the journal, and the board shall proceed to reconsider the matter. If after such reconsideration $\frac{3}{5}$ of the members of the board pass such ordinance, it shall become effective on the date prescribed but not earlier than the date of passage following reconsideration. In all such cases the votes of the members of the board shall be determined by ayes and nays and the names of the members voting for or against such ordinance objected to by the county executive shall be entered and spread upon the journal. If any ordinance is not returned by the county executive to the board at its first meeting occurring not less than 6 days, Sundays excepted, after it has been presented to him, it shall become effective unless the board has recessed or adjourned for a period in excess of 60 days, in which case it shall not become effective without his approval. Items of appropriation may be approved or vetoed by the county executive. Any item approved by the county executive and all items not vetoed shall become law, and any item vetoed shall be returned to and reconsidered by the board in the same manner as provided in this Section for other ordinances returned to the board without approval.

(Source: P.A. 86-962.)

55 ILCS 5/2-5011

Sec. 2-5011. Death, resignation or inability of county executive. In case of the death, resignation or other inability of the county executive to act, the board shall select a person qualified under Section 2-5008 and Section 25-11 of the Election Code to serve as the interim county executive until the next general election.

(Source: P.A. 96-1540, eff. 3-7-11.)

55 ILCS 5/2-5012

Sec. 2-5012. Salary of county executive. The salary of the county executive shall be fixed by the board and shall be not less than 1 1/2 times the amount of the compensation to which a member of the board is entitled.

(Source: P.A. 86-962.)

55 ILCS 5/2-5013

Sec. 2-5013. Discontinuance of county executive form of government. Any county which has adopted the county executive form of government may discontinue that form of government only as provided in this Section. The board upon receipt of a petition, not less than 78 days before a general election, calling for discontinuance of the county executive form of government and signed by a number of registered voters of the county equal to or greater than 5% of the number who voted in the last regular election held in the county at which county officers were elected shall provide by resolution for submission of the proposition for discontinuance to the electors of the county at the next general election. The board shall certify the resolution and the proposition to the proper election officials who shall submit the proposition at the next general election in accordance with the general election law. The proposition shall be in substantially the following form:

Shall the County of	
discontinue the county executive	YES
form of government and (if a home	-----
rule county) become a nonhome rule	NO
county?	

If a majority of the voters voting on the proposition vote in favor of discontinuance of the county executive form of government, the office of county executive shall be abolished as of the first Monday in December following the holding of the election and the board elected in the county shall meet, organize and resume the conduct of the affairs of the county wholly as the county board. A referendum under this Section may be held in any county only once within any 47-month period.

(Source: P.A. 86-962.)

55 ILCS 5/2-5014

Sec. 2-5014. Certified statements by county clerk. At least 20 days prior to any referendum under Section 2-5005 or Section 2-5013, the county clerk shall file with the Secretary of State a certified statement indicating when such a referendum will be held. Within 30 days after any such referendum the county clerk shall file with the Secretary of State a certified statement showing the results of the referendum and the resulting status of the county as a home rule county or a non-home rule county. The Secretary of State shall maintain such certified statements in his office as a public record.

(Source: P.A. 86-962.)

55 ILCS 5/2-5015

Sec. 2-5015. Superseding plan for election of county board chairman. The adoption of the county executive form of government by any county pursuant to this Division shall supersede any plan adopted by the county board of that county pursuant to Section 2-3007, as now or hereafter amended, for the election of the chairman of the county board by the voters of the county.

(Source: P.A. 86-962.)

55 ILCS 5/2-5016

Sec. 2-5016. Policy concerning exercise of powers by counties. It is the policy of this State that any county with a chief executive officer elected by the electors of the county may (1) exercise any power and perform any function pertaining to its government and affairs, or (2) exercise those powers within traditional areas of county activity, except as limited by the Illinois Constitution or a proper limiting statute, notwithstanding effects on competition.

It is the intention of the General Assembly that the "State action exemption" to the application of federal antitrust statutes be fully available to counties to the extent their activities are authorized by law as stated herein.

(Source: P.A. 86-962.)

ABRIDGED POWERS AND DUTIES OF COUNTY EXECUTIVE

1. Execute County laws. [*Formerly County Board and Judiciary*]
2. Coordinate all administrative and management functions of county government (except of offices of other elected officials). [*Formerly County Administrator*]
3. Issue executive orders. [*New*]
3. Prepare & Submit Annual Budget. [*Formerly County Administrator as directed by County Board*]
4. Appoint (with advice and consent of County Board) the various boards & commissions. [*Formerly County Board Chair; Excludes County Board Committees*]
5. Appoint (with advice and consent of County Board) to special districts. [*Former County Board Chair*]
6. Make an annual "State of the County" report. [*New*]
7. Keep the County Board fully advised of the financial condition of the county and its future financial needs. [*Formerly County Administrator*]
8. Appoint (with advice and consent of County Board) subordinate deputies, employees, appointees for general administration of county affairs (except for offices of other elected officials). [*Formerly County Administrator; Formerly County Board for Dept. Heads*]
9. Remove or suspend, after due notice and hearing, anyone County Executive has the power to appoint. [*New*]
10. Require reports and examine accounts, records and operations of all county administrative units. [*Formerly County Administrator*]
11. Supervise the care and custody of all county property, including institutions and agencies. [*Formerly County Administrator*]
12. Approve or veto ordinances or resolutions. [*New*]

13. Preside over board meetings. [*New; County Board presides at COW and Committee meetings*]
14. Vote in the event of a tie vote. [*New; applies to final action by full County Board*]
15. Call a special meeting of County Board by written executive order with personal delivery to each County Board member. [*New; County Board maintains ability to call special meetings pursuant to Board Rules*]
16. Enter into intergovernmental agreements (with advice and consent of County Board). [*Formerly County Administrator*]
17. Negotiate with governmental units and private sector for purpose of promoting economic growth and development (with advice and consent of County Board). [*Formerly County Administrator and County Board*].
18. May appoint legal counsel. [*New*]
19. Perform such other duties as shall be required by the County Board. [*Formerly County Administrator and County Board*]
20. May present apportionment plan to Board for a Board hearing. 55 ICLS 5/2-3003(4) [*New*]

Additional Illinois Statutes Discussing a Duty or Power of County Executive:

55 ILCS 5/5-1133
55 ILCS 5/3-1006
55 ILCS 5/2-3003
55 ILCS 5/5-44060
55 ILCS 5/5-1087
55 ILCS 5/5-1135
55 ILCS 5/5-44020
55 ILCS 5/6-1001
10 ILCS 5/5-1133
35 ILCS 200/17-5
60 ILCS 1/70-5
60 ILCS 1/80-5
60 ILCS 1/85-5
70 ILCS 1825/16
720 ILCS 5/33-3.2

NOTES & CONSIDERATIONS:

1. Election

- Manner provided for other county officials in general election law at next general election (November 2018).

2. Qualifications of County Executive

- Same as member of County Board: legal voter and resident of county for at least one year prior to the election.

3. Board Rules Updates

- Most likely place where additional Board laws governing County Executive are imposed.
 - Additional requirements for County Executive removal power.
 - Additional requirements for budget / finance updates.
- Most likely place where “shifts” of Board activity to County Executive can be delineated with more clarity than the statute.
- The update of Board Rules will be where the “structure” of this form of government for Champaign County will be initiated. SAO recommends a special committee to update the Board Rules.
- Agenda preparation is not statutorily assigned to the County Executive. County Executive presides over meetings, and should be able to engage in the agenda preparation process under the Board Rules.
- Consider Board Leadership.
 - Selection of Board Committee Chairs is not statutorily assigned to the County Executive.
 - Consider Selection of Board Chair for continued Board Leadership.
 - Consider whether caucus leaders require board rules update.
- Consider meeting calendars (COW, Regular Meetings, Committee Meetings).

4. Persons employed as immediate personal staff of the county executive.
 - Option to have County Executive and County Board utilize same personal staff (e.g. finance staff, administrative staff, reception and secretarial staff).
 - This option has been discussed as comparable to a City Manager working under the Mayor and City Council.

5. Consider Negotiation Authority
 - County Executive authority to negotiate and enter into agreements subject to Board policies.
 - Consider policies that would direct.
 - Finance policies.
 - Purchasing policies.

6. County Personnel Policy
 - Illustrative of policies which may need to recognize a power or duty of the County Executive.

7. Consider County Executive relationship to roles traditionally held by County Board Chair and where County Board will maintain roles.
 - Liquor Commissioner
 - Placement on Boards / Commissions:
 - Public Health District Board
 - Township Supervisor / Township Appeals
 - Regional Planning Commission
 - Regional Office of Education
 - Mental Health & Developmental Disabilities Board
 - Chief Elected Officials of Illinois Network

8. Salary
 - Not less than 1 ½ times amount of compensation to which member of board is entitled.

9. Discontinuance
 - Petition (not less than 78 days before general election) signed by number of registered voters of the county equal to or greater than 5% of the number who voted in the last regular election, certified to County Clerk, with majority of voters voting on the proposition to discontinue.
 - May only be held once within any 47-month period.

SUMMARY OF KEY ILLINOIS CASE LAW ON COUNTY EXECUTIVE

County of Will v. Illinois State Labor Relations Bd., 220 Ill.App.3d 62 (3rd Dist., 1991)

Case Overview: A county board was properly adjudicated a joint employer with the county executive where a significant link between the two was evidenced by the county board's retention of exclusive control over salary considerations for county executive employees.

The County was found by the Labor Relations Board to have committed an unfair labor practice by refusing to negotiate with a union. The County Board had initially refused to bargain, stating that the new form of government meant it was no longer an employer of any members of the bargaining unit. The County Executive met several times with AFSCME union, but stated he was unable to agree to economic proposals until County Board determined the amount of funds that would be available for the contract. In affirming the labor board's decision, the appellate court held that there was sufficient evidence to find that the county board and the county executives were joint employers in that the county the county board retained sufficient control over county executive employees' salaries to require it to be considered a joint employer; it has exclusive control over funding; and the necessity of its approval of the parameters of any bargaining agreement manifested a significant link between the two entities. Although they were distinct entities, with identifiable powers and duties, the court found that the interdependence of the two entities was established in the fact that they were legally responsible for utilizing one funding source and the same employees in order to fulfill their joint charge of administering the county's business.

The court stated that requiring the County Board to sit at the negotiation table with the County Executive could hamper the Executive in fulfilling his duties of controlling all managerial and administrative functions within the county. However, some interdependence between branches of government is necessary for smooth functioning, particularly when only one of the parties controls funding.

Dunne v. County of Cook, 108 Ill.2d 161 (Ill. S. Ct., 1985)

Case Overview: A county ordinance was properly found to be unconstitutional when it effected a change in the basic form of the county government and a referendum was not conducted to approve the ordinance.

***Richardson v. Mulcahey*, 265 Ill.App.3d 123 (3rd Dist., 1994)**

Case Overview: A county was permitted to pose the dual questions of whether to adopt a county executive form of government and whether to opt out of home-rule status in a single referendum without violating the Illinois constitution.

This case comes from Rock Island County, where an intervening plaintiff candidate appealed that the statute under which the referendum was held was not constitutional. The court held that the statutory language (the same used in Champaign County 2016 election) was allowed to join the two issues in one referendum because they were reasonably related to a common objective in a workable manner.

Attorney General Opinions:

94-010 (1994): One person cannot properly simultaneously serve as both a township supervisor and a county executive.

RESOLUTION NO. 9162

**A RESOLUTION THAT SUPERSEDES RESOLUTION NO. 8857
ON ESTABLISHMENT OF ORGANIZATION, DUTIES, RULES, POLICIES, AND
PROCEDURES OF THE CHAMPAIGN COUNTY BOARD**

WHEREAS, The Champaign County Board by Resolution No.8857, established the organization, duties, rules, policies, and procedures of the Champaign County Board; and

WHEREAS, The Champaign County Board has determined that Resolution 8857 requires revision;

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that the following rules shall govern the organization, duties, rules, policies, and procedures of the Champaign County Board, except as otherwise required by law, and shall supersede all previous resolutions concerning the same matters adopted by the Champaign County Board.

All open and closed meetings or sessions held by the Board, including Committee of the Whole, standing committees, special committees, subcommittees, and informal or incidental meetings of these bodies (including those which may occur during party caucuses) shall be held in accordance with the provisions of the Illinois Open Meetings Act (5 ILCS 120). All meetings of the Board shall be preserved by an audio recording.

Organization and Duties of the County Board

1. County Board

The governing body of Champaign County, Illinois, as legally constituted, shall be known as the Champaign County Board (hereinafter "Board"). The number of members of the Board, number of County Board Districts and number of members representing each district shall be determined by the Board, effective on or before July 1, 2001, and every ten years thereafter, as required by statute. Every member of the County Board shall be a member of the Committee of the Whole.

2. Biennial Organizational Meeting

Unless otherwise required by law, the Board shall hold an organizational meeting on the first Monday in December of each even numbered year, being the first meeting in the month following the month in which Board members are elected. The organizational meeting will be conducted as follows:

- A. The meeting chair (the sitting Board Chair, sitting Board Vice-Chair, or if neither is still a member of the County Board, a temporary Board Chair selected by the majority of board members present), shall accept nominations from the floor for the position of Board Chair. Any member may nominate any member who is not currently a nominee,

including himself or herself. The meeting chair may offer a nomination after all other members have had an opportunity to do so. A member may decline nomination. When all members who wish to do so, including the meeting chair, have offered nominations, the meeting chair shall declare nominations closed.

- B. The meeting chair shall give each nominee an opportunity to speak, once, in order of their nomination. A nominee may choose to withdraw from consideration at any time prior to the start of the Roll Call vote.
- C. After all nominees have one opportunity to speak, the meeting chair shall call for a Roll Call vote. Each member present shall vote by stating the name of their preferred nominee. A member may not abstain. A member may vote for any nominee.
- D. If a nominee receives the votes of a majority of the members present during the Roll Call vote, the nominee is elected. In the case of the election for Board Chair, a successfully elected nominee immediately becomes the meeting chair. If no nominee receives the votes of a majority of the members present, the meeting chair shall call for a ten minute recess for individual or caucus discussion (subject to the provisions of the Illinois Open Meetings Act). Upon return from the recess, the process shall start over with Step 1, except that all current nominees remain nominated, and members who previously declined nomination or withdrew from consideration may be nominated again. The process continues until a nominee has been successfully elected.
- E. The Board shall next select from among its members a Vice Chair, by majority vote of the members present.
- F. The Board Chair shall then appoint, subject to the advice and consent of majority of the members present, Deputy and Assistant Chairs for each Area of Responsibility assigned to the Committee of the Whole, and Chairs, Assistant Chairs and members of each standing committee. These appointments made under Article 2-F can be made at the Biennial Organizational Meeting or at the regularly scheduled December County Board Meeting immediately following the Biennial Organizational Meeting.
- G. In the month of December in even-numbered years where a biennial organizational meeting is held, the County Board will not conduct Standing Committee or Committee of the Whole Meetings, but will bring all business for that month directly to the County Board Meeting.

3. Board Chair

The Board shall be presided over by a Board Chair who shall be selected by the Board from among its members at the Organizational Meeting, for a term of two years. The term of the Chair shall commence upon selection by the Board and extend so long as the Board Chair remains a member of the Board or until a successor is selected by the Board at the next Organizational Meeting. In the event of the death, resignation, or extended disability of the Board Chair, the Board shall elect a successor as soon as practicable at a lawfully noticed and constituted meeting by a majority vote of the members present.

4. Vice-Chair

A Vice Chair, who shall be selected by the Board from its membership at the Organizational Meeting, for a term of two years, shall assume the duties of the Board Chair in the event of

the absence of the Chair. In the event of the death, resignation, or extended disability of the Chair, the Vice Chair shall serve as Board Chair until the election of a new Board Chair by the Board. In the event of the death, resignation, or extended disability of the Vice Chair, the Board shall elect a successor as soon as practicable at a lawfully noticed and constituted meeting by a majority vote of the members present.

5. Duties of County Board Chair

- A. The County Board Chair shall preside at all meetings of the Board and meetings of Committee of the Whole.
- B. The County Board Chair shall appoint the deputy and assistant deputies for each area of County Board responsibility assigned to the Committee of the Whole, and the Chair, Assistant Chair and members of each standing committee, subject to the advice and consent of the Board, and after receiving the advice of the respective party caucuses. To the greatest extent possible, appointments made by the County Board Chair shall reflect the expressed will of the party caucuses.
- C. Subject to the advice and consent of the Board, and after receiving the advice of the respective party caucuses, the County Board Chair may establish special committees and appoint their members, Chair and Vice Chair and fix the duration of their existence. To the greatest extent possible, such appointments by the County Board Chair shall reflect the expressed will of the party caucuses. Such special committees shall be dissolved upon the completion of a session of the Board
- D. All Standing committees, special committees, and subcommittees shall be composed of members of each of the political parties represented on the Board, in approximate proportion to those parties' representation on the Board. Each member of the County Board shall be appointed to one standing committee.
- E. Unless assigned to the relevant committee, the County Board Chair is a non voting ex-officio member of all Standing committees, special committees, and subcommittees.
- F. The County Board Chair shall be responsible for the proper and timely implementation of the resolutions, ordinances, and policies of the Board, and shall act in concert with the County Administrator to enforce the ordinances, orders, resolutions, and policies of the Board relevant to the operations of the Champaign County government.
- G. The County Board Chair shall be the Board liaison with the County Administrator.
- H. The County Board Chair shall timely perform all duties set forth herein or otherwise imposed by action of the Board or by law.
- I. The County Board Chair, in accordance with statute, shall, whenever a Board vacancy occurs, give notice of the vacancy to the County Central Committee of each political party within the County within three (3) days of the occurrence of the vacancy. Within 60 days, the Board Chair, with the advice of the respective party's Central Committee, shall appoint a successor to that office who shall be of the same political party as that to which the holder of that office belonged when elected. Such appointments shall be subject to the approval of the Board.
- J. The County Board Chair shall direct that a weekly calendar be prepared indicating the date and place of all meetings of the Board and special committees. This calendar shall be distributed weekly, in advance, to all Board members, all news media which have filed an annual request under the Illinois Open Meetings Act, and to any citizen of the

County who provides a written request. This calendar shall also be posted, in advance, in the lobbies of the Champaign County Courthouse and the Brookens Administrative Center.

- K. The County Board Chair, in cooperation with the Deputy Chairs for areas of responsibility assigned to the Committee of the Whole, the Chairs of the standing committees, the County Administrator, and the Administrative Services Department, shall be responsible for developing the agenda for each meeting. The County Board Chair shall designate a portion of the regular monthly County Board Meeting agenda as the Consent Agenda. Items included in the Consent Agenda shall be items that the County Board Chair believes will be unanimously adopted without discussion. Motions to go into closed session may not be included in the Consent Agenda.

6. **Rules**

- A. The business of the Board, Committee of the Whole, standing committees, and special committees or subcommittees shall be conducted in conformity with these Rules.
- B. Except otherwise required by these Rules or by statute, the conduct of all meetings of the Board, Committee of the Whole, and special committees or subcommittees shall be governed by *Roberts Rules of Order Newly Revised*.
- C. For the purpose of these Rules, a Session of the Board shall be for the two year period commencing with the biennial organizational meeting.
- D. Every item listed on a County Board, Committee of the Whole, standing committee, or special or subcommittee agenda is considered to be an item subject to action unless it is listed as DISCUSSION or INFORMATION ONLY on the agenda.
- E. Whenever there is a tie vote on a main motion in standing committee, special committee, subcommittee or Committee of the Whole, the matter is reported to the County Board for action as "without recommendation" out of special committee, subcommittee or Committee of the Whole. The Chair, Deputy Chair, or upon a motion approved by the body, may request a straw poll (conducted by a show of hands) on an issue, without a binding vote, which will also be reported to the County Board for action "without recommendation" from the special committee or Committee of the Whole.

7. **Parliamentarian**

- A. The County Board Chair may designate a Parliamentarian, who may be a member of the Board, or may rely on the advice of the State's Attorney's Office.
- B. The Parliamentarian shall advise the County Board Chair or Deputy Chair on any Rule when called upon to do so by the Chair.

8. **Rule Changes**

Written notice of any proposed change(s) to these Rules is to be presented to the Policy, Personnel, and Appointments Committee of the Whole at least fourteen (14) days prior to any consideration of such changes.

9. **Suspension of Rules**

Any Rule, except Rule 8 (Rule Changes), may be suspended for a specific question by a two-thirds vote of the Board or Committee of the Whole members present, except as otherwise required by law.

10. Quorum

- A. A majority of the members of the Board shall constitute a quorum for the purpose of the transaction of business by the Board or Committee of the Whole.
- B. A majority of the number of the members appointed to a standing committee, special committee, or subcommittee shall constitute a quorum of that committee.
- C. No business shall be conducted in the absence of a quorum.
- D. If, at any time during any meeting of the Board, Committee of the Whole, or any standing committee, special committee or subcommittee, the number of members of the Board Committee of the Whole, or standing or special or subcommittee present falls below that constituting a quorum, that meeting shall cease and no further business be conducted until such time as a quorum is present.
- E. Any member of the Board or Committee of the Whole or standing or special or subcommittee then meeting may, at any time, suggest the Chair shall immediately order a roll call to determine the presence or absence of a quorum.

1. Appointive Position – Procedures

- A. The Board Chair shall designate appointees to public boards, commissions, and committees as required by statute or by action of the Board, subject to review and recommendation of the Policy, Personnel, and Appointments Committee of the Whole, and further subject to the advice and consent of the Board.
- B. On or before February 1 of each year, the Chair shall direct the preparation and distribution of a list of appointments expiring during the next twelve (12) months. This list shall be distributed to all Board members, all affected public boards, commissions, and committees, and any news media, which has filed an annual request to receive public notices under the Illinois Open Meetings Act. That list shall be made available for public inspection and copying.
- C. All persons desiring to be considered for appointment to any such appointive office shall make written application to the Board Chair. Forms for those applications shall be approved by the Board Chair who shall direct that they be made available at a place of County business reasonably convenient to the public.
- D. All Board members, public officials, and members of the public are encouraged to make recommendations for appointive offices by encouraging the timely submission of the necessary application to the Board Chair.
- E. The Board Chair shall direct that a press release be issued as to any appointive position(s) to be filled, which shall state where application forms may be obtained and delivered when complete, the deadline by which applications must be received, and any special qualifications required of persons appointed to that office.
- F. To the extent practicable, the Board Chair shall personally interview all applicants for such offices.

12. County Board Meetings

- A. As required by statute, the Board shall meet during the months of June and September of each year as well as the Biennial Organizational Meeting in December of each even numbered year.
- B. Regular meetings of the Board shall be scheduled in compliance with the Annual Calendar of Meetings approved by the County Board each year pursuant to the Illinois Open Meetings Act.
- C. A special meeting of the Board may be called, in accordance with 55 ILCS 5/2-1002, by written request of 1/3 of the membership of the Board, addressed to the Clerk of the Board (County Clerk) and specifying the time and place of the meeting. Upon receipt of such request, the Clerk shall immediately transmit written notice to each member of the Board and publish notice as required by law.
- D. Emergency meetings of the Board may be held only in accordance with Section 2.02 of the Illinois Open Meetings Act.
- E. Time for public participation shall be provided on the agenda for members of the public to be heard, on both the regular meeting of the County Board and Committee of the Whole meetings of the Board, and meetings of standing committees, as follows:
 1. Any person wishing to address the Board shall be allotted not more than five (5) minutes to do so.
 2. The total time allotted for public participation shall not exceed sixty (60) minutes.
 3. Members of the public wishing to speak at other times on the agenda may do so only if recognized by the Chair or by majority vote of the Board or committee members present.
 4. No Board member shall be permitted to address the Board during the time reserved for public participation.
 5. Board members shall not engage in dialogue with members of the public during public participation.
- F. The following requirements shall apply to items to be considered for placement on the Agenda:
 1. Items proposed for consideration by the Board shall be submitted to Administrative Services on or before Noon on the Tuesday preceding the Board meeting.
 2. Any resolution or ordinance submitted shall be accompanied by a summary of its contents, unless it is so brief in nature that a summary is unnecessary.
 3. Only items first presented to Committee of the Whole or a standing committee or a special committee of the Board shall be placed on the agenda of the Board for action with the exception of:
 - a) Matters relating to pending litigation;
 - b) Correction of the form of matters previously presented to the Board;

- c) Matters which the Board has, as a body, directed to be returned directly to the Board at a previous meeting;
- d) Matters presented to the Board at its Biennial Organizational Meeting;
- e) Collective bargaining and employment matters;
- f) Purely procedural matters, such as scheduling meetings;
- g) Announcements, and matters for consideration and not formal action; and
- h) Emergency budget amendments; and
- i) Items that must be acted on to meet an external deadline;
- j) All items as listed above in 3a-3i shall be listed on the agenda as "New Business".

G. To the extent possible, seating of Board members shall be by district.

13. Order of Business – County Board, Committee of the Whole, Standing & Special Committee Meetings

- A. The Chair shall call the meeting to order at the time scheduled for the meeting or as soon thereafter, as it shall appear that a quorum is present.
- B. Prior to the conduct of any other business, the Chair shall direct that the roll be called if a quorum is present and, if so, the meeting shall immediately proceed according to the designated order of business.
- C. The Order of Business for each regular meeting of the Board shall be as follows:

- Call to Order
- Roll Call
- Prayer and Pledge of Allegiance
- Read Notice of Meeting
- Approval of Agenda and Addendum
- Public Participation
- Approval of the Consent Agenda
- Communications
- Approval of Minutes of Previous Meeting(s) (if not approved as part of the Consent Agenda)
- Reports of Standing Committees
- Areas of Responsibility Reports
- New Business
- Other Business
- Adjournment

- D. The order of business for meetings of Committee of the Whole shall include the following:

- Call to Order
- Roll Call
- Approval of Agenda/Addenda

Approval of Minutes of Previous Meeting(s)
Public Participation
Communications
Areas of Responsibility Items:
 New Business
 Other Business
 Chair's Reports
 Designation of Items to be Placed on the Consent Agenda
Adjournment

- E. The order of business for meetings of standing committees, special committees and subcommittees shall include the following:

Call to Order
Roll Call
Approval of Agenda/Addendum
Approval of Minutes of Previous Meeting(s)
Public Participation
Communications
New Business
Other Business
Chair's Report
Designation of Items to be Placed on the Consent Agenda
Adjournment

- F. All questions regarding the priority of business shall be decided by the Chair, subject to appeal to the Board or special committee or subcommittee.
G. The Chair shall decide all questions of order and procedure, subject to appeal to the Board.
H. Breaks or recesses shall be taken at the discretion and by declaration of the Chair.

1. **Recognition of Members of the Board, Committee of the Whole, and Others**

- A. Each member of the Board shall have the privilege of the floor upon seeking and obtaining recognition by the Chair. In meetings of the Committee of the Whole, the County Board Chair shall designate who shall preside over all sections of the Agenda except for the specified areas of Deputy Chair responsibilities, where the relevant Deputy Chair shall preside.
B. No member of the Board, Committee of the Whole, Standing committee, special committee, or subcommittee may speak twice on the same question until all members wishing to be heard have spoken unless otherwise recognized by the Chair.

- C. The Chair shall determine the order in which members shall be recognized; however, special and subcommittee chairs or designees of the special or subcommittee reporting to the Board on behalf of their committee shall be heard first on those matters.
- D. No member who has the floor shall be interrupted except for the following:
 - 1. By a call to order by the Chair;
 - 2. By an objection to the introduction of the question;
 - 3. By a call for a point of order;
 - 4. A Question of Privilege;
 - 5. A Parliamentary inquiry.
- E. The appearance of elected and appointed officials of Champaign County Government and other persons requested to appear before the Board, Committee of the Whole, standing committee, special committee or subcommittee shall not be subject to the limitations regarding public participation and shall be recognized at the discretion of the Chair.

15. Motions, Resolutions, Ordinances, Voting and Roll Call – County Board Meetings

- A. Motions shall be stated by the mover. No motion shall be debated before it has received a second.
- B. Except as herein specified or as required by Statute, all motions may be adopted by majority vote of the members present.
- C. Every member of the Board present, including the Chair, shall be given the opportunity to vote on all questions. There shall be no “absentee” or “proxy” voting on any question.
- D. In a case where a member abstains, the member shall state the reason and the facts shall be noted in the minutes of the Board. The vote on all propositions to appropriate money, approve the annual budget and tax levy, issue bonds and fix salaries, shall be by roll call.
- E. Transfers from one appropriation of any one fund to another of the same fund not affecting the total amount appropriated, and appropriations in excess of those authorized by the budget in order to meet an immediate emergency may be made at any meeting of the Board by a two-thirds (2/3) vote of all the members constituting such Board; the vote shall be by roll call.
- F. A roll call vote shall be called on any question upon the demand of any two members. The Roll Call shall be in alphabetical order and shall be advanced one name each meeting, with the County Board Chair always voting last. This shall be recorded in the minutes.
- G. A motion before the Board may be withdrawn by the proposer with the consent of the second at any time prior to the adoption of an amendment to the motion or vote of the Board on the motion.
- H. Any Board member may request assistance in drafting resolutions and may receive assistance in preparation through the County Administrator or Administrative Services Department.
- I. Prior to approval of the Consent Agenda and upon the request of any County Board member, any item(s) in the Consent Agenda shall be removed and returned to the

appropriate Area of Responsibility. Such a request does not require a reason, a second, or a vote. Items may not be added to the Consent Agenda during the meeting.

J. The Consent Agenda shall be approved by roll call vote without debate or discussion.

16. Areas of County Board Responsibilities Assigned to the Committee of the whole

A. STRUCTURE OF AREAS OF RESPONSIBILITY

The following shall be the Areas of Responsibility of the Champaign County Board assigned to the Committee of the Whole:

Finance
Policy, Personnel, & Appointments
Justice & Social Services

B. MEETINGS OF COMMITTEE OF THE WHOLE

1. Regular Meetings of the Committee of the Whole shall be held in compliance with the Annual Calendar of Meetings approved by the County Board each year. Any changes of meeting dates and times must be submitted to the County Administrator in time to be placed on the weekly County Calendar.
2. All members present at a Committee of the Whole Meeting shall vote on all action items presented on that agenda.
The chair of the Committee of the Whole Meeting shall be the County Board Chair. The Deputy Chair for each Area of Responsibility shall chair the Committee of the Whole Meeting for their respective portion of the Agenda.

D. DUTIES OF DEPUTY CHAIR

1. The Deputy Chair may vote on all motions before the Committee of the Whole.
2. The Deputy Chair, in cooperation with the County Board Chair and the County Administrator, shall be responsible for developing the agenda for each meeting.
3. The Deputy Chair shall notify the Administrative Services Department, in a timely manner, of any recommendations or actions requiring County Board action.
4. The Deputy Chair, with the approval of the majority of the Board members, may designate a subcommittee of one or more members and a Subcommittee Chair to conduct specific duties.
5. In the absence of a Deputy Chair, the Assistant Deputy Chair shall serve in the Deputy Chair's stead.

E. AREAS OF RESPONSIBILITY: DUTIES AND ROLES

1. Finance
 - a) Establishes process with County Administrator for annual budget preparation.
 - b) Plans overall county long-range needs, including consideration of the County's information technology systems and infrastructure.

- c) Plans overall budget, in view of department proposal and County needs.
- d) Convenes a public hearing on the preliminary budget in compliance with legal requirements.
- e) Reviews departments' budgets and reports to the Board any recommendations necessary for the reasonable adherence to the budget.
- f) Prepares and submits final budget to the Board.
- g) Confers with the County Treasurer to determine the proper and legal investment and deposit of County funds.
- h) Approves transfer of funds on line item accounts as necessary.
- i) Evaluates distribution of funds and appropriation of expenditures within the County with the goal to achieve maximum efficiency and economy within the government structure.
- j) Receives and considers for recommendation to the County Board all grant applications and/or awards for Champaign County offices and agencies;
- k) Receives, reviews, and considers recommendation to the County Board from the Champaign County Salary Administrator regarding position classification, evaluation, salary administration, and County staffing.
- l) Reviews and recommends Champaign County Financial Policies annually.

2. Justice & Social Services

- a) Considers issues and receives reports from the Champaign County Mental Health Board, Developmental Disabilities Board, Cooperative Extension Services Board, RPC Head Start, RPC Senior Services, Regional Office of Education, Children's Advocacy Center, Veterans' Assistance Commission, and Community Services Board.
- b) Works with the County Sheriff on all matters pertaining to adult correctional programs and policies.
- c) Confers with Circuit Judges on operation of courts and court related offices and agencies.
- d) Considers programs and receives reports involving Courts, Circuit Clerk, State's Attorney, Public Defender, Court Services, Coroner, Animal Control, and Emergency Management Agency departments.

3. Policy, Personnel, & Appointments

- a) Reviews and acts upon all appointments recommended by the County Board Chair.
- b) Develops, maintains, and recommends County policies, in compliance with federal and state regulation.
- c) Accepts and reviews reports for County Administrator, County Board Chair, and County Clerk.
- d) Receives, reviews, and makes recommendations from subcommittees.
- e) Serves as final step for hearing process in grievance procedures as provided in Champaign County Personnel Policy.
- f) Responsible for reviewing and recommending positions on state and federal legislation impacting the County.

- g) Receives, reviews, and considers requests from department heads and recommendations from Champaign County Salary Administrator regarding position classification and evaluation, and forwards recommendations to Finance Committee of the Whole, and/or County Board, pursuant to the terms of the Champaign County Personnel Policy.

17. Standing Committees

A. Names and Sizes of Standing Committees

The following shall be the standing committees of the Champaign County Board and their respective sizes:

County Facilities Committee (7 members)
Environment and Land Use Committee (7 members)
Highway and Transportation Committee (8 members)

B. Rules for Standing Committees

1. Except as specifically provided for in this section, all rules and procedures set forth elsewhere in this Resolution (including but not limited to those related to notice of meetings, conduct of meetings, establishment of quorum, provision for public participation and compliance with the Illinois Open Meetings Act) shall apply to standing committees.
2. Regular Meetings of standing committees shall be held in compliance with the Annual Calendar of Meetings approved by the County Board each year. Any changes of meeting dates and times must be submitted to the County Administrator in time to be placed on the weekly County Calendar.
3. Standing committee meetings shall be presided over by the Chair of the standing committee or in the absence of the Chair, the Assistant Chair of the standing committee, or in the absence of the Assistant Chair, by a member of the committee elected by a majority of the committee members present.

C. Duties of Standing Committees

1. County Facilities Committee
 - a) Reviews and approves construction and remodeling, maintenance and operation of County buildings, property and recreational land, in compliance with all federal and state requirements
 - b) Reviews topics involving acquisition, leasing, and disposition of real property for the County.
 - c) Establishes, plans, and approves long-range goals and development of plans for County facilities.
 - d) Provides overall supervision of matters relating to County facilities.
2. Environment and Land Use Committee

- a) Works with the Regional Planning Commission and other units of government to meet the need for regional planning and zoning.
- b) Makes recommendations for guidance and control of the future economic development of the County.
- c) Drafts rules and regulations for subdivisions.
- d) Acts on approval of plats.
- e) Issues various licenses as established by the Board.
- f) Provides Cable television oversight.
- g) Provides Solid Waste oversight.
- h) Reviews and recommends policies and actions regarding all zoning and enforcement issues.

3. Highway and Transportation

- a) Establishes and approves long-range plans for County roads and highway construction.
- b) Provides overall supervision of matters relating to County roads, bridges, and right-of-way.
- c) Approves all highway construction plans.
- d) Considers acquisition and disposition of County Highway equipment and materials.


18. Per Diem

- A. Per Diem payments shall be established by the County Board for each term of office and shall prevail throughout that term of office including any replacement Board members.
 - B. Per Diem shall be determined by the County Board biennially in advance of the election of new Board members.
 - C. No more than one per Diem shall apply on any given calendar day.
 - D. Board members shall be reimbursed for mileage for attendance at meetings and events approved based on the rate established by the County Board. Mileage for a second meeting on any one day shall be chargeable.
- In the absence of a quorum at a duly called meeting, those members attending the called meeting shall be entitled to per diem and mileage.

19. Effective Date


This Resolution shall become effective March 19, 2015.

PRESENTED, ADOPTED, APPROVED, AND RECORDED This 19th day of March
A.D. 2015.



Patti Petrie, Chair
Champaign County Board

ATTEST:



Gordy Hulter, County Clerk and
Ex-Officio Clerk of the County Board

ORDINANCE NO. 837

**ORDINANCE ESTABLISHING SINGLE ADMINISTRATOR SYSTEM AND
PRESCRIBING THE DUTIES, POWERS AND RESPONSIBILITIES OF THE COUNTY
ADMINSITRATOR**

WHEREAS, the Champaign County Board by various motions passed during 1988 and 1989 did establish the staff position of County Administrator and, in January, 1990, hired its first County Administrator; and in March 1993 by Ordinance No. 431, and in March 1998 by Ordinance No. 559 established "An Ordinance Prescribing the Duties, Powers and Responsibilities of the County Administrator"; and

WHEREAS, in May 2004, the Champaign County Board adopted Ordinance No. 718, which amended Ordinance No. 559 by establishing that there would be two staff positions to be identified as County Administrator of Finance and Human Resource Management and County Administrator of Facilities and Procurement; and

WHEREAS, it is the recommendation of the Administrative Structure Subcommittee to the Policy, Personnel, and Appointments Committee that Ordinance No. 431, 559 and 718 be rescinded, and the County Board adopt an Ordinance establishing a single administrator position effective on December 1, 2009; and

WHEREAS, the Policy, Personnel, and Appointments Committee adopts the recommendation of the Administrative Structure Subcommittee and recommends to the Champaign County Board that Ordinance No. 431, 599 and 718 be rescinded, and the County Board adopt an Ordinance establishing a single administrator position effective on December 1, 2009.

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED by the County Board of County of Champaign, Illinois that effective on December 1, 2009, the County Board establishes a single administrator position with duties, powers and responsibilities as follows:

DUTIES, POWERS and RESPONSIBILITIES OF THE COUNTY ADMINISTRATOR

Effective December 1, 2009, there is hereby created one staff position which shall be known as County Administrator to advise, assist, and be responsible to the Champaign County Board, for the proper and efficient administration of such affairs of Champaign County government as are assigned to the position by the County Board.

The County Administrator shall perform duties, subject to the direction and approval of the Champaign County Board, which is the chief policymaking body of Champaign County government. Day to day liaison shall be maintained by the County Administrator with the Chair of the Champaign County Board. The County Administrator shall be responsible for the enforcement of such ordinances, orders, regulations and resolutions relating to internal operations of county government as are adopted by the Champaign County Board.

The County Administrator shall have the following duties, powers and responsibilities:

1. **ADMINISTRATION.** The County Administrator shall perform the administrative duties, powers and responsibilities vested in or delegated to the Champaign County Board by law or by intergovernmental agreement, which duties, powers and responsibilities shall include and be limited to:
 - a. Giving administrative directives to operating Champaign County departments and agencies, which directives shall be subject to and given in strict compliance with the policies established and authorized by ordinance, resolution or motion passed by the County Board of by final main motion passed by a committee or subcommittee of the County Board; and
 - b. Responding in a timely manner to reasonable requests of the County Board, its committees and subcommittees, individual County Board members, and heads of Champaign County departments, offices and agencies, for information or advice concerning or related to the administrative duties, powers and responsibilities of the County Administrator; and
 - c. Act as department head for the Administrative Services Department.

2. **FINANCE.** The County Administrator shall establish the schedule and procedure to be followed by all County departments, offices, and agencies in connection with the preparation, review, adoption, implementation, and amendment of the annual budget in accordance with the policy and guidelines recommended by the Finance Committee, and approved by the Champaign County Board. The County Administrator shall, in coordination with the Chair of the Finance Committee, supervise and administer all phases of the budgetary process. The county Administrator shall review budget requests from departments, offices and agencies; and prepare and submit to the Board and its committees and subcommittees the annual budget, which shall include all of the funds, departments, offices and agencies which the Board is required to review and approve.

3. **PERSONNEL.**
 - a. The County Administrator shall assist the Policy, Personnel and Appointments Committee in the development and implementation of the policies and guidelines for the selection, employment, supervision, suspension, discharge or removal of all personnel, positions, or employment under the jurisdiction of the Champaign County board, except non-elected persons appointed by the Board as required by State law. The County Administrator shall assist the Policy, Personnel and Appointments Committee and the Finance Committee in the development and implementation of policies and guidelines for salary administration, including classifying, compensating, and evaluating all positions. The Champaign County Affirmative Action Program shall be administered by the County Administrator, under the direction of the Policy, Personnel and Appointments Committee.
 - b. The County Administrator shall assist all Board committees in evaluation of job performance of appointed department heads and report finding to

appropriate Board committees; screen applicants and recommend candidates to be interviewed following County Board policy, unless otherwise provided by State statute.

4. **LEGISLATION.**

- a. The County Administrator, in coordination with the Policy, Personnel and Appointments committee, or its designated subcommittee, shall draft, recommend and support legislation pertinent to Champaign County's interests and objectives. The County Administrator may represent Champaign County at state legislative hearings when deemed necessary by the Champaign County Board.
- b. The County Administrator shall keep the Champaign County Board informed concerning proposed or accomplished actions of other governmental units and recommend intergovernmental agreements when applicable. The County Administrator, in coordination with the Chair of the Champaign County Board, is authorized and directed to act as a liaison with other governmental units when deemed necessary by the Chair of the Champaign County Board.

5. **SUPPORT OF THE CHAMPAIGN COUNTY BOARD.**

- a. The County Administrator shall assist the Champaign County Board Chair in preparation and distribution of the agenda and supporting documentation for all meetings of the Champaign County Board.
- b. The County Administrator shall assist the chairs of the Board's committees and subcommittees, in the preparation and distribution of the agenda, minutes and supporting documents for meetings of committees and subcommittees of the Board.
- c. The County Administrator shall attend all meetings of the Champaign County Board and may be requested to participate in the discussion of any matter before the Board.
- d. The County Administrator shall attend County Board committee and subcommittee meetings when requested by chairs of the committees or subcommittees, and may participate in discussions, and recommend measures for adoption when appropriate or requested.
- e. The County Administrator shall provide the County Board, or its committees or subcommittees, upon request, with data or information concerning the County and provide advice and recommendations on County government operations.

6. **CONTRACTS and AGREEMENTS.** The County Administrator, in coordination with the Chair of the Champaign County Board, is authorized to negotiate leases, contracts, and other agreements for goods or services, subject to (a) applicable state law; (b) the recommendation of the applicable county board committee; and (c) the approval of the Champaign County Board. The County Administrator shall ensure that all terms and conditions of leases, contracts, and other agreements are performed and shall promptly notify the Board of any violations of such leases, contracts, and other agreements. The County

Administrator shall be responsible for the continued development and maintenance of a centralized system for purchasing goods and services on behalf of County departments and agencies.

7. **PROPERTY.** The County Administrator shall assist the County Facilities Committee in the development and implementation of policies and guidelines to provide for appropriate protection of the County and its property from loss, damage, liability, and other risks.
8. **COMMUNICATIONS AND INFORMATION TECHNOLOGY.** The County Administrator shall maintain and supervise systems of communication and information technology, including but not limited to information technology and data processing, telephone, micrographics, copier services and printing services, and mail services. The County Administrator shall assist the County Board and its committees and subcommittees, in coordination with the various county departments, offices and agencies, in the development and implementation of policies and guidelines to provide for systems of communication and information technology to allow computerized electronic access by County employees, members of the public, and other interested persons or entities to records and information that is lawfully available to the public and which is kept in the various departments, offices and agencies of Champaign County government.
9. **ORGANIZATION.** The County Administrator shall monitor and recommend to the Champaign County Board the structure of County departments and agencies, and their functions, including reporting relationships, physical facilities and location. The County Administrator may recommend changes to the County government organization structure. The County Administrator may direct non-elected department heads to undertake tasks for other departments on a temporary basis if the County Administrator deems it necessary for the proper and efficient administration of the County government to do so, subject to review by the County Board.
10. **RECORDS.** The County Administrator shall maintain records appropriate to or required by the duties, powers and responsibilities of the position.
11. **OTHER.** The County Administrator shall perform such other duties as may be required by the Champaign County Board.

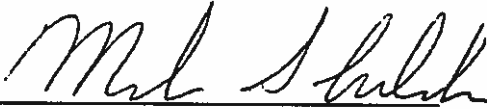
IT IS HEREBY FURTHER ORDAINED by the County Board of the County of Champaign, Illinois, that on December 1, 2009, the following Ordinances are hereby rescinded: Ordinance No. 431, Ordinance No. 559, and Ordinance No. 718.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 21st day of October,
2008 A.D.



C. Pius Weibel, Chair
Champaign County Board

ATTEST:



Mark Shelden, County Clerk and *Ex-Officio*
Clerk of the Champaign County Board

ORDINANCE NO. 851

ORDINANCE AMENDING ORDINANCE NO. 837 ESTABLISHING SINGLE ADMINISTRATOR SYSTEM AND PRESCRIBING THE DUTIES, POWERS AND RESPONSIBILITIES OF THE COUNTY ADMINISTRATOR

WHEREAS, The Champaign County Board has heretofore adopted Ordinance Number 837 establishing a single County Administrator system; and

WHEREAS, The Champaign County Board seeks to amend its Ordinance Number 837 to reflect the County Board's intention for the County Administrator to conduct the annual job performance evaluations of the County Board appointed department heads;


NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Champaign County Board, that the following duties, powers, and responsibilities of the County Administrator in Ordinance No. 837 are amended as follows:

3. PERSONNEL.

b. The County Administrator shall ~~assist all Board committees in~~ *annually conduct* evaluation of job performance of *County Board* appointed department heads and report finding to ~~appropriate Board committees~~ *the County Board*, screen applicants and recommend candidates to be interviewed following County Board policy, unless otherwise provided by State statute.

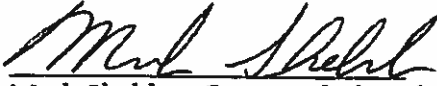
9. ORGANIZATION. The County Administrator shall monitor and recommend to the Champaign County Board the structure of County departments and agencies, and their functions, including reporting relationships, physical facilities and location. The County Administrator may recommend changes to the County government organization structure. The County Administrator may direct non-elected department heads to *direct their staff to* undertake tasks for other departments on a temporary basis if the County Administrator deems it necessary for the proper and efficient administration of the County government to do so, ~~subject to review by the County Board.~~

PRESENTED, ADOPTED, APPROVED, AND RECORDED this 18th day of June, A.D. 2009.



C. Pius Weibel, Chair
Champaign County Board

ATTEST:



Mark Shelden, County Clerk and
Ex-Officio Clerk of the County Board