



The County of McHenry

Woodstock, Illinois

Guide Book for Appointed Public Officials

Approved by the
McHenry County Board
on 10-6-2015

A Message from the McHenry County Board Chairman

Congratulations on your recent appointment as a public official for a Board, Commission or Special District in McHenry County. Additionally, thank you for making the commitment to serve and contribute to your local community. As a public official, you have the responsibility to ensure that your public body operates in accordance with the public interest and the principles of good governance. Paramount to these principals are fiscal responsibility, accountability, transparency, efficiency and ethics. I ask that you take this to heart as you carry out your duties and responsibilities in your new role.

This guide book is intended to make you aware of pertinent laws and policies that apply to you and your organization, outline the expectations for public officials and let you know of the resources available to assist you and your fellow board members as you carry out your duties. It is my hope that you find this guide book informative and useful. However, this guide book is not all inclusive so please do not hesitate to contact your support staff, County Board liaison or County staff if you have any questions at all.

On behalf of McHenry County, thank you for your service to the County. We look forward to your leadership and commitment to delivering efficient and effective services.

TEN GUIDELINES FOR BOARD MEMBER ETHICAL BEHAVIOR

1. Attendance is crucial, not only to meet the needs for a quorum, but to fulfill one's responsibilities as an elected or appointed board member.

What are the reasons a board member should attend the board meetings he or she was elected or appointed to serve on?

2. Preparation for meetings is required.

How do you prepare for a board meeting?

3. No preferential treatment or grudges should influence decisions.

How does special treatment affect board performance? How does special treatment or decisions based on bias leave a board open to liability action?

4. Board decisions must be supported, even if a member personally disagrees. It's not ethical to talk against a decision outside of a meeting.

What is the proper forum for disagreement among board members?

5. Learn enough to provide true financial oversight.

Do you, as a board member, understand how your board is funded? Do you understand how the funding can be spent? Who is responsible for financial oversight of your board? How do you know if that person is using proper procedures to administer the board's funds? What is your role in administering funds from other agencies, foundations, etc.? Example: Cost-Share Programs, Grants.

6. Understand what the community needs. This means that you must have some communication with those people you represent.

A board represents all members of the community they serve. Does your board represent the needs of that community? How does your board maintain contact with the community?

7. Accountability is relevant both in personal matters and in the role of a board member. Do not let your actions diminish the reputation of your board.

As a board member, who are you accountable to? What role does staff have in a board's accountability? Who is staff accountable to?

8. Model the mission of the board.

Can a board be effective if board members do not adhere to the purpose of the board? Do you practice what you preach?

9. Keep confidentiality when needed, stay on agenda topic and avoid gossip.

10. Use common sense and good manners to guide your board participation.

How does this affect board performance? How does it affect the length and focus of a board meeting?

Overview of Appointed Boards and Commissions

The Chairman and the McHenry County Board nominate and appoint over 200 citizens to serve on various governing boards (special districts), operating boards, regulatory commissions or advisory committees. Each appointed body differs with respect to purpose, degree of autonomy, service delivery, organizational oversight and regulatory authority. In order to diligently carry out your new responsibilities, it is important that you familiarize yourself with the specific roles, responsibilities and purpose of your board, commission or committee.

Appointed bodies that serve McHenry County can be categorized as follows:

Special Districts operate as autonomous units of government to provide a single service or group of services within a defined jurisdictional boundary. Examples include the McHenry County Conservation District, fire protection districts, drainage districts and the Lake in the Hills Sanitary District.

Operating Boards monitor, oversee and guide the operations and policies of an individual County department or function. An operating board reviews recommendations of staff and provides direction as needed. Operating boards do not have the authority to establish policy, make personnel decisions, approve expenditures or set budgets. Rather, operating boards consider these matters and make recommendations to the appropriate County Board committee charged with oversight of the department. Examples of operating boards include the Board of Health and Valley Hi Operating Board.

Regulatory Commissions administer and enforce specific policies, ordinances and regulations established by the County Board and State statute. Examples include the Ethics Commission, Historic Preservation Commission, Merit Commissions and Stormwater Management Commission.

Advisory Committees review specific issues, conduct hearings, investigate applications and make recommendations to the County Board. McHenry County utilizes advisory committees to review grant applications and make funding recommendations for upcoming program years. Examples include the Community Development Block Grant Commission, Housing Commission, Senior Services Grant Commission and Public Transit Advisory Committee.

Section 1: Now that you are a Public Official, what is expected of you?

In addition to being familiar with your board's function and purpose, it is essential to keep in mind that you are now a steward of the public trust and are to work in the public's best interests. The following are expectations that the citizens of McHenry County and the McHenry County Board have for all public officials:

- A. Communication and Accountability
- B. Fiscal Responsibility
- C. Ethics
- D. Transparency
- E. Attendance
- F. Procedures and Boardmanship
- G. Organizational Awareness

A. Communication and Accountability

Regularly communicating information to the McHenry County Board and the public is critical to the success and proper governance of each appointed body. A higher degree of accountability is achieved when information is readily available and easily attainable. Each public entity should provide and make accessible the following information:

- 1) Updates regarding major events, capital expenditures, employment issues and other important decisions so the McHenry County Board is well informed on the management of the appointed body. This is most efficiently achieved by working with your County Board liaison and through regular reports to the County Board standing committee that has oversight for your appointed body.
- 2) When appropriate or upon request, please ensure that your agency provides the following information to the County:
 - Budget and Reserve Policies
 - Adopted Annual Budget
 - Annual Audit including internal controls and management letters
 - Any required legal filings with State or regulatory agencies

- An up-to-date organizational chart
 - Employment contracts of the organization administrator, executive director and key staff
 - Employment policies and procedures including leave and benefit allowances and any other form of compensation such as bonuses or vehicle use allowances
 - Procurement policies detailing methods for soliciting bids and selecting contracts without utilizing a competitive bid process
 - Ethics policy
 - Proof of insurance bonds for all officeholders (if required).
- 3) To maintain the public trust, immediately disclose any internal or external findings of non-compliance with any law or regulation involving the appointed board, organization and/or its personnel to your agency's County Board oversight committee and the appropriate authorities unless such disclosure is otherwise prohibited by law.

B. Fiscal Responsibility

The County of McHenry prides itself on its strong record of fiscal responsibility. It is essential and expected that appointed public officials shall likewise be prudent stewards of public money regardless if it is generated through local taxes, state and/or federal grants, charges for service or other means.

While appointed bodies have different purposes, responsibilities and nature of services provided, all public officials have the duty and obligation to ensure that the following actions are being diligently carried out by their respective appointed bodies:

- 1) Establish annual budget policies based on the needs of the organization the residents whom it serves.
- 2) Adhere to industry and marketplace standards, comparable and best practices when making decisions on budgeting, contracting, expenditures, reserve policies, employment, compensation, benefits, settlements and other financial standards.

- 3) Ensure the use of Generally Accepted Accounting Principles (GAAP) and Generally Accepted Auditing Standards (GAAS) by enacting, monitoring and updating financial policies as necessary. In addition, appointed public officials shall ensure that their respective appointed body follows the Government Finance Officers Association (GFOA) recommended policies covering, at a minimum, financial planning, revenue and expenditures.
- 4) Operate in an efficient and cost effective manner and strive to decrease costs where practical by:
 - a. Promoting shared services and collaboration between other appointed and local units of government.
 - b. Considering the utilization of contract services to reduce personnel and project costs.
 - c. Evaluating business practices and procedures to enhance operational efficiency.
 - d. Regularly contacting the McHenry County Purchasing Department to explore opportunities for joint purchasing. The Purchasing Department can be reached at (815) 334-4818 or purchasing@co.mchenry.il.us.

C. Ethics

Whether you are an elected or an appointed official, you have been entrusted with an important responsibility to represent the residents and interests of your district or service area. County officials are expected to conduct themselves in a fair and impartial manner and to act in the public interest. In addition, McHenry County maintains the highest standards and commitment to ethics in local government and, as such, has enacted the McHenry County Ethics Ordinance to regulate political activity within the government and the acceptance of gifts by officials and employees. Section 70-20 of the State Officials and Employees Ethics Act requires those who are appointed by the County Board or County Board Chairman to serve on any board, commission or special district shall “abide by the ethics laws applicable to, and the ethics policies of, that county and, if applicable, shall be subject to the jurisdiction of that county’s ethics officer or inspector general.” Therefore, appointed public officials are to adhere to the McHenry County Ethics Ordinance. The McHenry County Ethics Ordinance can be found on the McHenry County website at <http://www.co.mchenry.il.us/>.

D. Transparency

Transparency and responsiveness are important values that foster open government and community engagement. The following actions are necessary to ensure appointed public officials and appointed bodies are accountable to the McHenry County Board and the public:

- 1) Conduct all agency business in an open and transparent manner.
- 2) Provide descriptive agendas and accompanying back-up materials to the public on line and at the physical location of the meeting at least 48 hours in advance pursuant to the Open Meetings Act.
- 3) Each public body should post its annual meeting schedule and minutes online to make them accessible to the public. For those entities without a website, meeting schedules, agendas and minutes may be posted on the County's website.
- 4) Respond to public inquiries as promptly as possible and maintain a demeanor that welcomes and fosters community engagement.
- 5) Publish board member and staff member contact information on the appointed body's website (if applicable).
- 6) Adhere to the requirements of the Illinois Open Meetings Act.
- 7) Complete the Open Meetings Act training through the State's online training program and submit a certificate of completion to McHenry County.
- 8) Adhere to the requirements of the Freedom of Information Act.

E. Attendance

Each public entity has meeting and attendance requirements. Appointed officials should make every effort to attend as many public meetings as possible. Attendance is especially critical for smaller bodies where nearly full attendance is required just to reach a quorum. If a quorum is not reached, the body cannot conduct its official business. Section 4 provides more information on attendance as it relates to the Illinois Open Meetings Act (5 ILCS 120/).

F. Procedures and Boardmanship

The procedure during public meetings will generally follow Robert's Rules of Order and the by-laws of your agency. The proper respect for the process should

be followed at all meetings and professional courtesy should be extended to fellow board members, the public and staff. Once an issue has been decided, board members of a dissenting point of view are expected to act in a courteous manner and to respect the majority opinion. For more information concerning Robert's Rules of Order please visit: <http://www.robertsrules.com/>.

G. Organizational Awareness

In order to effectively carry out your public duties, it is imperative that you become familiar with your board's function, by-laws, purpose, mission, policies, strategic plan, budget and financial plans. As an appointed official, you will help shape the future direction of your agency by taking part in regular updates to the policies, plans and budget that guide the board and organization. It is essential that these policies and plans are reviewed periodically to ensure they are in compliance with legal requirements, mandates and best practices.

Section 2: Disclosure of Economic Interests

As an appointed official, you must file a Statement of Economic Interest with the County Clerk each year by May 1 (and within 30 days of taking office). These Statements of Economic Interest are generally completed by any elected, appointed or employed public servant with approving authority over public funds, licensing or employment status. The filing requires the disclosure of information regarding professional involvement, services provided, capital assets and financial interests.

What happens if I do not file my Statement by the May 1st deadline?

Persons required to file a Statement of Economic Interest are subject to a \$15 penalty for any form not filed by May 1st (the statutory deadline), and a \$100 per day penalty (in addition to the \$15 fee) after May 16th. ***Failure to file by May 31st may result in forfeiture of the position.***

I was appointed after May 1st - Do I need to complete a Statement?

Yes! The Act states that when appointed, you need to file a Statement of Economic Interest with the County Clerk.

The information provided herein is by no means a complete or full

summary of the law. Additional information about the Statement of Economic Interest can be found by visiting:

<https://www.co.mchenry.il.us/county-government/departments-a-i/county-clerk/public-filings/statements-of-economic-interest>

Questions or concerns regarding the Statement of Economic Interest should be directed to the McHenry County Clerk's Office.

McHenry County Clerk
667 Ware Road, Suite 107
Woodstock, IL 60098
(815) 334-4242

Section 3. Illinois Freedom of Information Act

(5 ILCS 140/1): All persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees.

The Freedom of Information Act (FOIA) is a state statute that defines the public's right to access government documents and records. The law provides that a person can ask a public body for copies of its records on a specific subject and the public body must provide those records, unless there is an exemption in the statute that protects those records from disclosure. The Freedom of Information Act addresses a wide variety of topics that cannot fully be addressed in this document. The following information provides general FOIA guidelines that most frequently impact public officials. As a public body, your organization IS subject to the Freedom of Information Act.

Who can file a FOIA request?

Any person, group, association, corporation, firm, partnership or organization has the right to file a FOIA request to any state or local public body, including any city, township or county office.

Is every public body required to have a designated FOIA officer?

Yes. Every public body must designate one or more FOIA officers. In addition, every public body must prominently display certain information, including the name(s) of its FOIA officer(s). Any public body that has a website must also post this information on its website. FOIA Officers must complete electronic training within 30 days after assuming the position and on a yearly basis thereafter.

How many days does the public body have to respond to a FOIA request?

Five (5) business days from the day after the public body receives the request. However, that due date may be extended for an additional five (5) business days if one of seven criteria is met. If additional time is needed, the public body must notify the requester in writing within the original five (5) business day response period.

What are the consequences if the public body does not respond to the FOIA request within five (5) business days (or 10 business days if extended)?

Aside from the possibility that a court ultimately could impose a civil penalty of between \$2,500 and \$5,000 per FOIA violation, public bodies that fail to respond within five (5) business days (or 10 days if the extension was properly requested).

The information provided herein is by no means a complete or full summary of the law. Additional information about the Freedom of Information Act can be obtained at: <http://foia.ilattorneygeneral.net/FreedomofInformationAct.aspx>

Questions or concerns regarding the FOIA should be directed to the Public Access Counselor at the Office of the Attorney General.

Public Access Counselor
500 South Second Street
Springfield, IL 62706
FOIA Hotline: 1-877-299-FOIA
<http://foia.ilattorneygeneral.net>

Section 4. Illinois Open Meetings Act

(5 ILCS 120/1): *It is the public policy of this State that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business.*

The Open Meetings Act (OMA) requires that meetings of public bodies be open to the public with specific, limited exceptions authorized by law. OMA also provides that the public must be given advance notice of the time, place and subject matter of meetings. The Open Meetings Act addresses a wide variety of topics that cannot fully be entertained in this document. Boards and Commissions appointed by the McHenry County Board fall within the definition of public bodies and therefore are subject to OMA.

The following information provides general OMA guidelines that most frequently impact public officials.

How many members of the public body have to be present at a “meeting” before OMA requirements apply?

A “meeting” under OMA is a gathering of the majority of a quorum for the purpose of discussing public business. This is not the number required to call a meeting to order and conduct official business. Rather, as it applies to OMA, it is simply the minimum number of members required to pass a motion at a meeting. So, in essence, the casual gathering of only a few members of a public body could constitute a “meeting” and possible violation of OMA. To determine the number of members that constitutes a “meeting,” find your public body’s size on the left side of the table and match it with the corresponding number on the right side.

Number of public body members	Number to constitute a “meeting”
4 and under	2
5* – 9	3
10 – 13	4
14 – 17	5
18 – 21	6
22 – 25	7

* There is a special rule in OMA that applies to bodies with five members

When and how does a notice of a regular meeting have to be provided by a public body?

At the beginning of each calendar or fiscal year, every public body must create and make available to the public the schedule for regular meetings that year, including the dates, times and locations of the meetings. Notice shall be given by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held. If the public body has a website, then notice of all meetings must also be posted on that website. If the public body changes the regular meeting schedule, it must give ten calendar days' notice by publicizing the meeting change in the newspaper and by posting information concerning the schedule change at the principal office of the public body.

What is an agenda?

An agenda is a list of the items to be acted upon or discussed during a meeting. A public body must post an agenda for the particular meeting at the principal office of the public body, at the location of the meeting and on the public body's website at least 48 hours in advance of the meeting. A public body cannot change the agenda less than 48 hours before the meeting.

The items listed on the agenda need to be descriptive enough so that a person can reasonably determine what action or decision may take place.

Can the public body take action on items not on the agenda of regular meetings?

No. While the public body can discuss items that are not on the posted agenda, the public body cannot take action or make any decision with regard to items or topics not on the agenda. It is important to note that at a special or emergency meeting, unlike a regular meeting, a public body cannot even discuss items that did not appear on the agenda.

Is a public body required to allow a member of the public to speak at an open meeting?

The Open Meetings Act requires that public bodies provide members of the public an opportunity to speak at a meeting. Public bodies are authorized to adopt rules regarding the public comment portion of a meeting. Such rules may

limit the time allotted for the public to speak.

Is the public body required to take minutes of its open meetings?

Yes. The public meeting minutes must include:

- The date, time and place of the meeting;
- A list of the members present and absent from the meeting, and whether they attended in person, by phone or by video;
- A summary of the discussion of all matters proposed, deliberated or decided; and
- A record of any votes taken.

It is important to note that subsidiary bodies (such as committees and subcommittees) are also required to take minutes of meetings. A public body must make minutes of the meeting available for public inspection and post them on the website (if available) within seven calendar days after the minutes are approved by the public body. Typically, minutes are approved at the next board meeting.

Are there any training requirements?

Members of a public body subject to the Open Meetings Act (OMA) **must** complete electronic training with the Illinois Attorney General's Office once during your election or appointment tenure in office. For newly appointed officials, ***this training must be completed within 90 days of taking the office.*** This is a one-time training requirement, unless you are designated by your entity to receive additional training on compliance with the Open Meetings Act on an annual basis. OMA training is available online through the Public Access Counselor's Office free of charge at: <http://foia.ilattorneygeneral.net/electronic-foia-training.aspx>.

The information provided herein is by no means a complete or full summary of the law. Additional information about the Open Meetings Act can be obtained by visiting: <http://foia.ilattorneygeneral.net/>.

Questions or concerns regarding the Open Meetings Act or the Electronic Training requirement should be directed to the Office of the Attorney General:

Office of the Attorney General

500 South Second Street

Springfield, IL 62706

1-877-299-FOIA

<http://illinoisattorneygeneral.gov>

Section 5: Americans with Disabilities Act

(42 U.S.C. § 12101): *The Nation's proper goals regarding individuals with disabilities are to assure equality of opportunity, full participation, independent living and economic self-sufficiency for such individuals.*

How does the ADA impact public bodies?

- People with disabilities have a right to equal opportunity to participate in the activities of all boards and commissions;
- Meetings and other activities shall be held in wheelchair-accessible locations;
- Upon request, meeting materials shall be provided in accessible formats;
- Reasonable modifications should be made to policies or procedures whenever they create a barrier to the full and equal participation of a person with a disability.

Additional information about the Americans with Disabilities Act can be obtained using the following link: <http://www.ada.gov/pubs/adastatute08.htm>.

Questions or concerns regarding the Americans with Disabilities Act can be directed to the Illinois Human Rights Commission:

Human Rights Commission

James R. Thompson Center

100 West Randolph Street, Suite 5-100

Chicago, Illinois 60601

(312) 814-6269

Section 6: McHenry County Resources

Some appointed bodies have professional staff to assist with the day-to-day responsibilities of the organization. Others have a member of the McHenry County staff assigned to serve as a liaison and provide limited administrative support, assistance and guidance. These staff members are there to be a resource so your appointed body can effectively carry out its public duties. In the event that your appointed body does not have the benefit of either internal or assigned liaison staff, the following McHenry County administrative staff are available to assist and advise you:

County Administrator
667 Ware Road
Woodstock, IL 60098
(815) 334-4226

Deputy County Administrator
667 Ware Road
Woodstock, IL 60098
(815) 334-4924

Assistant to the County Administrator
667 Ware Road
Woodstock, IL 60098
(815) 334-0309

