

**SITING, RULES & ORDINANCE SUB-COMMITTEE MEETING**

**May 20, 2021**

**5:30 P.M.**

**MEMBERS PRESENT**

Marcy Rood, Chair  
Linda Little  
Bill Oliver  
Helena Buckner, (@ 5:35 p.m.)  
Jeff Entler

**COUNTY PERSONNEL PRESENT**

Mike Baggett, SA Office  
Jennifer Gunter, P&Z  
Tracy Sumpter, Env Mgmt  
Jim Gresham, Co Bd member  
Jeannie Durham, County Board Office

**MEMBERS NOT PRESENT**

The meeting was called to order by Chair Marcy Rood at the Macon County Office Building.

**MINUTES**

Motion to approve the minutes of prior meeting, 11/21/2019, made by Mr. Entler, seconded by Ms. Little and motion carried 4-0.

**CITIZEN'S REMARKS** - None

**OLD BUSINESS** – None

**NEW BUSINESS** –

***Macon County Board Resolution Amending the County Nuisance Ordinance***

Chair Rood explained that there had been some discussion at the April EEHW committee meeting and they had referred it to this sub-committee.

There are three sections that are being suggested be reviewed for modifications:

- Chronic nuisance property definition under section 90.01. Ms. Little asked what the benefit to making the suggested changes would be. Ms. Rood said she thought it would be to help in having more enforcement of this type of violation. We just need tougher standards, with more incremental violations the penalties should go up with each violation.
- Abatement – not moving the violation to another location. This has occurred.
- Another category about chronic nuisances.

Ms. Little asked if liens are currently being placed against properties when we have to go in and clean things up or do we ever go in and do clean up? Ms. Gunter explained that liens are put on properties for mowing. The liens are then collected when they sell the property. Sometimes we do, sometimes we don't because of tax sales, etc. We do have the ability to go in and clean up, but it is a cost to the county to do so. A lien is then put on it. Mr. Oliver asked who is doing the work. Ms. Gunter said they have a mowing contractor. The work is contracted out. Ms. Little asked if making the changes to the ordinance would improve the success. She explained that she is not opposed to the proposed changes as they sound much stronger and much more clear, but do we really mean business or just keep hoping they'll take it more seriously? Ms. Gunter explained that she has concerns in regard to the chronic nuisance section where it says they are to be served and they have 24 hours to clean it up. She went on to explain that when a violation comes in, they are sent a letter and she won't know when they received that letter; Monday or Tuesday or

??? The 24 hour notice to clean it up will be tough. Ms. Little asked if the letters are sent certified. Ms. Gunter said no, they are sent through the mail. Ms. Little said she would like to see those be sent certified. Mr. Entler added they need to go certified with return receipt, then you will know. Mr. Baggett noted that with his significant amount of experience with sending certified mail / return receipt requested, certified mail can be rejected. It is not the same as having a deputy go out and serve process. If someone, the mailman, brings a letter to your front door and you see the County of Macon stamped on the return address, you can just refuse service. In that case, we don't get certified delivery or return receipt and we don't comply with the ordinance if the ordinance requires certified mail with return receipt requested. We can't prove notice at that point. Unless the ordinance says that refusal constitutes service, but at that point you will have a legal problem down the road, it doesn't solve anything. Ms. Little said it would not have to be included in the ordinance that it has to be certified, but it is not a bad practice. Mr. Baggett did not disagree, but noted that anytime you are dealing with a process, a formal process, where we are talking about enforcing County Law, you do want it in the rule. Mr. Entler asked Mr. Baggett if he had any recommendations on how to deliver. Mr. Baggett said he is not recommending that they forego certified mail with return receipt, he just thought it was important to note that that is not a 100% solution. Ms. Gunter said she has been doing the job for 16 years, that is not a normal complaint, that they did not receive notice. Right now, there is an instance where it was mailed to them. The house is abandoned and they did not leave a forwarding address. It is now null and void. It is done. She said she cannot do anything more. That happens, but as far as someone saying they didn't receive it, doesn't normally happen. Mr. Baggett added that it is important to note that in terms of judicial enforcement of our ordinances, when we file an ordinance violation case in the Circuit Court, after Ms. Gunter has exhausted her remedies, Mr. Baggett said he is required to have it served by a Process Server. The Sheriff's office will go out and serve a copy of that complaint. In terms of the administrative side of the enforcement, we can't always guarantee, but that is not always the complaint we have. If they don't get a copy of Ms. Gunter's letter, it goes unaddressed, but she ultimately sends it over to the State's Attorney's Office for enforcement in a judicial fashion that escalates it. He said he thought the problem gets addressed by itself at that stage. He said he wanted to note that he is there to counsel and advise, but not necessarily advocate for what he thinks the committee should recommend to the board in terms of policies. He noted that the proposed chronic nuisance definition and language that was borrowed from someone else's nuisance ordinance may not add anything to the equation. We cannot guarantee that it will be received or served and we do not know when that will happen. We are a County Government limited by law in terms of what we can do. Ms. Gunter said that language came from Mason County. She said she had tried to talk with them today, but the guy did not get back with her. They can also serve citations, so that is whole other ball of wax that they can do that we can not and don't do. When someone is served a citation, you know exactly when they get it and that is the 24 hour notice you can tell. Mr. Baggett said that they have an enforcement mechanism more similar to the City of Decatur's in terms of Property Inspectors that go out and actually cite people on site. Ms. Gunter said Mason County's enforcement of it is through their Health Department, Sheriff's Department, Zoning and a couple of others.

Mr. Baggett explained that what he was saying is that he is not sure how much teeth defining a chronic nuisance and creating this administrative remedy has. Ms. Gunter, under current practice, when she receives a complaint, sends a letter giving them a certain timeframe to abate the nuisance and if it is not done, it is sent over to him. A chronic nuisance, if so deemed by the

Administrator, can be given 24 hours assuming, for the sake of argument, that that is not going to be complied with or you probably would not have a chronic nuisance property. It is still going to be sent over to the State's Attorney's office for enforcement. The judicial process is an incredibly lengthy, drawn out, time consuming process. If the complaint is drawn up, it will be a minimum of one month before they are brought into court for their first appearance. It will likely be, if set for trial on the first appearance date, another month before there is a trial. If they are sentenced, it could be months before they pay anything. They may be ordered to abate, but they may never actually do it. The County does not have much in the way of a budget to go in and start demoing properties or abating most of the nuisances that she has to deal with. There is a funding mechanism on the side of the County trying to abate the nuisance and then going after the property owner. These are the problems. It is unclear what the solutions are.

Ms. Little asked if the proposed changes will help. Ms. Gunter said the moving and relocating to another property would help because that would keep the violation going. Currently, if you have to go to a different property, then the whole process starts over again with the letter being sent and if it is an abandoned vehicle, it has to be tracked for 7 days. That could keep the process going if it is moved. Mr. Baggett agreed saying that moving or relocating is seen, not frequently but on more than one occasion. The ordinance is silent as to that, so the way it is currently written and enforced, if they move it to another property, you've got a different violation that has to be started from scratch. Some of these ordinances are time restrictive. You have to see a violation for 7 consecutive days before you can find them in violation. That would be very useful in terms of adding some teeth to the enforcement mechanism.

Mr. Oliver asked a question about moving. Mr. Baggett explained that if he is asking if the property owner moves from one property to another, that is different and he was not sure if that has ever come up. The violation, if it has been filed judicially, would arrive against the owner of the property at the time of the complaint. Whether it follows the property is a different situation because the violation, technically, recurs every day that it is in violation. The suggested change would allow for the situation where the nuisance is being moved to a separate property.

Mr. Oliver asked another question to which Mr. Baggett responded that the County is limited in terms of what penalties it can impose. It is a maximum fine of \$1,000 under State Law. That is \$1,000 per offense and it is up to \$1,000 and each day the violation continues is considered a separate offense. That means that a violation could absolutely be hundreds of days times \$1,000 per day, but in reality, there is no judge in the state that would impose any such penalty. There are limitations in terms of what the County can do in fining people.

Ms. Rood asked about the certification of the mail saying that you would know when it was delivered. You could say 24 or 48 hours to rectify the situation. Mr. Baggett said the question then becomes, and then what??? Because if they don't do it within the 24 hours, the next step would be judicial enforcement which will take quite a bit of time. He said he does not know that it adds anything to the ordinance that is not already there. By the time we get to chronic nuisance, you've got a property that has been found in violation before which means they've gone through a 15 day cycle and potentially through a court case. You are shortening the timeframe from 15 days to one, but it is not going to make the clean up occur any faster because if they are not willing to

clean up in 15 days, they are not going to do it in one, which means it is going to have to go judicial which will take months.

Ms. Little commented that the County does not have the capacity to . . . Mr. Baggett said correct, without a judicial order, he did not encourage anyone to go onto the property. Ms. Rood commented that if it is tied to an increased penalty. Mr. Baggett said it could be addressed. If the Board were to say that if a property is deemed to be a chronic nuisance property and is ultimately fined by the court, 1) you would have to have the court find that the property is a chronic nuisance. That would be something Mr. Baggett said he would have to prove. If he were to prove it, the Court could make the minimum fine substantially more than the minimum fine of \$50 up to \$1,000 now. You could say that if the Court finds that it is a chronic nuisance property, then the minimum fine could be like \$750.

Ms. Little commented that she did not see any point in adding language and threats when there is really nothing different. If we add the chronic nuisance as the next level offense, then the penalty needs to be the next level as well. Mr. Baggett said that would be more consistent with the objective. Ms. Little continued by asking, other than the Abatement of Nuisances issue which she felt is needed, how does the chronic nuisance property help?

Mr. Oliver asked when the person being charged would have to start paying anything monetary. Mr. Baggett explained that fines are typically levied by the court. The Administrator does not have the authority to do that. The only time we are talking about fines is after Mr. Baggett said he would file a cause of action in the Circuit Court and have the Judge rule. You would be talking about some type of plea arrangement or trial and sentencing. Mr. Baggett reminded them to keep in mind that if the court orders the offender to pay, the court may give the offender time to pay. If they don't, it will be turned over to collections. Financial penalties, if unpaid, get turned over to Collections and that is kind of the end of the matter. If it is collected, great and if it is not, people have moved on. The direction that the law and the Courts have taken over the recent years is that financial penalties should not punish people more for being poor. If they cannot afford to pay the fines and costs that the court imposes, they should not face more significant penalties because of that fact. There are laws right now, that were just adopted a couple of years ago, where if you are ordered to pay a fine in a criminal case, but the court finds that you are unable to afford it, the Court can waive all fines and fees. It is based on a sliding scale based on the federal poverty guidelines. If you're 400% or less of the Federal Poverty Guidelines, you are entitled to some type of reduction in the Court costs.

Mr. Oliver commented that all they're doing is adding more verbiage and wondered what the point was. He asked the Chairman what she was looking for.

Ms. Little asked if there was a negative side to making the changes.

Mr. Baggett explained that any time the Macon County Code is amended, it is sent off for codification at the end of the year and they bill us for the updates. That is the negative. It will cost money to have them insert this language into our code. There was discussion on how much the cost would be.

Ms. Rood said it sounds like the committee has agreement on the abatement. Ms. Little said that she is in favor of adding the paragraph about the abatement of nuisances. There has been a history of that problem.

Chair Rood asked if the committee was in favor of the chronic nuisance definition that is tied to an increased, incremental penalty. Mr. Entler said he was if it helps even a little bit. He said they had talked about the increased fees. Ms. Rood said that Champaign County uses \$200 for the next violation, but it could be higher than that. Mr. Oliver said that there are nuisances and then there are chronic nuisances and asked what the difference is between them. Chair Rood explained that chronic is perpetual, continual. Mr. Entler said it would be two or more in a specified period. Mr. Oliver said he has never been in favor of making ordinances that you cannot enforce. That just does not make a lot of sense.

Mr. Entler commented that the paragraphs were added after the EEHW discussion. He asked Ms. Gunter if she had gotten them from Mason County and inserted them. Ms. Gunter said yes. The Abatement of Nuisances came from Champaign County. Mr. Gresham had mentioned that in EEHW. The Chronic came from Mason County.

Mr. Oliver asked if any information had been received as to what happened in the cases where they settled chronic nuisance cases. Ms. Gunter had not. She said she had tried to call there today but they had not gotten back with her. Mr. Oliver said he would like to see what happened in the cases in other counties; what they did, what was the final outcome, and what have they seen since they passed it.

Mr. Entler said it looks like they've gone to all this work to rewrite this and with best effort, to improve things and unless there is thought on how we can improve, he said he thought they ought to move forward.

Ms. Little said she noticed that under our penalties, fines are not less than \$50 but not more than \$500. She questioned Mr. Baggett about his statement earlier about the State allowing up to \$1,000. Mr. Baggett explained that the nuisances under Sections 90.15 – 90.18 per our ordinance, the fines are between \$50 & \$500 and then where there was no specific penalty, it is subject to Macon County Code Section 10.99 which refers to a different part of the County's Code which makes a maximum fine of \$1,000. We refer back to 10.99 which is derived from the State Statute that creates the maximum fine. Ms. Little repeated that she definitely supports the Abatement of Nuisances and she is in favor of making the recommended changes and having the full board take a look at it and discuss it at the board meeting and see how it goes. But, she said she also thinks it is very important that it is made clear about the cost of making the changes.

Chair Rood asked Mr. Baggett if he would review this prior to the board meeting. Mr. Baggett said that this was the language that was asked for kind of as a starting point or guide for the SRO sub-committee to consider. There was an anticipation that this discussion would guide as to what the final language needs to look like. That final language will be included in the ordinance and resolution that goes to the full County Board. If there are changes that the Board decides need to be made, that can be amended prior to final passage. He said he wanted to make sure, during the process of forming the vote on this action, that it is clear what the committee is voting on. He said

you may want to break it up into multiple votes so that it can be clear from the minutes what his instructions will be in terms of drafting that language.

Mr. Oliver asked about the City of Decatur being able to go onto the property if they believe it to be a chronic nuisance and remove it themselves and then put a charge against the property. Mr. Baggett said he was not well versed in the City's zoning rules and what the City can or cannot do. Mr. Oliver asked if we (the County) can do that. Mr. Baggett said there is nothing he is aware of in the County's Code that would give us the authority to do that. We don't have Home Rule like the City. We cannot give ourselves the power to do it. We have to find our power within State law and he said he is not familiar with any State law that would give us the right to go onto the property and abate the nuisance without a judicial order. Ms. Little commented that it is possible to get a court order for it. Mr. Baggett confirmed, saying the Court has a lot of ability to do pretty much it wants if it does it the right way. We already do that. As part of any nuisance case that goes to the Court, if we have to go to trial and a sentencing, we ask for a fine to be imposed because that is the penalty part of it, the punishment, but we also always ask for abatement of the nuisance to be completed within a certain amount of time. If they fail to abate within that amount of time, they can (emphasis on the word can) be held in contempt of Court for failure to obey the Court's order. Mr. Baggett cautioned not to expect activities like that because, for example, if the Court orders you to demolish a decrepit building on a property that you inherited from your great aunt, but you don't have the money to pay a contractor to come out and demo the property, the court is probably not going to find you in willful violation of its order and won't hold you in contempt. Contempt is a power the Court has, but it does not necessarily mean it will exercise that power. But, we always ask for abatement as part of the Judicial Order. Mr. Oliver asked if abatement means you can go on and remove whatever the nuisances are and then charge it against them. Mr. Baggett replied that in certain cases, yes. In certain cases, we can ask for abatement by the property owner or we can ask the Court to allow the County to go in and abate the nuisance and put a lien against the property for the cost of the abatement. The problem we have there is that the County does not typically fund abatement activities. It does not budget for that. Mr. Oliver said that is what we are here for. Mr. Baggett suggested he mention that to the Finance Committee in a month or two during budget season. Mr. Oliver said that a bunch of verbiage does not solve anything at all. We are not getting anything done. You're causing someone some extra expense and at the end the bottom line is still the bottom line. Nothing is going to be done about it UNLESS you can put some kind of heat against the violator.

Mr. Entler asked if there are any metrics as to how many situations there are in a calendar year. Ms. Gunter said that it varies from year to year. She said she probably, on average, has about 50 complaints a year and about 10 or so are sent to the State's Attorney's office. Mr. Baggett said that, of those 10, he tends to file the violations because Ms. Gunter does a fairly thorough investigation so he has what he needs when he gets it. He files the violation and the policy that the County Board has had in the past and continues to have until formally changed, is that the objective is to obtain compliance and not punishment. So, the complaint is filed, they are noticed up for their first appearance, they come in and Mr. Baggett said he meets with them immediately before court when he asks them of their ability to abate the nuisance. Most times, they say yes, they are working on it and are trying. At that point, it is continued out a month or two. Sometimes longer, depending on the scope of the problem. Ms. Gunter goes out and does the re-inspections to determine whether there is good faith effort being made by the property owner. If

there is and they still need more time, we allow them more time if they are making a good faith effort. If they are either not making a good faith effort or sometimes they come in and say they are not going to do it – they live out in the County and this is my castle and you can't tell me what to do. Then it is set for trial. At that point, you are talking about proving the case which is generally not that difficult given the amount of evidence we have in our burden of proof. We get an enforcement and what happens after that is anybody's guess. It rarely gets to that point. He said he has been doing this for going on 9 years on the civil side of the State's Attorney's Office and has had maybe 3 ordinance trials. Most of them simply do not go to trial. Either the nuisance is abated or some other circumstance arises that results in the case being disposed of.

Mr. Entler commented that it sounds like 90% to 95% of them are corrected. Ms. Gunter said probably 80% to 90%. Some years there may be 70 or 80 complaints. Once the process of having the complaint form and having the complaint submitted in writing, it has been reduced a lot. Mr. Entler asked if these ordinance changes would help the 10% that cannot be solved. That is what we are really here for, right? To improve it so that maybe more of that remaining percentage . . . . Mr. Baggett said that to be clear, the sub-committee is meeting because of one property has become such a problem that . . .

Ms. Little made a motion that the paragraph regarding Abatement of Nuisances be added to our County Code as written here unless the State's Attorney has reason to suggest otherwise. Mr. Baggett said he has no suggestions for other language. In terms of final drafting, he said he would look more closely at it to make sure, but thought the language is pretty generally good. Ms. Buckner seconded the motion. Roll call vote showed Rood, Little, Entler, Buckner voting yea and Mr. Oliver abstaining.

Ms. Rood made a motion to add the definition of Chronic Nuisance and that it would be tied to an increased penalty for incremental violations. Mr. Baggett asked they be specific in terms of the additional penalty and what dollar amount the committee is wanting. Ms. Little asked what the average fines are. Mr. Baggett explained that it is \$50 to \$500, but he does everything he can to obtain compliance as opposed to seek punishment. The only time they ever go for a fine is in those 2 or 3 cases over the past 9 years that we have actually had a trial. If it goes to trial, he said he tends to ask for somewhere in the neighborhood of \$250 plus costs. Ms. Little said she would do a minimum of \$400 for chronic to make it clear. If that helps motivate someone to comply. Mr. Baggett reminded that if it gets turned over to Collections, we have a very, very good collections agency that works for the Circuit Clerk's Office. They'll garnish wages, go after tax returns, lottery winnings, etc. They are very good at what they do. Mr. Entler seconded the motion. Roll call vote showed Rood, Little, Entler, voted yea. Mr. Oliver asked for clarification on what they had voted on and what they are now voting on. Chair Rood explained that they had previously voted on the adding the Abatement of Nuisances paragraph and now they are voting on adding the Chronic Nuisance definition. Mr. Oliver abstained. Ms. Buckner voted present. The motion carried 3-0 with 1 present and 1 abstain.

Ms. Gunter asked, for the Chronic Nuisance, how she was to know when they got the letter to do the 24 hours. Ms. Rood said they could add the certified letter. Mr. Baggett said he could make the certified mail language a part of the final language. Ms. Little asked if they were comfortable with the 24 hour or if they would rather do a 48 or 72 hour. Ms. Gunter said that 24 hours is a

tight timeframe, especially just knowing exactly when they got it so she will be in compliance for the court when it is sent to the State's Attorney's office. She said she did not want to get into any of that sort of confusion with a landowner. She said she would like to have the timeframe extended, especially for the fact that maybe she can't get out there the next day. She said with a one man office, it's hard. Mr. Entler asked if she'd be in favor of 72. Ms. Gunter said yes, 72 would be good. Mr. Baggett said that gives him direction on what the language should look like and when the County Board reviews it, if additional changes need to be made to the language before a final adoption, that can be done.

Ms. Buckner asked about Mr. Baggett's earlier comment about some legal issues that they could run into and if that was regarding certified letters. Ms. Little said she thought that was when they were discussing that someone could refuse a certified letter. Mr. Baggett said that could still happen. We have not had certified, so it may not happen here. It is just something he sees in what he does with civil asset forfeiture. He said he is trained to foresee the worst case scenarios. That does not mean they will happen. When and if they do, they will be dealt with as needed. There could be legal issues in terms of getting them to accept the certified mail, but we have some mechanisms that can be used if that happens.

### ***Discussion Considering Amending the County Board Rules***

Chair Rood explained that there has not been an amendment to the by-laws since 2011. There are some things that should probably be addressed. The language just needs to be revisited.

One thing is about compensation to chairs of committees and sub-committees. Right now it says they should be compensated at up to \$500. There are some things that we should spend some time reviewing, especially since it has not been looked at for a while.

Ms. Little explained that they had been told a couple of years ago that it is illegal to pay the chairs of the committees and sub-committees so that needs to be updated. Mr. Baggett explained prior to several years ago, the County Board had paid committee chairs an additional stipend for service as chair. There was a legal opinion reached by UCCI and it was sent out to the UCCI members. Mr. Baggett said he had conducted his own research and came to the conclusion that they had it exactly right. State Law says that County Board members have a salary that cannot be diminished during their term of office. Board members serve a four year term, but committee chairs only serve 2 year terms as chair of the committee. There is potential that after the two years, you may not be chair of the committee any longer. At that point, if the County were to take away that \$500 stipend, they will have diminished your salary during your term of office which is a violation of law. The legal issue is that County Board salaries have to be set prior to their terms of office and they cannot be increased or decreased during that term of office. So, what had been done historically was not compliant with state law which is why, despite the fact that the rules say, "It shall be done", the rules get trumped by State Law, so it was stopped in order to not be in violation of the law, but the rules were never amended to reflect that.

Chair Rood said that another area (Miscellaneous 2-B) she has concern over is where it says that the Chairman of the Board shall appoint, and she referred to a list of positions, and asked if the Chairman has the sole responsibility of appointing or should it be a committee. The same with the firing of these individuals. Mr. Baggett explained that the County Engineer, Supervisor of

Assessments, Emergency Management Director and depending on what is meant by “other appointees necessary for the efficient operation of County Government”, and maybe the Rabies Control Administrator, those persons are appointed by the Board Chair as a matter of State Law. It is with the advice and consent of the County Board, but the Chairman has the sole appointing authority there.

As far as the Director of Planning & Zoning, GIS, the Executive Secretary to the Board are creations of the County Board so it is within the Board’s discretion to decide how those positions are appointed. Creations of the County Board are subject to appointment by whatever mechanism the County Board adopts. Ms. Rood asked if Mr. Baggett could tell the sub-committee members within the next couple of weeks officially which are State Statute versus what they have discretion over. Mr. Baggett confirmed repeating that with decent certainty right now, the Director of Planning & Zoning, GIS, Secretary, Building & Nuisance Inspector which are all the same person, and some of what may be in this catch all of “other appointees necessary” would be subject to County Board procedure however the Board determines and wanted to amend the rules. But, County Engineer, Emergency Management Agency Director, Supervisor of Assessments, probably the Rabies Control Administrator and some of those “appointees necessary” would definitely be Statutorily appointed by the County Board Chair. Mr. Baggett said he does not really like the “other appointees necessary” if the Board goes in a direction where it wants those “other appointees” to be subject to a committee process or other mechanism. The way it is phrased right now is fine because that would always be compliant with the State Statute if it applies. If you go the other direction though, you could run into problems. For example, the County Board Chair appoints any elected office holder whose office becomes vacant during their term, the members of the Board of Health, the Planning Commission, the Mental Health Board, the Fire Protection Districts – there are so many that are created by Statute. The Chairman of the Board, if you give him / her the sole authority, you can’t run afoul of State Law. It doesn’t work the other way. He said he does not like the catch all provision if you decide to go the other direction. He said they would have to figure out a way to phrase that. It won’t be a hard fix. It would just need to be put in as “where compliant with State Law”. It is not a difficult fix. You just want to put that on your radar.

Ms. Little said she would like to see it worded in way that would make it clear that if the State says the County Board Chair appoints it, then he / she can do that rather than such a big, broad statement where if they feel they want an ice cream representative and just appoints them. Mr. Baggett said it needs to be kept in mind that “appointees necessary” the County is governed by the County Code and other State Laws. The sole and exclusive authority for County government is either the Constitution or State Law. If it is not found there, it doesn’t exist. So, the Board Chairman does not have the authority to appoint an ice cream Czar if he believes that it would lead to the efficient operation of County Government.

Mr. Oliver asked if the Board can overrule a Chairman’s nomination. Mr. Baggett said yes. The Chair’s appointments are subject to a vote of the County Board. However, the positions that are County Creations are not subject to board approval because the Rules of the Board do not make them so. If State Law gives the Chairman the authority to appoint, then it always gives the County Board the authority to veto that appointment.

Mr. Baggett said he has advised in the past that the County Board is an entity and always has the right to say no, but never has the right to say who. It cannot force an appointee upon the Board Chairman.

Chair Rood asked if Mr. Baggett could go through the County Board Rules and point out areas that need to be updated and the sub-committee could have another discussion. Mr. Baggett agreed, saying that if they would be so inclined to give him a broader scope of authority, there may be some areas that could use some updating or modifying that maybe the committee members have not yet thought of. He said he would be happy to bring some suggestions for consideration.

Mr. Oliver said that some of the groups have to be appointed by the Chairman, but some of the groups are no longer in existence due to name changes or going a different route. Mr. Baggett said that might be some of the things he is referring to. For example, in this list alone, there are three positions that are the same person under current practice. You don't necessarily want to box yourselves into a corner for future expansion, but at the same time, some consideration needs to be made to the fact that this does not reflect reality as it has been for quite some time. Mr. Baggett asked if it is the desire of the sub-committee, in terms of involving the board more with the appointment of employees of the County Board as opposed to appointees. Is it the consensus or direction that the committee wants to take that this would go through a committee such as O&P for committee level hiring or evaluations? Where do you want to go as far as limiting the scope of the Chairman's authority. Ms. Little stated that she has no desire to limit the Chairman's authority to appoint as listed in these rules. Mr. Baggett said ok, he is happy to take a swing at updating and modernizing some of the board's rules. He said he does see room for improvement but does not want to go off in a direction that no one on the committee anticipated or desired. He said he is here for direction as opposed to . . . He said he does not want to be the guy to write the County Board's rules the way he likes them. That is not his role. Mr. Oliver asked a question about being responsible for the work of the people that are appointed. Mr. Baggett explained that that is not what he was referring to. He was wanting to differentiate between people like the County Engineer who is a Statutory appointee of the Chairman and the Board Secretary which is an employee of the County Board. He said he was using terms only to say that this is a statutory person that have responsibilities and obligations set out by State Law and this is a person that the Board has created this position in order to allow County government to operate, but which is not required under state law. You need a Board Secretary in order for the County Board to function because you don't have full time board members coming in to do the job. You need a secretary even though that position does not exist in State Law. What you HAVE to have is a County Engineer. Chair Rood said they need to clarify the list. Mr. Baggett said he needs clarification as to what they want – if it is to limit the Chairman's authority to appoint positions, in what way do you want to limit it. Do you want a committee to be in charge and to take point on these decisions, to make employment decisions. Ms. Little clarified that that would only be for ones not mandated by State Statute. Mr. Baggett confirmed, saying that if they are appointed by State Law, they tend to be removable only for certain things.

Ms. Rood asked if the next step would be for Mr. Baggett to provide some guidance and then the sub-committee could look at it one more time. Mr. Baggett agreed and said he would draft some language and then let the members look to see if it is the direction they want to go or if they want to modify it or go a completely different direction. He said that would be the direction he would

go – to put it on O&P as some type of employment or hiring or disciplinary committee. That would get referred on to the full board for final action. O&P would not be involved until the new rules are approved by the full board. Mr. Baggett’s draft of suggestions will come back to SRO who will make a recommendation to the full board.

Mr. Baggett was asked about how much time he would need. It was decided that the SRO sub-committee’s next meeting will be no earlier than the last week of July – maybe sometime the week of July 26.

***Discussion of Adopting Plug-Ins Electric Vehicle Ready Building Requirements***

Chair Rood said she would like to see a new ordinance developed for any new commercial and residential establishments be required to take out a permit and required to have a make ready for electric vehicles. It is much less costly when building a structure to put in the conduit versus a facility that has already been built having to be retrofitted which is much more expensive. This would be just for new construction for residential and commercial. Ms. Little asked if it would be required that if someone builds a new house, they would be required to have this. Ms. Rood confirmed. It would be a requirement for a 240 volt electrical power to be added to attached garages.

Mr. Entler clarified that she was asking for having new construction prepared, but not necessarily functional. Ms. Rood said it is called make ready and it is fairly reasonable. For 50’ of cable, it would be \$4- \$12. For commercial it would be \$30 to \$40 for typically 100’. What makes it a little more unique, you might have 20 spaces for a commercial facility, but you would only want like 10% of them ready for electrical vehicle charging. Cities around the country are starting to do this and Chair Rood said she would like for Macon County to be in the forefront of it. Mr. Entler asked if there would be other county ordinances they could look at. Ms. Little said she is not ready to immediately jump in and mandate that somebody building a new farmhouse that they have to have this set up. It’s not a bad idea, but not a big fan of mandating it. She said she would be happy to take a look at what other communities are writing and doing. Ms. Rood said she would provide more info at the next meeting at the end of July.

**CLOSED SESSION** – None

**ADJOURNMENT** Motion to adjourn made by Mr. Oliver, seconded by Ms. Little, motion carried 5-0 and the meeting adjourned at 6:45 p.m.

*Minutes submitted by Jeannie Durham, Macon County Board Office*