

**MACON COUNTY BOARD
SPECIAL
OPERATIONS & PERSONNEL
COMMITTEE MEETING**

**Macon County Office Building
141 S. Main St. – Room 514
Decatur, IL 62523**

OCTOBER 7, 2021

5:30 P.M.

MEMBERS PRESENT

Debra Kraft, Chair
Bill Oliver
Kristen Larner
Kevin Greenfield

MEMBERS ABSENT

Dave Drobisch
Grant Noland
Pat Dawson

COUNTY PERSONNEL PRESENT

Josh Tanner, County Clerk
Lloyd Holman, Board Member
Jeff Entler, Board Member
Karl Coleman, Board Member
Ryan Kreke, Board Member
Mike Baggett, State's Att Office
Jeannie Durham, County Board Office

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

Note – Chairman Greenfield was present at the meeting and became a member of the committee for quorum purposes.

MINUTES

Motion to approve minutes of prior meeting (8/23/2021) made by Ms. Larner, seconded by Mr. Oliver, and the motion carried 4-0.

APPROVAL OF CLAIMS

Motion to approve claims as presented made by Chair Kraft, seconded by Ms. Larner and the motion carried 4-0.

APPROVAL OF PAYROLL

Motion to approve payroll as presented made by Ms. Larner, seconded by Chairman Greenfield and the motion carried 4-0.

Macon County Board Resolution Addressing Reapportionment Following the 2020 Census

Mr. Tanner explained that members have 4 maps in front of them. One of them is Macon County Board 2020 which is the current board map as it exists; one is the Macon County Board 2022D which was submitted by the Democratic Caucus; one is labeled Macon County Board 2022R which was submitted by the Republican Caucus; one is labeled Macon County Board 2022 which is a bare minimum map submitted by Mr. Tanner just to make sure there was something that got passed. All of the maps comply with the population requirements as far as being equally proportioned. Mr. Tanner reminded members that they have until the 3rd Wednesday in November for the Board to take action on this which would mean the last regularly scheduled meeting in November is the last opportunity there will be to pass something. If something is not passed by the last Wednesday in November, then it moves on to the Reapportionment or Apportionment Commission and they would make a decision. The entire thing has to be completed by December 31st. Once you complete your work, hopefully, the General Assembly will submit the Congressional maps for us and Mr. Tanner said he would mail Voter ID cards to all of the voters letting them know of the new district that they are in. That is also a part of our biennial notification and that is how voters that are no longer on the rolls are removed. Typically, all of that is already done at this point in time and most likely petitions would have begun being submitted, but that won't begin until January 13th. These maps, once approved, will be the board districts for the 2022 election, both primary and general.

Mr. Oliver asked how long they would be in effect. Mr. Tanner said 10 years.

Mr. Holman asked for an explanation on the 3.29% deviation. Mr. Tanner explained that the difference between the district with the most population and the district with the least population as compared to the median of where you should be. If all of them were equally divided, that is the median. The distance between the most populous and the least populous as compared to that median, that is the percentage of deviation. That has to be less than 10%, not by State Statute but maybe Mr. Baggett can speak to that.

Mr. Baggett explained that according to the Federal Voting Rights Act, the Courts have held that anything that is less than 10% in deviation between the largest and smallest versus the median is presumptively valid in terms of the one person, one vote standard that the Federal Courts enforce. Anything more than 10% is presumptively invalid. It doesn't mean that it is valid or invalid for sure, but that is a pretty strong presumption. So, anything less than 10% which all three of the proposed drafts fall underneath the 10% making them presumptively valid in terms of one person, one vote. If you attempted to maintain the current 2020 map into the next 10 year period, that would not. That would be presumptively invalid and we would have a problem.

Mr. Kreke asked if some of the precincts had been combined and renamed and if there was a sheet of information on that. Mr. Tanner confirmed and said he would email that out to everyone. There were 5 precinct combinations. Any precinct that had less than 400 voters was combined with an adjacent precinct that had less than 400 voters and that shared a polling place. Through the combination of precincts, no voters were moved from one polling place to another. It also had

to be within the concurrent County Board districts. So, it also did not mess with that either. With the different variations of maps, that may be different but no voter polling place was moved. They had to be side by side and less than 400 voters and that is per the Statute. It will be too late at this point, but Mr. Tanner said he understands that the legislature is considering in the veto session, moving the minimum number of voters required from 800 to anywhere from 1200 to 1800. In the future, the County Board could consolidate precincts further. He said he only chose to consolidate those that would conform to the current law and also not move any voters. The advantage of consolidating precincts is less ballot styles, less equipment, less election judges which we do not have a berth of.

Mr. Baggett explained that there is a draft resolution in front of the members and his recommendation to the committee would be to make each recommendation to the full board separately. The County Board's statutory purpose in reapportionment is multi-fold. First it has to be decided how many members the County Board will have for the next 10 years, how many districts the County Board will be divided into, and how many members will be elected in each district. The idea, per the board's rules is that one of these maps or one they come up with would be picked and recommended to the County Board for approval. A recommendation will also need to be made to the County Board, and the County Board will have to set the amount of compensation for County Board members going forward and decide on the amount of compensation the Chair of the County Board will receive on an annual basis. Those are the things the County Board is required to do in reapportionment. This committee's job, according to the Board's Rules, is to make recommendations to the Board on its final actions. So, tonight, Mr. Baggett said his recommendation, rather than trying to pass one motion, is to take these piece by piece and make motions on each. He explained that, for example, someone would make a motion to continue to have 21 members. There would be a 2nd and vote on that and Mr. Baggett will write in 21 and that is how it will be presented to the County Board who can either adopt that recommendation as its final order or it can amend it and do whatever it wants within Statutory reason. Statute allows for the County Board to have not fewer than 5 and not more than either 21 or 29 by Statute, but there is a limitation based on how many the County Board had in 1969 which would be 21. So, you are still under an upward cap of 21. Mr. Baggett said he would need to confirm that to be sure. But, the committee is able to recommend a move anywhere between 5 and 21. You cannot change the way that the County Board currently elects its members in terms of multi-member districts. That is something that the Statute appears to let you do, but the Illinois Constitution prohibits. The Statute gives too much authority while the Constitution trumps it and does not allow you to change the manner in which members of the County Board are elected without a referendum. That would have to go to the voters.

Chairman Greenfield asked Mr. Baggett if they should have just one map coming out of this meeting. Mr. Baggett said that this committee could decide to send all three of these maps to the County Board and just let the County Board decide what it is going to do. That is fine. That can still be done. Mr. Baggett said that the County Board's rules contemplate that this committee will make a recommendation to the Board. The committee is not required to do that, but that is the idea. If there is a political will to make a recommendation, then so be it. But if there is not, then if

there is a lack of consensus here tonight, Mr. Baggett said his recommendation would be that the committee send what is before them to the County Board and let the County Board make the final decision.

Chairman Greenfield made a motion to send the map labeled as 2022R to the Macon County Board, seconded by Ms. Lerner. Chair Kraft explained that that is the map with the 5 districts and 15 members. Ms. Kraft explained that when Mr. Pilsbury had brought this map forward, she was really upset because in looking at it, she realized that she was going to lose her people in Macon, South Wheatland, and South Shores. She said she has worked hard for these folks and she was really upset about it. After 3 weeks of thinking about it, she said the fact of the matter is that they are losing population and the map that is chosen is going to set them up for the next 10 years. Even though Ms. Kraft said she is gaining Illini, Hickory Point & Hickory Point 8 and all these others, the fact of the matter is that the South Wheatland and Macon people won't get to vote for her, but she will continue to work hard for them. She said she really thinks it is time to make this change down to 15 members and 5 board districts. She said she agrees with that recommendation.

Mr. Oliver commented that he did not think that the territorial boundaries could be so easily adjusted. He requested a roll call vote.

Roll call vote showed that Chair Kraft, Chairman Greenfield, & Ms. Lerner voted aye with Mr. Oliver voting nay. The motion carried 3-1.

Mr. Baggett explained that that vote takes care of Part D of the resolution and Map 2022R will be labeled as an exhibit. Based on the way the motion was presented and based on the map that was presented by the committee, that will also answer Part A, 15 members; Part B, 5 Districts, & Part C, 3 members per district. The only other matters the committee should consider tonight is the amount of compensation for each County Board member and any additional compensation the Chair would receive.

Mr. Oliver asked about setting salaries. Mr. Baggett explained that the Statute requires that the County Board set the salaries at the time of the reapportionment. However, it does not prevent the County Board in the future from changing the salaries. It just cannot change it during the term of the members that are then serving. So, eventually, you will have members that are elected to 4 years and some that are elected to 2 years. If the County Board does change the salaries, in the future, during this next 10 year window, then that change will become effective at the next term. So, at that point, some members might get elected with a different salary than members that are presently serving. This does not lock you in. You can always change it, but it will be a matter of timing. You are required to do it now by Statute. But if you do it now, this sets it because all of you will be elected in 2022. The whole County Board is up for election then.

Discussion about current pay. Currently, County Board members receive \$2,000 annually and the County Board Chair receives just under \$15,000 annually.

Chairman Greenfield commented that this will be more work because there will be less members so they will have to be on more committees. So, he suggested \$2,500 for board members and cut the Chair's salary in half. Ms. Kraft said she didn't want to cut the Chair's salary in half. Mr. Greenfield explained that they would have a County Administrator and that money could go toward that salary. The hope is that the Administrator will take on some of those duties.

Ms. Lerner did some math and commented that the savings by losing 6 board members would be \$12,000 and if they went with an increase of \$500 for the 15 that would add \$7,500 back in for a net savings of \$4,500. Mr. Baggett went on to explain that if they cut the chairman's salary in half, that is another \$7,500 in savings.

Chair Kraft asked for a motion for the \$2,500 annually for the board members. Chairman Greenfield so moved, seconded by Ms. Lerner. The motion carried 4-0

Chair Kraft called for a motion to cut the Chairman's salary to \$7,500. Mr. Baggett explained that that would be a total of \$10,000 for the chair, the \$7,500 plus the \$2,500 per board member. Every county board member gets the \$2,500, unless you want the motion to say the Chair makes a total of \$7,500 which means the extra compensation would be \$5,000. Pursuant to Statute, the Chair is entitled to additional compensation on top of the County Board member salary. Mr. Greenfield said he would just say the Chair gets a total of \$7,500. Mr. Baggett explained that in the 4 year window during the term, the Chair may only be the Chair for 2 of those 4 years. Mr. Baggett explained that effectively, if you say the Chair will get \$7,500 extra, it will be a total of \$10,000. It has to be phrased as additional compensation per Statute. Mr. Greenfield said he would motion that the Chair will get \$5,000 annual extra for a total of \$7,500. Chair Kraft seconded the motion. The motion carried 4-0.

Ms. Lerner asked what the total savings would be. Mr. Baggett said they are currently spending about \$54,760 or about \$55,000 on salaries. Under the new regime, it would be \$42,500 so the savings would be about \$12,000.

Mr. Oliver asked about the language in the resolution regarding how often the board members would get paid. Currently they are paid monthly. The resolution says bi-weekly. The resolution will be edited so it reflects no change in when the board members are paid.

The motion carried 4-0.

Citizen's Remarks -

Mr. Karl Coleman, County Board member, said that his caucus does not have much appetite, if none at all, for reducing down the number of districts. Just in general practice, it is less democratic. You are increasing the number of people which are being represented and decreasing the number of people that will be representing them which, obviously, is removing voices from this board; removing voices from this community when it comes to leadership. That is just the political, moral, ethical aspect of it. The plans that are being put forth to the Board violate the

Voters Rights Act. They will definitely be sued in court and we will be dealing with this for as long as it takes. Mr. Coleman said he did not believe that this plan that is being recommended is legal. He said they have been working with a consulting firm and a lawyer who has strong experience, both throughout the State, but also with the Voting Rights Act and they are very, very clear that the plan that we have recommended this evening violates it. It does so in two different fashions; one, it dilutes the black vote not only in the way the lines are drawn, but it reduces the influence of black voters in districts by the size of them. It is reducing the number of voices that represent the people and increasing the number that they have to represent. That does not line up with the Voting Rights Act. Mr. Coleman said these conversations will continue as we move forward. He said he was sure there will be another presentation that they bring forth to this board when it is voted on next Thursday. He said he hopes they would take that in strong consideration that they can be acting in violation of a Federal Law regarding the Election Law.

CLOSED SESSION *None needed*

NEXT MEETING: Monday, October 25, 2021

ADJOURNMENT Motion to adjourn made by Chairman Greenfield, seconded by Ms. Larner and the meeting was adjourned at 6:00 p.m.

Minutes submitted by Jeannie Durham, Macon County Board