LINCOLN COUNTY AD HOC RULES COMMITTEE

Wednesday, January 21, 2026 - 2:30 PM

MINUTES

1. Call Meeting to Order

a. Roll Call

Vice-Chair Lyskawa called the Ad Hoc Rules Committee to order at 2:30pm with the following members present: Joe Dorava, Marguerite Lyskawa, Jim Meunier, and Ken Wickham, Angela Cummings 3:16 (V) (5). Guests: Chris Marlowe.

2. Public Comment

There were no public comments.

3. Approve Minutes of Previous Meeting(s)

a. January 7, 2026 Meeting Minutes

M/S Dorava/Meunier to approve the January 7, 2026 meeting minutes as written. The motion to approve was carried by a voice vote.

b. Updated Rules Template dated January 7, 2026

M/S Meunier/Dorava to approve the January 7, 2026 updated rules template. The motion to approve the updated template was carried by a voice vote.

4. Review and discuss the Conversion of Lincoln County Chapter 2 to the WCA Template

- **Closed Session Attendance Requirements for County Board Members** The committee discussed updates to the WC template, specifically paragraph 2.15 regarding closed sessions, stemming from advice that they cannot deny a member from attending remotely. Ken Wickham clarified the change in language to state that "all meetings with a closed session on the agenda would be in person meetings" for all county board members. The rationale is that if a meeting has a closed session, all county board members must attend in person, otherwise their attendance would not count, as remote participation is generally not allowed for closed sessions.

- **Role of Legal Counsel and Consultants in Closed Sessions** The committee debated exceptions to the in-person attendance rule for closed sessions, particularly for Corporation Counsel, or external consultants like **Andy Phillips**. Karry advised that an exception might be necessary for essential personnel such as herself, especially given their fiduciary responsibility as an attorney. The committee discussed potentially limiting exceptions to "corporation counsel or legal representation" and allowing the Chair discretion in very limited circumstances.

- **Proposed Exception for Legal Counsel in Remote Attendance** The committee agreed to strike the sentence in Section 2.15 that says requirements "shall apply to county board members only," but to include an exception for legal counsel. Wickham confirmed that the requirements "shall not be construed to prohibit or limit remote attendance in the open session portions of the meeting by any member of the public or individuals not serving as a county board member". They decided to ask Karry to draft language allowing for legal counsel to attend the closed session remotely if necessary, especially if they are outside the area.

- **Order of Business and Mileage/Meal Reimbursement** Lyskawa confirmed changes to Section 2.5 of the order of business, noting that the committee had previously decided that for committee meetings, the order of business is "recommended," allowing for flexibility, but the county board meetings do not have that same latitude. The committee also discussed amendments related to meals and mileage, moving the specific rates and conditions to Chapter 3 under finance, and keeping a reference in the rules that mileage and meals "shall be paid further rates and conditions set forth in chapter three".

- **Review of Case Law and Statutory Requirements** Wickham noted that Karry had yet to provide research on case law regarding whether a vote to increase compensation had to be done by each board or could be in the ordinance, though the ordinance was provisionally changed to reflect 85.
- **Excluding Non-Committee County Board Members from Closed Sessions** The committee revisited the highly debated issue of non-committee county board members attending closed sessions. Jim Meunier supported the opinion of Wickham that the statute could not be changed without "real solid criteria," but offered a compromise to let the majority of the committee vote on whether to exclude someone, rather than just the Chair. The committee philosophically agreed that the intent is to allow board members who are not on the committee to attend closed sessions unless there is a conflict or law preventing them.
- **Proposal for a Two-Thirds Majority Vote to Exclude Members** The committee formally discussed changing the vote requirement to exclude a non-committee member from a closed session from a simple "majority" to a "two-thirds majority vote of the committee". Dorava moved to adopt the change to a two-thirds majority vote, seeing it as a good compromise and a necessary check and balance, especially since this situation rarely comes up. Cummings unofficially supported the change to a two-thirds majority vote.
- **Process for Voting on Exclusion and Closed Session** Wickham noted that Karry would need to clarify the process for the vote, specifically whether it would take one motion to exclude and go into closed session, or two separate votes. It was suggested the motion to go into closed session should include who is to be included and excluded. The committee informally agreed on the two-thirds majority proposal, subject to Karry's final approval on language and process.
- **Timeline for Rules Adoption and County Board Presentation** Cummings confirmed that Karry wanted to move the draft rules to the March A&L agenda and then to the March county board meeting, as she needs time to align the rule changes with other chapter revisions. A desire to ensure the rules are well-vetted was expressed and it was suggested a Committee of the Whole meeting to present the rules paragraph by paragraph, referencing Robert's Rules chapters 56 and 57 on the process for presenting bylaws.
- **Chairperson Appointment of Committee Chairs and State Statute Review** Joe Dorava raised a philosophical concern about the current rule allowing the Chairman of the Board to select every committee chair, noting that the State Statute 59.13 implies that each board retains the authority to determine its committee appointments. The committee agreed to ask Karry Johnson to check the statute and case law to confirm if the ordinance can legally lock future boards into the current method of the Chair appointing committee chairs. Dorava suggested that it would be a fairer process if committees were allowed to elect their own chair and vice-chair.
- **Term Limits and Committee Participation** Dorava expressed a philosophical difference regarding term limits for committee participation, proposing a limit of six years over three sessions for committee members, including chairpersons. They acknowledged that the structure allows for reappointment every two years but suggested that limiting tenure could prevent narrowmindedness and create opportunities for others to contribute, referencing solid waste as an example where experience is valuable, but a change might be beneficial after six years.

- **Committee and Appendix Documentation Review** A question was raised regarding the placement of the first paragraph, which they noted is regulatory and discusses the duties and responsibilities of committees, suggesting it should be moved from Appendix A to the base chapter of the document. It was argued that such fundamental duties should be in the main document, requiring a 2/3 majority vote to change, rather than the appendix, which can be changed by a simple majority. Marlowe also inquired about whether all county board committees, including ad hoc and others like the Regional Planning Commission and Emergency Management Committee, were captured.

6. **Develop Further Work Details**

- Lyskawa confirmed that the next steps involve getting answers from Karry Johnson and sending the document to Renee for review, asking members to check the current draft. Chris Marlowe suggested that the committee could provide an update or a draft report to the County Board in February. Marlowe also reiterated that the board could consider using a Committee of the Whole to discuss the document if needed after the committee's report in February. The committee projected that the document would not be voted on by the full board before March.

7. **Upcoming Meeting Dates** Lyskawa confirmed the following meeting date

   a. **February 4, 2026, 2:30pm Room 247/248**

8. **Adjourn**
   Vice-Chair Lyskawa adjourned the meeting at 3:42 pm.