

**MINUTES OF THE OPEN SESSION OF THE REGULAR MEETING OF
THE BOARD OF FIRE AND POLICE COMMISSIONERS OF
THE CITY OF NORTH CHICAGO**

April 3, 2014

Held in the West Conference Room of the City of North Chicago,
1850 Lewis Avenue, North Chicago, Illinois

1. Chairwoman Dicker called the meeting to order at 9:00 A.M.
2. Roll call identified the following Commissioners present:
Chairwoman Velma Dicker
Commissioner Vanderbilt Blanchard

Roll call identified the following Commissioner absent but expected:
Secretary Shawna Huley

Other persons present included:
Attorney Brian O'Connor of the law firm of Ottosen-Britz, Ltd.
Richard Wilson, Deputy Chief of Police

Other persons absent but expected:
Attorney Joe Miller of the law firm of Ottosen-Britz, Ltd.
3. Chairwoman Dicker opened the meeting for Public Comment. No members of the public were present to offer comments.
4. Approval of minutes.
 - a. A motion was made by Chairwoman Dicker, seconded by Commissioner Blanchard, to approve the open session minutes from the December 11, 2013, and March 6, and March 24, 2014, meetings as presented. There being no discussion, a roll call vote was taken on the motion with the following results: Yes – 2, No – 0, Abstain – 0, Absent – 1. Motion to approve the identified minutes carried.
 - b. A motion was made by Chairwoman Dicker, seconded by Commissioner Blanchard, to approve and retain as confidential the closed session minutes from the March 6, 2014 meeting, as presented. There being no further discussion, a roll call vote was taken on the motion with the following results: Yes – 2, No – 0, Abstain – 0, Absent – 1. Motion to approve the identified minutes carried.
 - c. Attorney O'Connor noted for the Commissioners that there was no closed session held by the Commission at its meeting on March 24, 2014, so there were no minutes to approve.
5. Old Business.
 - a. Discussion/possible action on invoices for Commission services.

- i. Chairwoman Dicker noted several outstanding invoices:
 - 1) Invoice from David Christian, Police Consultants, for the police lieutenant promotional oral interview, in the amount of \$225.60.
 - 2) Follow-up on invoice from Illinois Fire & Police Commissioners Association.
 - 3) Invoice from Police Chief John Payne for the police lieutenant promotional interview, in the amount of \$420.00.
 - 4) Invoice from Police Chief David W. Hein for the police lieutenant promotional interview, in the amount of \$490.00.
 - 5) March 2014 invoice from the law firm of Ottosen-Britz showing a total amount due of \$15,999.00, representing \$6,027.00 for professional services rendered in February 2014, and \$9,972.00 due and owing for professional services rendered in January 2014. Chairwoman Dicker recalled that the Commission had already approved payment at the meeting on 3/06 of the \$9,972.00 due and owing for professional services rendered in January 2014. Attorney O'Connor suggested that the Commissioners consider the invoice for \$6,027.00 for professional services rendered in February 2014, but follow-up on City payment of the invoice for \$9,972.00.
- ii. Records reflect that the invoice for the Illinois Fire & Police Commissioners Association was approved by the Commission on 3/24 for payment by the City. Attorney O'Connor suggested that the Commissioners follow-up on City payment of this invoice.
- iii. A motion was made by Chairwoman Dicker, seconded by Commissioner Blanchard, to approve the invoices for payment as follows:

Item	Description of Invoice	Amount
1	Police Consultants for Police Lieutenant Oral Interview Test Section Component	\$ 225.60
2	Police Chief John Payne for Oral Interview Section Component	\$ 420.00
3	Police Chief David W. Hein for Oral Interview Section Component	\$ 490.00
4	Law firm of Ottosen-Britz for services rendered in February 2014	<u>\$ 6,027.00</u>
TOTAL		\$ 7,162.60

9:10 A.M. - Secretary Huley arrives at meeting after motion being made but during discussions on invoices.

There being no further discussion, a roll call vote was taken on the motion with the following results: Yes – 3, No – 0, Abstain – 0, Absent – 0. Motion to approve the identified invoices for payment carried.

9:13 A.M. – Attorney Miller arrives at meeting after action on invoices.

- iv. Chairwoman Dicker and Secretary Huley will follow-up with City on status of payment to the Illinois Fire & Police Commissioners Association was approved by the Commission on 3/24, Ottosen-Britz for professional services rendered in January 2014 in the amount of \$9,972.00, and to discuss tracking of City payments of invoices approved for payment by the Commission at this meeting.
- v. Secretary Huley requested all correspondence to the Commission be addressed to the Secretary at the city's municipal building. Chairwoman Dicker provided

Attorney Miller a list of vendors that continue to send correspondence to Chairwoman Dicker.

- b. Discussion of Freedom of Information Act requests.
 - i. Attorney Miller updated the Commissioners on communications regarding FOIA requests submitted and responded to.
 - ii. Attorney Miller advised the Commissioners that after the meeting both he and Attorney O'Connor planned to visit Commissioners' records in the Police Annex to search for documents in response to a federal subpoena, as well as a FOIA request for information related to the 2010 police promotional examination.
- c. Discussion on police lieutenants' promotional examination.
 - i. General discussion [Secretary Huley, Chairwoman Dicker, Attorney Miller, Commissioner Blanchard] concerning the vendor assisting the Commissioners with the oral interview component of this examination, and potential vendors for future promotional examinations. Attorney Miller and Commissioners noted that vendor did not participate in actual candidate oral interviews.
 - ii. Military promotional preference points.
 - 1) Chairwoman Dicker stated she had received an email from Sergeant Diez indicating his intent to seek military preference promotional points. Chairwoman Dicker stated she had received no other applications for military promotional preference points from the other three candidates.
 - 2) Secretary Huley shared the DD-214 supplied by Sergeant Diez.
 - 3) Attorney O'Connor noted the DD-214 was the "Member-1" copy and not the "Member-4" copy, and did not include the characterization of service or classification of discharge. Attorney O'Connor noted that all service members received a "Member-4" DD-214 on separation from military service.
 - 4) Deputy Chief Wilson asked Sergeant Diez to come to the Commissioners' meeting.
 - 5) Attorney O'Connor explained to Sergeant Diez that the Commissioners needed the "Member-4" copy of his DD-214 to confirm his eligibility for promotional points. [The Member-1 copy notes the dates of service, which confirmed Sergeant Diez had sufficient time of military service to qualify.] Sergeant Diez understood exactly what was needed, and said he would search for his Member-4 DD-214.
 - 6) Secretary Huley mailed notice for application for promotional points to the candidates on 3/26/2014, making the 10 day limit for Sergeant Diez to submit his DD-214 Member-4 copy Saturday, 4/05/2014. Attorneys Miller and O'Connor noted as a general legal principle that when a deadline falls on a weekend or holiday the deadline is extended to the next business day, which would be Monday, 4/07/2014.
 - 7) Sergeant Diez was told to submit his DD-214 Member-4 copy to Secretary Huley not later than Monday, 4/07/2014, to be eligible for the military preference points (classification of discharge otherwise allowing).
 - iii. The Commissioners noted that the police lieutenants' promotional exam coming to a conclusion would be valid for 3 years.
 - iv. The Commissioners noted that no candidate sat for the police sergeants' promotional exam announced and scheduled on 2/13/2014.
 - v. Attorney Miller advised the Commissioners that in this particular circumstance that the City had the option of hiring outside of the City's Police Department, and

had been advised by City legal counsel that the City was investigating that option in light of no candidate sitting for the police sergeants' promotional exam on 2/13/2014.

- vi. Chairwoman Dicker asked about the Commissioners offering another sergeants' promotional examination. General discussion [Chairwoman Dicker, Secretary Huley, Commissioner Blanchard] of the costs of such an undertaking, in addition to the effort needed by the Commissioners, when no candidate sat for the sergeants' exam on 2/13/2014. Attorneys Miller and O'Connor noted that if the City were inclined to seek the Commissioners to offer another sergeants' promotional exam, the City would need to fund the cost, which the Commissioners noted could be as much as \$10,000. The Commissioners consensus was to hold on any action pending direction and funding from the City.
- vii. Attorney Miller also discussed promotional criteria, such as a minimum passing score on the written exam component, for future promotional testing processes.

6. New Business.

- a. Commission's 2014 Budget Request. The Commissioners noted that the Budget request had been approved at the meeting on 3/06/2014.
- b. Discussion on police new hires.
 - i. Deputy Chief Wilson advised the Commissioners that the new hires process was proceeding smoothly, with all new hires scheduled for orientation.
 - ii. Deputy Chief Wilson advised the Commissioners of the components of a new hire's post-conditional offer checks.
 - 1) Background check by City Police Department assisted by outside consultant Accurate Background.
 - 2) Polygraph test by outside consultant.
 - 3) Psychological exam by outside consultant.
 - 4) Physical (medical) exam by outside consultant.
 - iii. Attorney Miller to send letter to outside consultants requesting all correspondence be addressed to the Secretary at the City Hall address. Chairwoman Dicker provided Attorney Miller the outside consultant contact information she had.
 - iv. Chairwoman Dicker provided Secretary Huley documents received from outside consultants which she had received.
- c. Pending litigation – Lake Co. Cases 13CH3485 and 13L0948.
 - i. Attorney Miler advised the Commissioners that he had discussed Case 13CH3485 with the Lake Co. State's Attorney's office, and the office had agreed in principle to dismiss the case in court on Friday, April 4, 2014.
 - ii. Attorney Miller advised the Commissioners that the attorney for Officer Sain (Lake Co. Case 13L0948) did appear in court for the last hearing date, and we are anticipating a response from the attorney. Chairwoman Dicker asked Attorney Miller about the possibility of the City's insurance paying legal fees for defense of Officer Sain's case. Attorney Miller advised the City's insurance was unlikely to cover claims such as those included in Officer Sain's complaint.
- d. FOIA requests.
 - i. Attorney Miller advised the Commissioners that he, Attorney O'Connor and Secretary Huley would be searching Commission records in the Police Sub-

Station after the meeting searching for documents to comply with a federal subpoena as well as FOIA requests.

- ii. Secretary Huley advised that she would deposit the documents received from outside consultants provided by Chairwoman Dicker with the Commission records in the Police Sub-Station.

- 7. Closed Session. There was no closed session.
- 8. Action on items from closed session. Not applicable.
- 9. Adjournment. There being no further business for the Commission, a motion was made by Commissioner Blanchard, seconded by Chairwoman Dicker, to adjourn at 10:03 A.M. A roll call vote was taken on the motion with the following results: Yes – 3, No – 0, Abstain – 0, Absent – 0. Motion carried.

Respectfully submitted,

Brian J. O'Connor
One of the Commission's Attorneys

Approved by the Commission on May 2, 2014.

/S/ Velma Dicker
Velma Dicker, Chairwoman
City of North Chicago
Board of Fire and Police Commissioners

ATTEST:

/S/ Shawna Huley
Shawna Huley, Secretary
City of North Chicago
Board of Fire and Police Commissioners