

**MINUTES OF THE CLOSED SESSION OF THE SPECIAL MEETING OF  
THE BOARD OF FIRE AND POLICE COMMISSIONERS OF  
THE CITY OF NORTH CHICAGO**

January 17, 2014

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

1. Chairwoman Dicker called the closed session to order at 9:19 A.M.
  2. Roll call identified the following persons present:
    - Chairwoman Velma Dicker
    - Secretary Shawna Huley
    - Commissioner Vanderbilt Blanchard
    - Attorneys Joseph Miller and Brian O'Connor of the law firm of Ottosen-Britz, Ltd.
  3. Chairwoman Dicker noted the date and time and persons present for the record, and reminded all of the purpose of the closed session, specifically to discuss:
    - a. The appointment and employment of specific employees or legal counsel for the Commission
    - b. Pending litigation, and
    - c. Matters of collective bargaining
  4. The appointment and employment of specific employees or legal counsel for the Commission. Discussion on appointment of the law firm of Ottosen-Britz, Ltd. to serve as legal counsel for the Commission. Consensus of Commissioners was favorable, with action to be taken in open session.
  5. Matters of collective bargaining. At Chairwoman Dicker's invitation, Attorney Miller explained this issue related to the current promotion process, which was temporarily suspended, are typically included as part of collective bargaining agreement (CBA). The CBA would apply for promotions to sergeant. [North Chicago Police Officer Carl Sturt representing North Chicago F.O.P. Lodge 31 commented in the preceding open session that the Lodge represented patrol officers but not police officers in the rank of sergeant.]
    - a. Chairwoman Dicker explained that the issue related to the written test. She explained that the City's police chief had asked that an additional module be added to the standard written exam which was to be offered by an independent vendor represented by David Christian. She explained that Mr. Christian could include the additional module the police chief wanted, but that the test would need to be validated by an "expert panel" consisting of 1 current lieutenant and 1 current sergeant before it could be administered.
    - b. Chairwoman Dicker explained that the Commission had involved F.O.P. Lodge 31 in the testing process.
- Commissioner Blanchard left the meeting at 9:31 A.M., and returned at 9:36 A.M. The meeting was in recess during Commissioner Blanchard's brief absence.
- c. Chairwoman Dicker explained that the police chief agreed to provide the "expert panel" needed to validate the test.

- d. On the agreed date and time for test validation, the "expert panel" was not available due to other department needs, so the test had not yet been validated.
  - e. Finally Chairwoman Dicker explained that at the Commission's October meeting F.O.P. Lodge 31 had verbally asked that a formal (written) process be put in place for promotions.
  - f. Attorney Miller agreed that a written promotion process was a good idea, but cautioned that the Commission would need to work closely with the City to ensure any process instituted was consistent with the City's CBA with F.O.P. Lodge 31 and approved by both those parties as well.
6. Pending litigation. At Chairwoman Dicker's invitation, Attorney Miller explained he was aware of 2 matters of litigation pending against the Commission: the complaint filed by the Lake County State's Attorney alleging violations by the Commission of the Open Meetings Act (case 13CH3485), and a complaint filed by Officer Carl Sain challenging his placement on the promotion list after his tie score with another officer (case 13L0948).
- a. Lake County State's Attorney alleging violations by the Commission of the Open Meetings Act (case 13CH3485) in regards to the Commission's promotion of Lieutenant Nash on October 8, 2013.
    - 1) Attorney Miller noted that Lake County Circuit Clerk records show that the Complaint was filed December 23, 2013, with the Summons being returned January 3, 2014.
    - 2) The Commissioners noted that only Chairwoman Dicker was seated at the October 8th meeting; Secretary Huley and Commissioner Blanchard having been appointed to the Commission by the Mayor with the approval of the city council on October 21, 2013.
    - 3) Chairwoman Dicker explained that 3 sergeants were on list for promotion to lieutenant at the time: Sergeant Cecala, Sergeant Nash, and Sergeant Thomas.
    - 4) Chairwoman Dicker explained the Commission received a letter from the City's police chief requesting the Commission to promote Sergeant Cecala to lieutenant.
    - 5) Chairwoman Dicker explained the Commission traditionally/historically had received a letter from the City's police chief requesting the Commission to promote a candidate, and no correspondence from either the Mayor or City Council.
    - 6) Chairwoman Dicker explained the Commission elected to review the 3 candidates' records with the intent of selecting the best person to serve the people and City of North Chicago.
    - 7) Chairwoman Dicker explained the Commission selected Sergeant Nash as the candidate to best serve the people and City of North Chicago, and made that announcement at the meeting on October 8, 2013.
    - 8) The Commission discussed each of the 3 candidates at some length.
    - 9) Attorney O'Connor asked the Commission how the City, police department and officers had reacted to Sergeant Nash's promotion. The Commissioners collectively noted that Lieutenant Nash was wearing the rank of office as a lieutenant, was being paid as a lieutenant, was acting and uniformed as a lieutenant, and they were not aware of any complaints or grievances from Lieutenant Nash's promotion from the police department at large, excepting for Sergeant Cecala.

- 10) Secretary Huley expressed reservations about moving forward on this issue without her having had the opportunity to personally review the Commission's personnel files and records of each of the 3 candidates. Chairwoman Dicker and Commissioner Blanchard were comfortable moving forward.
  - 11) The Commission reached a general consensus that the Commission's promotion of Lieutenant Nash on October 8, 2013, was in the best interest of the citizens, police officers and employees of the City, with action to be taken to ratify that promotion in open session.
- b. Officer Carl Sain's complaint challenging his placement on the promotion list after his tie score with another officer (case 13L0948).
    - 1) Attorney Miller provided the Commission a brief overview of Officer Sain's complaint.
    - 2) Attorney Miller noted that Lake County Circuit Clerk records show that the Complaint was filed December 16, 2013, with the Summons being returned January 13, 2014.
    - 3) Attorney Miller explained he had no further information on this matter that he could share with the Commission at this point.
  - c. Attorney Miller explained that attorneys at Ottosen-Britz would follow-up on each of these complaints and update the Commission as to the status of each.
7. There being no further business for the closed session meeting of the Commission, a motion was made by Chairwoman Dicker, seconded by Commissioner Blanchard, to adjourn the closed session and return to open session at 10:37 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 February 6, 2014.

*Retained as confidential*  
*RELEASED FOR INSPECTION OCTOBER 1, 2015.*

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

ATTEST:

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