

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

January 24, 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 9:59 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. Appointment and employment of specific employees of the City
 - b. Pending litigation – Lake Co. Cases 13CH3485 and 13L0948, and
 - c. Matters of collective bargaining
4. The appointment and employment of specific employees of the City. Attorney Miller noted this item was included as part of pending litigation (Lake Co. Case 13CH3485) discussions.
5. Pending litigation. Attorney Miller updated the Commission on 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. Attorney Miller updated the Commission in regards to Lake County State's Attorney alleged violations by the Commission of the Open Meetings Act (case 13CH3485) concerning the Commission's promotion of Lieutenant Nash on October 8, 2013.
 - 1) Attorney Miller noted that the Commission had remedied the OMA procedural fault by conducting in conducting the special meeting January 17, 2014.
 - 2) Attorney Miller had contacted the Lake County State's Attorney's office, explained that we were new counsel for the Commission, explained our action plan to remedy the OMA fault, and provided a copy of the January 17th meeting notice and agenda.
 - 3) Attorney Miller explained that he had also contacted City attorney Chuck Smith on the same issue, and that Mr. Smith agreed that it seemed the Commission had remedied the fault identified by the State's Attorney.
 - 4) Attorney Miller explained that he would also provide the State's Attorney with a copy of the January 17, 2014, open meeting minutes approved by the Commission prior to this closed session, along with copies of each of the Commissioners' certificates of completion of the Attorney General's Public Access Counselor's on-line training

program for the Open Meetings Act, as additional documentation substantiating Commission compliance with the OMA.

- 5) Attorney Miller told the Commission he would keep them updated as the matter presumably proceeds to resolution, anticipating the State's Attorney would dismiss the lawsuit against the Commission. To that end, Attorney Miller advised the Commission that attorney Ericka Thomas of our firm was preparing a motion to dismiss the State's Attorney's complaint as the Commission's corrective action had corrected the problems identified in the complaint.
- b. Attorney Miller updated the Commission in regards to Officer Carl Sain's complaint challenging his placement on the promotion list after his tie score with another officer (case 13L0948).
 - 1) The Commissioners confirmed that the action approving the promotion list to which Officer Sain referred to in his complaint was approved in June 2013.
 - 2) Attorney Miller explained that Officer Sain's challenge to the Commission's actions under the Illinois Administrative Review Law is to be initiated within 35 days of the Commission's act believed to be wrong or improper.
 - 3) Attorney Miller noted that Lake County Circuit Clerk records show that Officer Sain's Complaint was filed December 16, 2013, with the Summons being returned January 13, 2014.
 - 4) Attorney Miller explained that attorney Ericka Thomas of our firm was preparing a motion to dismiss Officer Sain's complaint because it was not filed within the required timeframe.
- c. Attorney Miller commented on FOIA requests identified as a problem in the State's Attorney's lawsuit and communications received from the Attorney General's Public Access Counselor's (PAC) office.
 - 1) Attorney Miller commented that he was aware of FOIA requests from Mr. Pitts (in correspondence from the PAC, and the requests North Chicago Police Sergeant Cecala filed. The Commissioners also noted FOIA requests from City attorney Chuck Smith for certain records for all of 2012 and part of 2013.
 - 2) Attorney Miller explained that we needed to get the documents to requestors to resolve the State's Attorney's concerns and also address the PAC's issues.
 - 3) The Commissioners commented that the Commission's former legal counsel had responded to a prior FOIA that requested 17 months of records.
6. Matters of collective bargaining. Attorney Miller noted that issues related to the current police sergeants and lieutenants promotion process, which were temporarily suspended, are typically included as part of collective bargaining agreement (CBA). Attorney O'Connor noted that the CBA would apply for promotions to sergeant per North Chicago Police Officer Carl Sturt's comment at the January 17, 2014 meeting that the Lodge represented patrol officers but not police officers in the rank of sergeant. Attorney O'Connor commented that it would be inappropriate for the Commission to adopt rules that could bind the City in its

collective bargaining efforts with F.O.P. Lodge 31, and that the better solution would be for the F.O.P. Lodge and City to agree to whatever rules for police promotion the deemed appropriate, and then advise the Commission which would comply with those provisions, and fill-in additional provisions as needed or required by law.

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 10:24 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

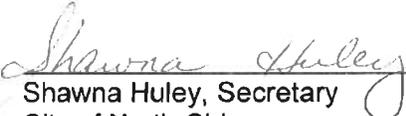
Approved by the Commission on Feb. 6, 2014.

RETAINED AS CONFIDENTIAL
RELEASED FOR INSPECTION OCTOBER 1, 2015.



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

ATTEST:



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