

**MINUTES OF THE OPEN 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 meeting to order at 9:05 A.M.
2. Roll call identified the following Commissioners present:
  - Chairwoman Velma Dicker
  - Secretary Shawna Huley
  - Commissioner Vanderbilt Blanchard

Other persons present included:

Attorneys Joseph Miller and Brian O'Connor of the law firm of Ottosen-Britz, Ltd.  
Advocate Patricia Axelrod  
North Chicago Police Officer Carl Sturt representing North Chicago F.O.P. Lodge 31  
North Chicago Resident Dr. Wadell Brooks, Sr., Host Community Forum TV and  
Community Focus Radio programs  
North Chicago Police Sergeant Salvatore Cecala  
North Chicago Resident Mr. Ralph Peterson  
North Chicago Police Lieutenant Kurt Nash  
Members of the North Chicago Police Department

3. Chairwoman Dicker opened the meeting for Public Comment.

Advocate Patricia Axelrod addressed the Commission.

- a. She congratulated the Commission on selecting new legal counsel.
- b. She opined that alleged Commission Open Meetings Act and Freedom of Information Act violations were largely attributable to prior Commission advisors.
- c. She commented about posting of meeting notices, displaying screen prints of City Council's postings webpage (and not those of the Commission's webpage).
- d. She commented that promotions were the sole purview of the Commission, suggesting that the current Police Chief's hiring was improperly done.

North Chicago Police Officer Carl Sturt addressed the Commission.

- a. He advised the Commission that all members eligible for the upcoming promotion signed a letter expressing their intent to boycott any test until written promotional procedures analogous to those for firefighters were defined and adopted.
- b. Officer Sturt advised that the police officers and F.O.P. Lodge 31 deemed the current Commission promotional policies to be inadequate. Attorney Miller clarified that the current commission rules do address the promotional process. Officer Sturt clarified those procedures were not in the detail the police officers and F.O.P. Lodge 31 deemed appropriate.
- c. Officer Sturt submitted the written statement of Lodge 31 to Chairwoman Dicker with signatures of select officers stating their collective agreement "to boycott any and all promotional exam conducted by the Commission[.]"

North Chicago Resident Dr. Wadell Brooks, Sr. addressed the Commission.

- a. He congratulated the Commission on selecting new legal counsel.
- b. He commented he was looking forward to a new beginning for 2014.

North Chicago Police Sergeant Salvatore Cecala addressed the Commission.

- a. He inquired on the status of responses to Freedom of Information Act (FOIA) document requests he submitted 12/02/2013, 1/08/2014, and 1/17/2014.
- b. Attorney Miller noted that FOIA requests was already a discussion topic on the agenda. Attorney Miller explained he and attorney O'Connor were simultaneously working to identify all FOIA requests submitted to the Commission in order to respond, while at the same time working to get access to Commission documents needed to respond to the FOIA requests.

North Chicago Resident Mr. Ralph Peterson addressed the Commission.

- a. He expressed displeasure and dissatisfaction with the Commission's prior legal counsel.
- b. He expressed displeasure and dissatisfaction directed to North Chicago Police Sergeant Salvatore Cecala.
- c. He commented he was looking forward to a new beginning for 2014.

Commission Attorney Joe Miller addressed the Commission in response to a point raised in the Public Comment section of the 1/17/2014 Commission Meeting.

- a. Attorney Miller researched a concern raised about having a city employee [Commissioner Blanchard] sitting on the Commission.
- b. Attorney Miller indicated Commissioner Blanchard served as a crossing guard for the City. Attorney Miller noted that a crossing guard does not impact or advise on matters of rules and policies for the police or fire departments for the City. Further, Attorney Miller noted that the City was aware of Commissioner Blanchard's service as a crossing guard when it confirmed his appointment to the Commission in October 2013.
- c. Attorney Miller offered his opinion that Commissioner Blanchard's service as a crossing guard did not pose a situation of conflict of offices which might otherwise preclude Commissioner Blanchard from serving.

There was no further public comment.

#### 4. Approval of minutes.

- a. A motion was made by Chairwoman Dicker, seconded by Commissioner Blanchard, to approve the open session minutes from the January 17, 2014, meeting as presented. There was no discussion. A roll call vote was taken on the motion with the following results: Yes – 3, No – 0, Abstain – 0, Absent – 0. Motion carried.
- b. Following some discussion, a motion was made by Commissioner Blanchard, seconded by Chairwoman Dicker, to table the Commission's consideration of the closed session minutes from the January 17, 2014, until the Commission's regular meeting on February 6, 2014. A roll call vote was taken on the motion with the following results: Yes – 3, No – 0, Abstain – 0, Absent – 0. Motion carried.
- c. There was discussion about transcribing proceedings of Commission meetings. Attorneys O'Connor and Miller noted that this was not an agenda topic and should be discussed at the Commission's regular meeting on February 6, 2014. The Commissioners agreed.

5. Old Business.

- a. Freedom of Information Act (FOIA) requests
  - i. Attorney Miller advised that he was aware of several outstanding FOIA requests: the three identified by Sergeant Cecala, and one by a Mr. Pitts by way of the Attorney General's Public Access Counselor. Attorney Miller also noted that the Lake County State's Attorney's Open Meetings Act lawsuit also identified untimely responses to FOIA requests as an issue for the Commission.
  - ii. Attorney Miller discussed with the Commission the need for him and Attorney O'Connor to access Commission records in order to facilitate the Commission's timely response to FOIA requests. The Commissioners confirmed that Commission records were not stored in the City's main municipal building. Secretary Huley commented that accessing the records was challenging. Attorney Miller suggested that perhaps Commission records storage and access was a topic the Commission should review with the City.
  - iii. Attorney O'Connor noted that he and Attorney Miller wanted and needed to ensure that they were aware of FOIA requests filed with the Commission in order to properly assess and timely respond to the requests.. The Commissioners agreed.
- b. Scheduling of promotional exams.
  - i. The Commissioners clarified that the promotional exams in question were for promotion to police sergeant, and for promotion to police lieutenant.
  - ii. Commissioners clarified the tests had originally been scheduled for December 4, 2013. Chairwoman Dicker explained that F.O.P. Lodge 31 asked the Commission to postpone the December 4, 2013, examinations. The examinations were rescheduled for December 15, 2013. The examinations did not occur that date.
  - iii. Attorney Miller explained to the Commission that City attorney Chuck Smith had explained that the City urgently needed the sergeant and lieutenant promotional examinations to be scheduled as soon as possible.
  - iv. Attorneys Miller and O'Connor noted that Section 10-2.1-13 of the Illinois Municipal Code required that notice of examinations must be published at least 14 days prior to the test date *unless* persons taking the test waived notice. Attorneys Miller and O'Connor noted that it was highly unlikely that police officer candidates were likely to waive notice of the sergeant and lieutenant promotional examinations in light of the F.O.P. Lodge 31 letter stating all intended to boycott any promotional process pending Commission adoption of a detailed police promotional process more the their liking. The Commissioners concurred with that assessment.
  - v. Attorney Miller clarified that notice of the promotional examinations could be published on Monday, January 27, 2014. He suggested examination dates of either February 13 or 14, 2014, to allow sufficient time to meet the 14-day notice requirement. General consensus was to arrange for local validation of the promotional examinations at 10:00 A.M. with the actual examinations to be administered at 2:00 P.M. on Thursday, February 13, 2014.
  - vi. A motion was made by Secretary Huley, seconded by Chairwoman Dicker, to schedule the sergeants and lieutenants promotional examinations for Thursday, February 13, 2014, as discussed. A roll call vote was taken on the motion with the following results: Yes – 3, No – 0, Abstain – 0, Absent – 0. Motion carried. Attorney Miller was directed to publish notice of the promotional examinations as required by law in the Waukegan News-Sun. Attorney Miller was asked to provide a copy of that promotional notice to the Police Chief for posting in the

