

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

January 7, 2016

Held at the City of North Chicago Police Annex,
1801 Sheridan Road, 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

Commissioners absent:
Secretary Shawna Huley

Other persons present included:

Attorney Joseph Miller of the law firm of Ottosen-Britz, Ltd.
Attorney Bria O'Connor of the law firm of Ottosen-Britz, Ltd.
Kenneth Robinson, Treasurer, City of North Chicago
Dell Urban, Chief, North Chicago Fire Department
Jennifer E. Dawes, Citizen
Ralph Peterson, Jr. Citizen
Ron McAllister, Citizen
Todd Smith, Candidate for Police Officer Appointment
[] Smith, Citizen
Richard Wilson, Deputy Chief, North Chicago Police Department
Carl Evans, Third Ward Alderman, City of North Chicago
Carl Sturt, North Chicago Police Department and F.O.P. Lodge President
Morris Wade, Detective, North Chicago Police Department
Anthony Wells, Candidate for Police Officer Appointment

3. Chairwoman Dicker opened the meeting for Public Comment.

9:04 A.M. Commissioner/Secretary Huley arrives at the meeting while Public Comment by Mr. Robinson was underway.

- a. Treasurer Robinson addressed the Commissioners.
 - i. Treasurer Robinson asked about the hiring process for original appointment of police officers.
 - ii. Attorney Miller provided an overview of the process, generally consisting of steps after the examination is administered and completed including (1) background checks, which if determined by the Commissioners to have been successfully passed leads to (2) a conditional offer of employment by the City (likely HR) enabling completion of final qualification checks (medical, psychological and polygraph), which if determined by the Commissioners to have been successfully passed leads to (3) a certification of eligibility for appointment as a full-time police officer with the City.
 - iii. Treasurer Robinson expressed thanks for the clarification on the process.

- iv. Treasurer Robinson expressed concern about the skipping of names on the list [the Final Eligibility Register, or FER].
- b. Fire Chief Urban addressed the Commissioners.
- i. Chief Urban noted she had sent a letter to the Mayor and Commissioners regarding hiring of a full-time firefighter as a replacement for a vacancy from a retirement.
 - ii. Chief Urban asked about and was provided by Attorney Miller a general description of the process to hire full-time firefighters: the process is similar to but not exactly the same as that for full-time police officers.
 - iii. Chief Urban expressed thanks for the clarification on the process
 - iv. Chief Urban explained the urgency in the hiring process in this instance as replacement was mandated by the Federal SAFER Grant.
 - v. Chairwoman Dicker commented that there was no problem with the 1st candidate for replacement and that the Commissioners were seeking clarification about the 2nd candidate.
 - vi. Chief Urban confirmed that she will send results of all Background Checks to the Commissioners.
- c. Ms. Dawes addressed the Commissioners.
- i. Ms. Dawes advised that he was speaking on behalf of a friend, police officer applicant Candidate Todd Smith.
 - ii. Ms. Dawes expressed concern about a letter Candidate Smith received from the Commissioners.
 - iii. In reviewing the letter, it seems the letter was interpreted to read as an offer to be hired whereas in fact the letter only confirmed that Candidate Smith had placed sufficiently well on the FER that the process for appointment was to continue with follow-on pre-employment checks to include the Background Check and eventually other checks.
 - iv. Chairwoman Dicker advised that she had not sent any letters to candidates as no decision had been made by the Commissioners. It was uncertain who sent the letter that Candidate Smith received.
- d. Mr. Peterson addressed the Commissioners.
- i. Mr. Peterson asked about the hiring process for original appointment of police officers, similar to what Treasurer Robinson had asked about.
 - ii. More specifically Mr. Robinson asked about propriety of hiring without Commissioners approval.
 - iii. Attorney Miller explained full-time police officers should not be hired without Commissioners approval.
 - iv. Mr. Peterson expressed an interest in following-up with the City's Human Resources Department.
 - v. General discussion on the police officer hiring process ensued involving Detective Wade, Attorneys Miller and O'Connor, Chairwoman Dicker and Deputy Chief Wilson.
- e. Mr. McAllister addressed the Commissioners.
- i. Mr. McAllister also asked about the hiring process for original appointment of police officers.
 - ii. Mr. McAllister specifically asked "How many of candidates 1 through 10 are black?"

- iii. Attorney O'Connor explained that none of the documents considered by the Commissioners (application, written test scores, interview scores, preference point applications) had an entry for race or ethnicity of a candidate, and suggested to do so might be deemed by some to be discriminatory.
 - iv. Chairwoman Dicker said she wasn't sure, but as best as she could recall 4 of the 10 candidates were black.
 - v. In response to a follow-up question, Mr. McAllister was informed that none of the 10 candidates on the FER had been approved for appointment as full-time police officer of City by the Commissioners to this point.
- f. Candidate Smith addressed the Commissioners.
- i. Candidate Smith asked about the hiring process for original appointment of police officers.
 - ii. Candidate Smith's question being more specific, the Commissioners suggested that Candidate Smith return in closed session to discuss the unique and personal details of his application process.
 - iii. The same offer was extended to Candidate Wells who was also at the meeting.
- g. Alderman Evans addressed the Commissioners.
- i. Alderman Evans asked about the hiring process for original appointment of police officers.
 - ii. Alderman Evans confirmed his understanding with the Commissioners and Attorney Miller that only the Commissioners had the authority to appoint full-time police officers.
 - iii. Alderman Evans asked if the Commissioners had not authorized hiring of full-time police officers, who authorized that action.
 - iv. The Commissioners and Attorney Miller clarified that 2 candidates from the prior original appointment list were approved to be hired by the Commissioners in September 2014.
 - v. That said, the Commissioners lamented and the lack of update on the hiring being received: results of Background Checks (improving) and other (psychological, polygraph, medical) follow-on checks, reminding all present that it was the Commissioners duty and obligation to evaluate each of these checks prior to issuing its determination on whether a candidate was eligible for appointment.
- h. Officer Sturt addressed the Commissioners.
- i. Officer Sturt rebutted comments suggesting that the FOP Lodge opposed the PER because of the large percentage of black candidates at the top of the list, clarifying the Lodge's concern that so many white candidates at the top of the Preliminary Eligibility Register (based only on results of the written test) had been subsequently displaced from the top positions in the Initial Eligibility Register (based on combined written test and subjective test components).
 - ii. Discussion ensued relating to conversations between City Labor Attorney Mr. Gehrt and Attorney Miller relating to the comments.
 - iii. Officer Sturt, as FOP Lodge President, formally denounced any assertion that the Lodge opposed the FER because of its racial composition.

4. Approval of minutes.

- a. Approval of the minutes from the October 22, 2015, meeting were not yet finalized, and approval was tabled until the next Commissioners' meeting.
- b. The minutes from open session of the December 17, 2015 Board of Fire and Police Commissioners were reviewed. Chairwoman Dicker made the motion to approve the minutes as presented, seconded by Commissioner Blanchard. No further discussion. Roll call vote: 3 Yes, 0 No. Motion and minutes approved.
- c. The minutes from closed session of the December 17, 2015 Board of Fire and Police Commissioners were reviewed. Chairwoman Dicker made the motion to approve the minutes as presented and retain them as confidential, seconded by Commissioner Blanchard. No further discussion. Roll call vote: 3 Yes, 0 No. Motion and minutes approved.

5. Old Business.

- a. Discussion/possible action on invoices for Commission services. Invoice from Waukegan Safe and Lock for replacement of lock to Commissioners' file room and replacement of locks on filing cabinets in Commissioners' file room in the amount of \$241.70 presented for payment. Chairwoman Dicker made a motion to approve payment of \$241.70 to Waukegan Safe and Lock, seconded by Commissioner Blanchard. No further discussion. Roll call vote: 3 Yes, 0 No. Invoice approved for payment.

6. New Business.

- a. Discussion/possible action on appointment of full-time firefighters. Addressed during public comment.

Given situational urgency, consensus of Commissioners was that if fire-fighter candidates passed the Background Check then they should proceed to the Conditional Offer of Employment to enable the follow-on (medical and psychological, not polygraph) pre-employment checks; but if they failed the Background Check then the Commissioners should be advised to schedule a special meeting to expeditiously consider the matter.

- b. Discussion/possible action on appointment of full-time police officers. Addressed during public comment, with additional discussion to follow in closed session.

- c. Discussion/action regarding promotional examination for the rank of sergeant for the North Chicago Police Department.

Chairwoman Dicker requested a list of eligible exam candidates. She was concerned about the sufficiency of the training room to adequately accommodate the candidates.

Attorney Miller will publish notice of the exam which will allow for the full 90-day study period, with the written test being scheduled for Tuesday, April 19, 2016.

7. Closed Session. Chairwoman Dicker requested closed session for a discussion concerning the appointment, employment of specific persons for the City of North Chicago. Motion by Chairwoman Dicker, second by Commissioner Blanchard, to enter closed session at 10:35 A.M. to discuss the appointment, employment of specific persons for the City of North Chicago per Section 2(c)(1) of the Open Meetings Act. There being no discussion, a roll call vote: 3 Yes, 0 No. Motion to enter closed session carried.

Members of the public left the meeting.

8. Chairwoman Dicker recalled open session to order at 12:14 P.M.
9. Action on items from closed session
 - a. Motion by Commissioner Blanchard, second by Chairwoman Dicker, to inform City HR and police officer candidates of their status on consideration for appointment as a full-time police officer from the Final Eligibility Register as follows:
 - i. Table determination on Candidate #2 Smith's Background Check to the next meeting pending receipt of additional information from Detective Wade,
 - ii. Find that Candidates #7 Alka and #8 Fajardo did successfully pass the Background Check and were eligible to receive from the City a conditional offer of employment to enable the 2 candidates to schedule follow-on eligibility exams (medical, psychological, etc.),
 - iii. Find that Candidates #1 Astudillo, #3 Wells, #4 Vargas, #5 Juarez, #6 Nixon-White, #9 Terrell and #10 Sanders did not successfully pass the Background Check, and
 - iv. Authorize the Police Department to begin Background Checks on Candidates #11 Patel, #12 Scanlan, #13 Semple, #14 Aylesworth and #15 Hartman.

There being no discussion, a roll call vote: 3 Yes, 0 No. Motion approved.

Chairwoman Dicker is to notify Candidates not passing the Background Check by letter.

Attorney O'Connor is to prepare a letter for Chairwoman Dicker to notify City Human Resources Department of the Commissioners' determinations.

10. Secretary Huley announced her resignation as Secretary for the Commissioners. Commissioner Huley declined accepting keys to access the Commissioners' file room and storage cabinets located there.

Attorney Miller advised the Commissioners that the Commissioners would need to address the office of Secretary at the next meeting of the Commissioners.

11. Adjournment. There being no further business for the Commission, a motion was made by Chairwoman Dicker, seconded by Commissioner Blanchard, to adjourn at 12:26 P.M. A roll call vote was taken with the following results: 3 Yes, 0 No. Motion to adjourn carried.

Reminder:

Next Regular Meeting, at the Police Annex at 9:00 A.M. on Thursday, April 7, 2016.

Respectfully submitted,

Brian O'Connor
One of the Commission's Attorneys

Approved by the Commission on February 4, 2016.

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

ATTEST:

Vanderbilt Blanchard Jr
Secretary, Board of Fire and Police Commissioners
City of North Chicago