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**City of Mt. Vernon, Illinois
City Council Special Meeting
Monday, June 30, 2014**

MINUTES

The Mt. Vernon City Council held a Special Meeting on Monday, June 30, 2014 at 7:00 p.m. at the Rolland W. Lewis Community Building at Veterans Park, Mt. Vernon, IL.

ROLL CALL

Roll call showed present: Council Members Ron Lash, Dennis McEnaney, Todd Piper, David Wood and Mayor Mary Jane Chesley. Also present were City Manager Ron Neibert, City Attorney David Leggans and City Clerk Jerilee Hopkins.

**First Reading of Ordinance Amending Article 8, Section 8.1, Fire & Police Commission,
Allowing for Immediate Solicitation of Internal and External Candidates for the Position of Police Chief,
Fire Chief, Assistant Police Chief, and Assistant Fire Chief**

Mayor Chesley recapped that the Council has always been willing to put time, effort and research into the decisions to be made on behalf of the City. There have been hours of discussion within the Open Meetings Act limitation. Many emails have been received from concerned citizens, and the City has been in communication with the Illinois Municipal League's Attorney Roger Huebner and Illinois Fire & Police Commission Association's Attorney John Broihier. Council tried to gather as much information as possible and share the information with the Council and the Commission. In addition, the public was given the opportunity to voice their opinion at the June 23, 2014 Joint City Council/Fire & Police Commission Workshop meeting.

Council Member Wood clarified that the current status is that the Fire & Police Commission cannot go outside to search for applicants to fill a vacancy for Chief unless all of the candidates inside are ruled not qualified. He noted that the Council wants the best candidate for the job whether that candidate is inside or outside our department.

Council Member Piper noted that the Fire & Police Commission stated, at last week's meeting, that they wish to consider candidates from inside and outside of the City's department at the same time.

Fire & Police Commissioner Bill Beck confirmed that the commission asked to simultaneously look for candidates inside and outside the department.

Council Member McEnaney added that this appointment process is not uncommon in the business community when seeking to fill high-end positions such as this, looking internally and externally, at the same time in order to ultimately appoint the best candidate for the job.

FIRST READ ONLY — Mayor Chesley will be out of town and unable to attend the next Regular Council Meeting scheduled on July 7, 2014 at 7:00 p.m. It is anticipated that this proposed Ordinance will be placed on the agenda for the Council Workshop Meeting scheduled on Monday, July 14, at 3:00 p.m. at the City Hall.

Council agreed to hold Agenda Item No. 4 until after discussing Agenda Item No. 5.

**Discussion and Decision Relating to Modification of Chief/Assistant Chief
Hiring and Discharge Procedures Transferring Legal Authority Solely From the
Board of Fire & Police Commission to the Mayor, City Council, and Office of City Manager**

Council Member McEnaney advised that he initiated the review of hiring and discharge procedures and requested that the City Manager draft an Ordinance which was presented to the Council at the May 5, 2014 City Council Meeting. Said ordinance would transfer the legal authority solely from the Board of Fire & Police Commission to the Office of City Manager with the City Manager directed to work with the Commission on the hiring and discharge of the Chiefs. Since that time there has been a great deal of discussion internally and from the general public on their feelings on this issue. It became very clear at last week's meeting that the hiring and discharge procedures should remain with the Board of Fire & Police Commission. At the end of last week's meeting, Council permanently tabled the proposed ordinance.

With that as background, Council Member McEnaney made a motion as follows:

I move that we direct the City Manager to prepare a new ordinance transferring all legal authority to hire, discipline, and discharge Fire and Police Chiefs to the Mayor, City Council, and Office of the City Manager.

Also, the City Manager shall seek input from the Commission on all new hires for these positions.

The City Manager shall be responsible to make recommendations on all new hires and discharges of Fire and Police Chiefs to the City Council for their review and approval.

The City Council will make the final decision on the hiring and discharge of the Chiefs.

Council Member Lash seconded the motion noting that many other cities have a similar process for hiring and discharging Chiefs. He believes the Ordinance should be inclusive with hiring and discharging authority given to the Mayor, City Council and Office of the City Manager with input from the Commission. Approving this Ordinance would allow the City to move forward in the best interest of the City.

Council Member Piper stated that many hours of research and discussion have gone into his decision to maintain the authority to hire and discharge with the Board of Fire & Police Commission. The Commission has transparency and the City has the legal authority to pursue disciplinary action through the Commission when a complaint is filed. Therefore, he is not in favor of Council Member McEnaney's motion.

Council Member Wood believes that the balance of power and separation of the duties handled by the City Manager and the Fire & Police Commission are better served with the authority to hire and discharge remaining with the Commission. Consequently, he does not support Council Member McEnaney's motion.

Mayor Chesley noted that she concurs with Council Members Piper and Wood. She was very encouraged by the public input she received. The public has spoken. She listened. She works for the public. She is opposed to Council Member McEnaney's motion regarding modification.

As previously stated, Council Member McEnaney made a motion that he read on the record regarding the hiring and discharging of Fire & Police Chiefs. Council Member Lash seconded the motion. The vote was as follows: Yeas: Lash, McEnaney. Nays: Piper, Wood, Chesley. The Motion was defeated.

**Resolution Authorizing Notice to the Board of Fire and Police Commissioners
to Begin the Process of Filling the Vacancy in the Office of Chief of Police**

Council Member Wood advised that in order for the Fire & Police Commission to begin a search for a new Chief of Police the City Council must provide authorization to the Commission to begin the process of filling the vacancy of the Chief of Police. Under the current status, the Fire & Police Commission would be legally unable to begin advertising for the position outside of the department and begin conducting only internal interviews for the position. If the Council passes the proposed Ordinance at their July 14th workshop then the commission will be authorized to look inside and outside the department. The Fire & Police Commission have ten (10) calendar days in which to give public notice of the change in our Ordinance before the Ordinance will become effective. City Attorney Leggans noted that the Commission's ten (10) day notice may correspond with the City's Ordinance change so long as the Ordinance passes without further change or amendment. Wood urged the Fire & Police Commission to post the notice to change their rules as soon as possible.

Council Member Wood made to motion to adopt a Resolution Authorizing Notice to the Board of Fire and Police Commissioners to Begin the Process of Filling the Vacancy in the Office of Chief of Police. Council Member McEnaney seconded the motion.

Mayor Chesley added that Bill Beck's term of office as a member of the Fire & Police Commission expired April 30, 2014, and he has not been reappointed. According to Section 8.1 of the Code, upon a Commissioner's term expiring, the position becomes vacant unless filled by the Mayor with the advice and consent of the Council within sixty (60) days of expiration of the term. Legally, Bill Beck's term of office expires tomorrow, July 1, 2014. The Mayor assumed that, like other terms of office on the City's various boards and commissions, the commissioner continued to serve until they are reappointed or a replacement is appointed. Chesley apologized for the oversight. Securing the appointment of Bill Beck to the Fire & Police Commission must be done as soon as possible. Unfortunately, Mayor Chesley will be out of town during the next City Council Meeting scheduled on July 7. It was suggested that she nominate Bill Beck by letter to the City Manager and have the item placed on the Agenda for the July 7 City Council Meeting.

The vote was as follows: Yeas: Lash, McEnaney, Piper, Wood and Chesley.

EXECUTIVE SESSION

No executive session was held.

ADJOURNMENT

Council Member Wood made a motion to adjourn the City Council Workshop Meeting. Seconded by Council Member McEnaney. Yeas: Lash, McEnaney, Piper, Wood and Chesley.

The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Jerilee Hopkins
City Clerk