

EXECUTIVE SESSION
CITY COUNCIL
City Hall Conference Room
August 12, 2013

Council present: Aldermen David Sage, Mboka Mwilambwe, Judy Stearns, Rob Fazzini, Karen Schmidt, Jim Fruin, Jennifer McDade, Scott Black, and Mayor Tari Renner.

Council absent: Alderman Kevin Lower.

Staff present: David Hales, City Manager, Barb Adkins, Deputy City Manager, Todd Greenburg, Corporation Counsel, and Tracey Covert, City Clerk.

Mayor Renner called the Special Session to order at 5:01 p.m. He noted the topics: Review of Closed Session Minutes, Section 2(c)(21) and Worker's Compensation, Section 2(c)(12).

Motion by Alderman Sage, seconded by Alderman Fazzini to recess to Executive Session regarding Review of Closed Session Minutes, Section 2(c)(21) and Worker's Compensation, Section 2(c)(12).

Motion carried, (viva voce). Time: 5:03 p.m.

REVIEW OF CLOSED SESSION MINUTES

Mayor Renner informed the Council that he had met with Aldermen Black and Stearns as a work group. There were two (2) areas of discussion: Tom Hamilton's, (former City Manager), performance evaluations and the Council's search for a new City Manager. Mayor Renner believed that the Council had the authority to release performance evaluations. He cited good governance. There were units of government that released performance evaluations after a set number of years. He addressed the City's ability to recruit quality/qualified candidates in the future. It was not a common practice in IL to release this type of information.

Alderman Schmidt questioned the differing practices. She added that from past experience she knew that the University of IL did not release this type of information.

Mayor Renner noted that in his opinion his charge began in 2007.

Alderman Sage questioned common practice.

Mayor Renner had contact a number of units of local government. None have released. The ICMA (International City/County Administrators Association), had not seen same but believed that it had been done. This was likely when conducting a search for a new City Manager.

Alderman Stearns cited performance evaluations for a previous City Manager. She could not comment on other cities in IL. She addressed openness and transparency. She expressed her concern that the media would file a FOIA (Freedom of Information Act) request to obtain the information. She noted the City's Manager's impact upon the City and the Council's approach to evaluating same. She also cited pension funding and the City Manager's role as an example. Citizens wanted to know how the Council has evaluated the City Manager.

Mayor Renner believed that the Council had used logic when evaluating the City Manager. This was the Council's lone employee. He also noted the City Manager's impact on the City. This was a unique position. The City Manager served at the Mayor and Council's pleasure.

Mayor Renner noted that the Council's recommendation would be voted upon in regular session.

Tracey Covert, City Clerk, informed the Council that a Resolution would be prepared.

Alderman McDade noted the Mayor's intent towards transparency. She cited the typical practice in IL as a state. The City's actions needed to be in line with same. She questioned if the issue was transparency or placing blame. Her concern was for the Council to be productive and have integrity.

Alderman Sage addressed the other side of the issue. The decision should not be made due to Mr. Hamilton. He noted behavior within the state. He cited three (3) Central IL cities that did not release this information: Town of Normal, City of Peoria and City of Springfield.

Mayor Renner agreed that the individual should be removed from the decision.

Alderman Mwilambwe cited the practice and questioned for how long and when to release.

Mayor Renner did not have an answer.

Alderman Schmidt cited her experience handling archives where release was tied to death plus a number of years afterwards.

Alderman Black cited the time frame for background checks, i.e. seven (7) years. He noted his human resources experience and his sensitivity to personnel issues. The Council and City Manager were a team. He cited communication with the public. He expressed his concern regarding the appearance of not releasing. He suggested that an Executive Summary be drafted of same and released.

Alderman Stearns questioned if the Council would base its decision upon what other cities' practices were. Citizens wanted the facts. She was aware of lawsuit regarding the

release of Executive Session minutes. She restated that the public wanted to know. She questioned why the Council would not release these minutes. She cited the issue of transparency. She questioned the recommendation to draft an Executive Summary. The Council should just release these minutes. She planned to research this issue by contacting other cities.

Alderman Fazzini expressed his opinion that the public's interested was limited. He cited the recent low voter turn out.

Alderman Stearns restated that the media was interested.

Mayor Renner restated that the person was irrelevant. The issue was the release of Executive Session minutes regarding personnel matters. There were cities that released a brief summary.

Alderman Fruin had started with a belief that these documents should be released. At this point, he had reservations. He did not understand all of the issues behind releasing these documents.

Alderman Fazzini cited the candor of the conversation during the evaluation process. The Council's decision would impact future discussions. He noted the Council's disagreement regarding the release of these documents.

David Hales, City Manager, addressed the Council. He recommended that Executive Session minutes regarding personnel matters remain closed. This information should be viewed as confidential. Perhaps at a future date, an abbreviated form of the minutes could be released.

Alderman McDade noted the example of pension funding. Citizen understood that there was an evaluation process. Anyone can speculate about the past. The issue was truly understanding and transparency. Council's action should be based upon same.

Mayor Renner addressed the Council's August 26, 2013 Regular Meeting. The Council would vote in open session. The Council was polled regarding this issue.

Aldermen Stearns and Black believed that the minutes should be released. The people had the right to know. Information would be provided to the public and the media.

Aldermen Mwilambwe, Fazzini, McDade, Stearns, Sage and Fruin believed that the minutes should be retained.

Alderman Schmidt noted that some Executive Session minutes that would be released.

Mayor Renner informed the Council to contact Tracey Covert, City Clerk, who would make all of these minutes available for their review.

Mr. Hales added that the release of Executive Sessions minutes regarding Workers' Compensation claim settlements would require some redactions. He cited FOIA and personal and/or private information.

Todd Greenburg, Corporation Counsel, addressed the Council. He added that medical information was private.

Alderman Stearns stated her intention to publicly express her opinion.

Time: 5:30 p.m.

WORKERS' COMPENSATION

Staff present: R.T. Finney, Interim Police Chief, Clay Wheeler, Asst. Police Chief, Ken Bays, Asst. Police Chief, Mike Kimmerling, Fire Chief, and Emily Brown, Human Resources Director.

Others present: Betty McCain, ASC's Sr. Claims Manager.

Todd Greenburg, Corporation Counsel, addressed the Council. There were five (5) Workers' Compensation claims involving four (4) employees. He noted the following:

John Heinlen, Police Officer –

Jerimiah Leibendorfer, Police Officer

Tim Stanesa, Police Officer –

These were clear cases. The injuries occurred during the course of employment. The recommendations were in line with Workers' Compensation awards in the state. He hoped that there would be Council consensus regarding same.

Alderman Fazzini questioned if any of these employees had retained legal counsel.

Mr. Greenburg responded affirmatively. and Mr. Leibendorfer have retained an attorney.

Betty McCain, ASC's Sr. Claims Manager, addressed the Council. ASC would stay within arbitrators' rulings. ASC would hold firm.

Alderman Fazzini cited his goal: lower number of employees retaining attorneys. The City needed to spread the word that it dealt with its employees fairly.

Ms. McCain noted an employee's right to retain legal counsel.

Alderman Black believed that these cases would be fairly addressed.

Barb Adkins, Asst. City Manager, addressed the Council. She informed them that the percentages cited were an up to amount. There was not a guaranteed amount. All settlements were subject to negotiation.

Mr. Hales informed the Council that quarterly reports were provided. He questioned if there was Council consensus to accept the recommendations as presented.

Mayor Renner noted that no objections had been raised.

Motion by Alderman Sage, seconded by Alderman Fazzini to return to Special Session and adjourn. Time: 5:36 p.m.

Motion carried, (viva voce).

Respectfully submitted,

Tracey Covert
City Clerk