

*Sycamore Fire and Police Commission
Special Meeting Minutes*

March 9, 2007

ROLL CALL

Chairman Dailey called the meeting to order. Present at the meeting were: Commissioner Ron Short, Commissioner Jeff Petersen, Police Chief Don Thomas, and City Attorney Kevin Buick.

APPROVAL OF AGENDA

Motion

Commissioner Short moved to approve the agenda and Commissioner Petersen seconded the motion.

Vote

All Commissioners voted aye. Motion carried 3 - 0.

APPROVAL OF THE MINUTES

Open Session

Motion

Commissioner Petersen moved to approve the minutes from the open session of the February 5, 2007 meeting, as written, and Commissioner Short seconded the motion.

Vote

All Commissioners voted aye. Motion carried 3 - 0.

NEW BUSINESS

A. Selection of Legal Representation for the Commission

Chairman Dailey explained that the Commission will need to retain legal counsel to assist them with a disciplinary hearing. She read a list of three attorneys for the Commissioners to consider: Jack Slingerland, who is the attorney for the City of Genoa; Brad Waller, an associate with Klein, Stoddard, Buck, Waller, and Lewis who has worked with the City of DeKalb's Liquor and Fire and Police Commissions; and Peter Smith, of the Smith, Tucker, and Brown Law Group, the former City of Sycamore attorney.

Chairman Dailey recommended that the Commissioners consider retaining Brad Waller, since he has experience in this area. Commissioner Petersen wondered if the Commissioners should consider retaining an attorney from the Illinois Association of Fire and Police Commissioners. Chairman Dailey asked if Commissioner Petersen knew the cost to retain one of them. Commissioner Petersen answered they charge \$205 - \$210/hour, plus travel expenses. City Attorney Buick answered that a local attorney with expertise in this area would charge less than this. Commissioner Short also suggested retaining Mr. Waller; Commissioner Petersen agreed.

Motion

Commissioner Short moved to contact Attorney Brad Waller about retaining him to represent the Commission at a disciplinary hearing, and Commissioner Petersen seconded the motion.

Vote

All Commissioners voted aye. Motion carried 3 - 0.

Chairman Dailey stated that she would call Mr. Waller. Commissioner Petersen suggested that it might be a good idea for the Commissioners to decide on an alternate attorney, in case Mr. Waller is not available. City Attorney Buick stated that attorney Jim Buck, who is in the same firm as Mr. Waller, has done this type of work as well and would be a good choice for an alternate. It was the consensus of the Commissioners to contact Mr. Buck if Mr. Waller is unavailable.

City Attorney Buick stated that the Commissioners should try to meet with their attorney next week, since they have 30 days from the date of the complaint in which to convene the hearing. This means that they must commence the formal hearing by April 5, 2007. Since the meeting with the attorney constitutes a meeting under the Open Meetings Act, it should be publicized 48 hours prior to the date. This will be a regular meeting with minutes, and its purpose is not to prejudge the case but to review the facts and make a determination of probable cause for the hearing. City Attorney Buick cautioned the Commissioners not to discuss the case amongst themselves prior to the presentation of the evidence.

City Attorney Buick went over the following points of procedure with the Commissioners:

- During a disciplinary hearing, the Commissioners act as the judge – they are the “trier of fact” and the sentencing authority. They act in the same capacity as a judge in a bench trial. They will listen to testimony from both sides.
- A notice of the hearing date must be served on both of the parties of record.
- A court reporter should be hired. He recommended ITV (“In Totidem Verbis”).
- One or the other sides in the case may wish to compel the attendance of a person or documents at the hearing. The Commissioners would issue the subpoenas for these requests.
- The hearings typically last ½ day, though they can go longer, depending on the amount of testimony presented.
- The attorney hired by the Commissioners will assist them in running the hearing.
- The Commissioners can choose where to hold the hearing. However, as the hearing is open to the public, the Commissioners may want to consider holding it in the Council Chambers. The Commissioners can choose to hold parts of the hearing in closed session, but should try to keep it as open as possible.
- The posting procedures that are used to announce meetings of the Commission should also be used to announce the date and time of the hearing.
- Once the hearing is concluded, the Commissioners have 15 days in which to enter their written findings. If known, the Commissioners could choose to announce the findings at the hearing, but they are entitled to meet with their attorney in order to draft their written findings. The Commissions can also choose to bifurcate the hearing process, in which they announce their findings and then schedule a second hearing in order to decide on the discipline that will be imposed.

Chief Thomas informed the Commissioners that he will be unavailable March 13 – March 16 and April 11 – April 29th. He also presented them with an affidavit that is ancillary to the complaint to assist them in their determination of probable cause.

B. Fire Chief

Chief Riddle did not attend the meeting.

C. Police Chief

Chief Thomas informed the Commissioners that Police Officer Rudi Ziegler had successfully completed his probationary period on March 6, 2007. He added that he has proven to be a very good Police Officer. Recording Secretary Tritle stated that she would put together a letter to send to Officer Ziegler, in which the Commissioners acknowledge his non-probationary employment status.

ADJOURNMENT

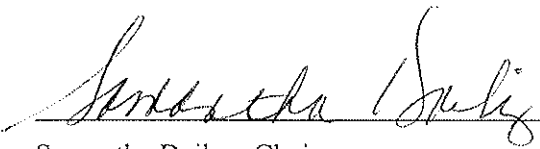
Motion

Commissioner Short moved to adjourn the meeting at 2:30 p.m. and Commissioner Petersen seconded the motion.

Vote

All Commissioners voted aye. Motion carried 3 - 0.

Minutes accepted by:

 3.14.07
Samantha Dailey, Chairman Date

Attest:

Jean Tritle, Recording Secretary Date