

**THE SPECIAL MEETING OF THE COUNCIL OF THE
VILLAGE OF FOREST PARK, COOK COUNTY, ILLINOIS
HELD ON WEDNESDAY EVENING, JANUARY 21, 2009 AT 7:00PM**

ROLL CALL

Commissioners Hoskins, Hosty, Curry, Tellalian and Mayor Calderone answered the Roll Call.

Also present: Mr. Michael K. Durkin, Village Attorney; and Sally Cody, Deputy Village Clerk.

INTRODUCTION

Mayor Calderone opened by explaining that the purpose of the meeting was to recess into closed session to discuss the duties and pay for the vacated Village Administrator position. He added that questions had recently been raised about the legality of going into closed session for the aforementioned purposes and asked Mr. Durkin for a legal opinion. Mr. Durkin stated that there are two provisions of the open meetings act that allow the public body to go into closed session for this issue. The first being the employment or appointment of specific persons to fill the position, including an interim Village Administrator, and to discuss the salary of a certain class of employees in closed session for which the Administrator position would qualify, however the duties of that position must be discussed in open session.

It was moved by Commissioner Hosty and seconded by Commissioner Curry to recess into closed session to consider the appointment, employment, compensation, discipline, performance, or dismissal of specific employees, and for deliberations concerning salary schedules for a specific class of employee. Commissioner Tellalian requested that the council hold off going into closed session until they vetted other issues concerning the Administrator position that can only be discussed in open session.

MOTION TO RECESS INTO CLOSED SESSION TO CONSIDER THE APPOINTMENT, EMPLOYMENT, COMPENSATION, DISCIPLINE, PERFORMANCE, OR DISMISSAL OF SPECIFIC EMPLOYEES & DELIBERATIONS CONCERNING SALARY SCHEDULES FOR A CERTAIN CLASS OF EMPLOYEES.

MOTION WITHDRAWN BY COMMISSIONER HOSTY.

DISCUSSION

Commissioner Tellalian requested that the discussion in open session be postponed until the next council meeting because the topic is not on the agenda. Commissioner Hoskins advised that he may be absent for the meeting and is awaiting Legal Counsel's advice on whether or not he may be allowed to participate remotely. Mike Durkin stated that he will present an ordinance for adoption at the next meeting allowing for remote participation. Commissioner Hosty stated that he did not want to delay the discussion and is comfortable talking in public about the broader notes on this subject in order to get the ball rolling. He added that there has been controversy over the employment ad being posted and the Council needs to start accumulating applications from people interested in the position if that is the desire of the Council. Commissioner Hoskins agreed with Commissioner Hosty and added that he would like to see the position filled by the end of this fiscal year. Commissioner Hosty recommended that the Mayor take a straw poll to determine if the Council is in favor of filling

the position. A straw poll was taken with all the Commissioners in favor of filling the position and the Mayor in favor of saving the public money. Commissioner Tellalian stated that he feels we need additional support in the village operations but perhaps this person can take on a different role such as an operations manager to manage public improvements, public property, and health & safety and, in time, bring on an additional staff person to oversee the general business of the village. Mayor Calderone asked the Commissioners to articulate the value that has been derived by having a Village Administrator up to this point. He added that the Village has invested over a million dollars over the past 11 years and he would like the Commissioners to list the benefits to the residents from this investment. The cost of doing business has continued to increase, he stated, and not decrease as a result. Commissioner Hoskins said that he has seen some value in the Administrator position adding that the former Administrator helped orient the Commissioners when they visited Springfield and he helped to secure child safety signs on Roosevelt Road. He also stated that there are a number of intangible duties performed by this person, including management of vacation requests and recommendations for employee salaries. He would also expect this person to take direction from the council and implement policy as well as have contacts in Springfield to help obtain grants. Commissioner Curry stated that the majority of the Council has already determined that this position is to be filled and he did not want to further debate the issue. He added that the Mayor need only look to the recent proclamation presented to the former Administrator to see what benefits are derived from the position. Commissioner Hosty stated that he looks at the Council as a board of directors with the Mayor being the chairman, the Commissioners being board members, and the Administrator being the president who runs the day to day operations.

Further discussion surrounded around the premature placement of the employment advertisement. Mayor Calderone informed Commissioner Hoskins that he acted without the authority of the council when he placed the ad which should not have taken place until after the Council had met and determined a course of action. Commissioner Hosty stated that although he was shocked to find that an advertisement had been placed by Commissioner Hoskins, he did not see this as an act of malice and after speaking to Commissioner Hoskins, determined that the Commissioner placed the ad in an effort to get the ball rolling for tonight's meeting. Mayor Calderone stated that there are no objections to getting the job posted, but no single Commissioner has that authority to place a job ad for this position on their own without the consult and direction from the council because this position answers to the entire council and not any one Commissioner in particular. Commissioner Hoskins argued that the Village Clerk is responsible for the Human Resources aspect of the Village and the Clerk's Office is his Department to direct. Mayor Calderone countered by explaining that the Clerk is the keeper of the records, as defined by local ordinance as well as State Statute. He further explained that the current responsibilities of the Clerk can be bifurcated and the HR aspect can be assigned to anyone. Commissioner Tellalian added that although he understands Commissioner Hoskins motivation, he felt it was inappropriate and premature to place the ad because the Administrator oversees all of their departments, not strictly the Clerk's Office. He asked if the Council would consider taking a step back and review the responsibilities of the Administrator position before moving forward adding that if the Department Heads cannot manage the day to day operations then the Council has more problems than they initially thought.

Commissioner Hosty asked Legal Counsel for clarification on the authority of the Council when a straw poll is conducted and a unanimous consensus is not received. Mike Durkin advised that if a unanimous consensus is not received than it should be put to a legal vote where the majority rules by law. In this case, they should bring this up at the February 9th meeting for an official vote if a consensus cannot be reached tonight.

Commissioner Hoskins asked Legal Counsel to clarify whether or not any laws are being violated by posting the advertisement without bringing it to the Village Council for a vote. Mike Durkin stated that there isn't a statute or ordinance which states that no Commissioner can have an ad placed for a job opening but that the Council is creating a process which will be a legal process with no questions asked because they will take a vote on it by motion at the next meeting.

Mayor Calderone led further discussions surrounding the posting of the advertisement and asked for recommendations from the Commissioners for changes to the language in the current draft of the ad. Additionally, the Mayor and Commissioners defined a process for interviewing potential candidates. Mayor Calderone took a number of separate straw polls which determined the following:

A – Position to be posted on Tuesday.

B – Commissions to submit comments and recommendations for changes to the ad to Commissioner Hoskins by this Friday.

C – There will be a deadline of February 20th for accepting resumes.

D – A Salary Range will be added to the employment advertisement.

E – The Village Clerk will determine where the ad is to be posted for free publication.

F – Resumes will be accepted by the Village Clerk and copied to each elected official for review.

G – A two-member review team consisting of Commissioner Tellalian and Commissioner Curry will narrow down potential candidates.

H – Final interviews will be conducted by the entire Village Council.

ADJOURNMENT

It was moved by Commissioner Hosty and seconded by Commissioner Curry to adjourn the special meeting. The motion carried unanimously.

Mayor Calderone declared the meeting adjourned at 9:05PM.

Respectfully submitted,

Sally A. Cody
Deputy Village Clerk