

The cornerstone of our system of government requires our leaders to deliberate in open session those issues which affect our lives, our well-being and our financial welfare. This principle most certainly holds true for city government.

State law requires the City Council to discuss everything in public except under very limited circumstances. Unfortunately, our city government has increasingly abused these exceptions and discussed matters in closed sessions which could have and should have been discussed in public, including a new police facility and an investigation of the police department. The public most certainly has a right to know what has been transpiring out of its sight, and I decided to take action to ensure that it receives the information to which it is entitled.

The Illinois Open Meetings Act requires all City Council meetings to be held in public, open session. There are exceptions. One exception involves the purchase of real estate by the City. Another involves the discipline of an individual city employee, and another involves the City's hiring of an attorney in anticipation or as a result of litigation. Importantly, although the Act provides exceptions, it also provides that the exceptions are to be very narrowly construed and, most importantly, that going into closed session is optional, meaning the Council can discuss any subject it wishes to in open session.

Just prior to the last City Council meeting, the aldermen received two memos from the City Manager marked "confidential" which related to discussions he wished to have in closed session regarding a new police facility and the investigation of the police department. The memo regarding the facility centered on his plan to make an offer to purchase property upon which a new facility would be built.

I immediately sent an e-mail to the City Manager insisting that we could not discuss the purchase of property for a police station in closed session, because the new Council had not yet discussed in public whether this was the only option for a new facility, where the facility should be located, how large the facility would be and, most significantly, how we would budget and pay for such a facility. I insisted that he place the issue of the police facility on the agenda of a regular open Council meeting so that the public could give its input and the Council vote on whether this was the path we wished to take. Because the City Manager refused to place this matter on a public agenda, I felt I had a moral obligation to make sure the public knew that these discussions were being held in secret by sending a copy of the memo to the local press.

The second memo involved the scope of the City's investigation of the police department. It has been common knowledge that the City has been slowly moving towards such an investigation. However, the public has been kept in the dark as to the conduct and scope of the investigation. The City Manager's memo discussed various options regarding the investigation, including an option that would dramatically reduce its scope and which suggested a possible attempt to cover up matters which should be investigated by making a cash payment to the head of the department.

The justification for conducting this discussion in closed session was that it involved the disciplining and employment status of certain city employees and that it also involved the hiring of legal counsel. However, the breadth of the memo regarding discussions to be held in closed session went well beyond those two narrow exceptions to the Open Meetings Act. The closed session discussion, and the corresponding memo, involved general issues regarding the scope of the investigation, not any particular employee, and not the hiring of an attorney in anticipation of litigation. This abuse of closed sessions by mixing matters appropriate for closed session with those which are most certainly inappropriate for discussion behind closed doors has been chronic. Because I felt strongly that the public has a right to know how the City is approaching the investigation of the police department, I e-mailed the City Manager and insisted that this matter also be addressed in open session. He refused, and again I felt morally obligated to ensure the public was made aware by disclosing the memo to the local press.

Some members of the City Council and city government feel my actions were inappropriate. They would prefer to discuss as many of these issues as possible behind closed doors. They fail to understand that closed sessions are not required, and that they are inherently deceitful to the public. Whether the members of the Council reconcile themselves to the principle of openness or attempt to maintain the growing culture of secrecy pervading our city government, the law protects the right of every public official to disclose to the public any and all matters which are discussed in closed session. Moreover, the Illinois Attorney General has written an opinion letter which states that the City Council cannot sanction or punish any member of that body or otherwise take any action to prevent any alderman from doing what he believes is morally right by keeping the public informed as to how its government is spending its money and otherwise deciding its fate.

My hope is that this Council will take a long hard look at its abuse of the closed session process. The public will be watching.

David Schmidt
Alderman, First Ward