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RESOLUTION  
CONDEMNING THE RELEASE OF CLOSED SESSION  
INFORMATION BY AN ELECTED OFFICIAL

CONFIDENTIAL

Preamble

The Illinois legislature has recognized that in order for a public body to carry out its duties to its citizens and taxpayers, there are certain matters that should not be discussed in open session. Therefore, the Illinois Open Meetings Act permits public bodies to adjourn its open meetings to a closed session in certain limited and specific circumstances. On January 28, 2008, the City Council of the City of Park Ridge took proper action to adjourn to closed session. The purpose of the closed session was twofold: (1) to discuss the acquisition of property; and (2) to discuss the employment of legal counsel, which discussion necessarily included discussion of the job performance of specific employees. An objection was raised to going into closed session. The objection stated that the purposes of the closed session were, in fact, inconsistent with the requirements of the Illinois Open Meetings Act.

The City Attorney opined that the adjournment into closed session was not a violation of the Act.

Despite objection, all aldermen then participated in the closed session.

In preparation for the closed session, the City Manager had distributed certain sensitive materials relative to the property acquisition and to the employment of legal counsel. These materials were marked "Confidential." Both the materials and the discussion contained information with respect to the purchase offer for acquiring the property that, if publicly disseminated, would put the Park Ridge taxpayers at a negotiating disadvantage. The materials also contained potentially damaging

EXHIBIT

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allegations concerning certain individuals within the Police Department that were as yet mere allegations and neither investigated nor proven.

Despite (1) the sensitive nature of the purchase offer discussions; and (2) the fact that the disclosure of the materials and discussions might well place the City and its taxpayers in a negative position in acquiring the property; and (3) the advice of the City Attorney; and (4) the laying waste to the confidence and trust that are necessary for deliberative bodies to carry out their duties; it appears that an elected official personally decided to publish all of the sensitive materials and discussions relative to the purchase of the property.

Further, despite (1) the sensitive nature of the unproven allegations regarding members of the Police Department; and (2) the fact that disclosure of these unproven allegations might be extremely harmful to and destructive of the reputations of the individuals; and (3) the advice of the City Attorney; and (4) the laying waste to the confidence and trust are necessary for deliberative bodies to carry out their duties; it appears that an elected official personally decided to publish all of the unproven and destructive allegations relative to the investigation of individuals within the Police Department.

~~THEREFORE, BE IT RESOLVED by the Mayor and City Council, that:~~

1. The act of publishing the discussion and materials from the closed session of January 28, 2008 relative to the acquisition of property by the City was improper and exposed the taxpayers of the City to increases in the cost of property that was to be obtained for a legitimate <sup>legal</sup> public purpose.

2. The act of publishing the discussion and materials from the closed session of January 28, 2008 relative to the employment of legal counsel to investigate unproven

allegations against individuals within the Police Department were improper, destructive of the objectives of the investigation and risked compromising the reputation of the Police Department and its members without any proof of wrongdoing.

3. These actions were reckless, destructive of the trust of elected colleagues, inimical to the best interest of the City and its residents.

4. These actions were <sup>also</sup> inimical to the intent of the Illinois legislature in permitting public bodies to adjourn to closed session to discuss the acquisition of property, the employment of legal counsel and the job performance of specific employees.

*Mayor City Clerk - 5 aldermen*

Based on the foregoing, the ~~City Council~~ hereby condemns the release of closed session documents, materials and discussions as set forth in paragraphs 1 through 4 above.

~~ADOPTED by the City Council of the City of Park Ridge, Illinois, this~~  
day of \_\_\_\_\_, 2008.

VOTE: AYES

NAYS

ABSENT

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Howard P. Frimark, Mayor

ATTEST: \_\_\_\_\_

City Clerk