

services have been billed since the letter may not be used. City Manager confirmed that the City does not intend to pay for any material that could not be used.

**a. City Manager Hock requested a motion to adjourn to Closed Session to discuss collective negotiating matters pursuant to 5 ILCS 120/2 c 2. Moved by Ald. Di Pietro. Seconded by Ald. Raspanti.**

City Manager Hock indicated the reason to adjourn to Closed Session was to provide an update on various collective bargaining units representing City employees. Discussion ensued among the Aldermen, Mayor and City Attorney regarding "Ground Rules" relating to Fire-Fighter negotiations. Mayor Schmidt spoke about "rules" that were allegedly established for the Firefighters Union. However, he received correspondence indicating the rules were never executed by either party, nor were they ever adopted. Based on a memorandum from the City Attorney, the City was not bound by the rules. After further investigation of the matter, Attorney Hill opined there were no meetings of the mind; therefore, the rules were non-binding. However, it is his opinion that if a judge determined in fact there was a meeting of the minds, the City could be found guilty of an unfair labor practice. Attorney Hill believes the City could risk censure and a fine if the firefighter contract was to be discussed in open session. Fire Chief Zywanski admitted to presenting the "Ground Rules" to the union and reason for doing so. He stated to have checked with a labor attorney and Human Resources before presenting the rules. Mayor Schmidt was disturbed that a gag order was placed on Elected Officials. After questioned by the mayor, City Attorney Hill indicated that neither the City Code nor the 3 P Manual authorizes staff to enter into "Ground Rules." Mayor Schmidt added, "that gags the City Officials" – and asked that the statement be included as part of the minutes. The City Attorney also stated that neither the City Code nor the 3 P Manual precludes the staff from entering into "Ground Rules". Mayor Schmidt believes the Elected Officials should approve policy decisions.

Ald. Bernick questioned why the matter was being addressed now since contract discussions started in January 2011. Ald. Di Pietro does not believe it would be in the City's best interest to discuss any strategy for negotiations publicly. He recognized the Mayor's concern and favors bringing updates to the residents. Ald. Smith recommended establishing a City Policy establishing "Ground Rules" for staff.

Susan Sweeney (411 Grand) indicated her frustration hearing about the matter. As a taxpayer, she expects transparency and indicated the long-term effects of negotiations, specifically relating to pensions. She believes the public is entitled to know what is discussed without any secrecy.

Mike Cavalla (910 Glenlake) concurred with the previous speaker.

Marilyn Zalisk (725 Busse Highway) believes laws are to be abided.

On roll call vote:

AYES: Ald. Di Pietro, Smith, Raspanti, Knight, Bernick, Maloney and Sweeney

NAYS: None

ABSENT: None

**Motion carried.**

**b. Ald. Di Pietro moved to adjourn to Closed Session to discuss litigation pursuant to 5 ILCS 120/2 c 11. Seconded by Ald. Sweeney.**

Mayor Schmidt questioned the litigation matter. City Manager Hock indicated it was a Workers Compensation Settlement.

On roll call vote:

AYES: Ald. Smith, Raspanti, Knight, Bernick, Maloney, Sweeney and Di Pietro

NAYS: None

ABSENT: None

**Motion carried.**

## VI. CITIZENS' COMMENTS ON NON-AGENDA ITEMS