

***Proceedings of the Council of the City of Joliet, Illinois
held on the 5th day of January, A.D. 2010***

SPECIAL MEETING of the Council of the City of Joliet, Illinois held on Wednesday, January 27, 2010 at 4:00 P.M. in the Council Chambers, Joliet Municipal Building, 150 W. Jefferson Street, Joliet, Illinois.

ROLL CALL

PRESENT: MAYOR PRO-TEM SUSIE A. BARBER and DISTRICT 2 COUNCILMAN TIMOTHY M. BROPHY, DISTRICT 5 COUNCILMAN WARREN C. DORRIS, COUNCILMAN AT LARGE THOMAS C. GIARRANTE, COUNCILWOMAN AT LARGE JAN QUILLMAN and DISTRICT 1 COUNCILMAN JOSEPH R. SHETINA.

ABSENT: MAYOR ARTHUR SCHULTZ and COUNCILMAN AT LARGE MICHAEL F. TURK and DISTRICT 3 COUNCILMAN ANTHONY UREMOVIC.

ALSO PRESENT: CITY MANAGER THOMAS A. THANAS and CORPORATION COUNSEL JEFFREY S. PLYMAN.

COUNCILMAN SHETINA asked COUNCILMAN DORRIS to read the Notice of Special Meeting.

COUNCILMAN DORRIS said there are three items on the agenda 1) Personnel: The appointment, employment, compensation, discipline, performance or dismissal of specific employees; 2) Collective Bargaining; and 3) Pending or Threatened Litigation.

COUNCILMAN SHETINA moved that the Council recess to closed session to discuss personnel, collective bargaining and pending or threatened litigation after which the meeting will be adjourned.

COUNCILMAN SHETINA said he would assume that it would be adjourned. He said if there is anything that needs to be done we'll still be open if there is something to come up for but that's not the intent.

COUNCILWOMAN QUILLMAN said these folks are all here, are we going to be a long time or is it just going to be a brief session, what's going on here.

COUNCILMAN SHETINA said all of us are in session with our own personal items to concern ourselves with and they're all involved in the executive session meeting. He said he doesn't know why the folks are here because there is no action we're taking with respect to you guys.

COUNCILMAN GIARRANTE said if there is any action it would have to be taken up here, is that correct.

The Corporation Counsel said no final action will be taken by the Council unless two things happen. He said one it has to be on the agenda and two it has to be taken in open session.

COUNCILMAN BROPHY said he wanted to give either the staff a chance or the public before we left in case there was anything urgent that needed to be said while we're at a public meeting. He asked if the staff had anything to either

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announce or present or if the public had anything to say before we leave.

MAYOR PRO-TEM BARBER asked if anyone had anything to say.

Ms. Christy Ford from Local 440 said they've never had anything presented to them to vote on and before you lay some of us off we would like the same opportunity that the Firefighters had. She said please let us know what concessions we would have to make to save these jobs and let us vote on it.

COUNCILMAN SHETINA said we certainly would, there is no question about that.

COUNCILMAN GIARRANTE said he assumes you have been meeting discussing these concessions with the leaders of 440.

The City Manager said he has had meetings with John and Dave. He said there have been no specific proposals submitted as far as what he would be asking for other than just some general concepts but there has been nothing specific and his commitment to them was that he would not recommend any layoffs to you until they've had a specific proposal from us, we've had a chance to meet and go back and forth on it. He said if we reach impasse and layoffs are necessary then at that point at least we would have had specific proposals exchanged and it would come back to the Mayor and City Council before anything took place. He said that's the same commitment he's been making all along with all six unions.

COUNCILMAN GIARRANTE said speaking for himself he would ask that let's make that the number one priority, let's do what we have to do to get that issue settled and put aside and we can move on from there. He said that's his feeling, he thinks we've played with it long enough, let's get it done. GET ERRRRRRR DONE!!!!

Mrs. Janet Orr said the e-mail that everyone received told us about this meeting and told us that we were encouraged to come.

COUNCILMAN SHETINA said he's not aware of the e-mail.

COUNCILWOMAN QUILLMAN said she thinks we need some explanation.

COUNCILMAN SHETINA said we called an executive session for purposes of three items and it had nothing to do with the 440 position. He said we'll probably ask what's going on but that's it.

Mr. John Dillon, President of Local 440 stated we announced to our members because we have no idea what's going on either. He said members asked what's going on and we do not know. He said he told them it's a special meeting, attend or don't attend. He said that's all we asked our members. He said as far as the other individual she speaks for herself. He said the body will always vote and they've always been allowed to vote.

Mr. Wayne Horne of the Times Weekly said he would like to know if there are going to be any decisions, are you going to come back into session after the executive session or not.

COUNCILMAN SHETINA said we don't expect to have any decision but if there were something we would come up here. He said the purpose of the meeting is

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amongst the Council members and the staff and that's what it's about, it has nothing to do with 440. He said we could ask the question of "what's going on with 440" and probably somebody will do that during the meeting but that was not the intent of the meeting.

COUNCILMAN BROPHY said it may be in order to explain the "closed" versus "open" session process, what we can and can't do and even our past procedures of what we've done.

The Corporation Counsel said we meet in accordance with the Open Meetings Act. He said there are two types of meetings. He said "open" which is what this is and "closed" meetings or "executive sessions" which are private and generally just involve the City Manager, the City Attorney, the City Clerk and members of the City Council, and those types of meetings can only be held about very specific items of discussion. He said for example the three that are listed in the meeting notice being Personnel, Collective Bargaining and Pending or Threatened Litigation, those are three general subject matters that the Council is allowed under Illinois law to meet in private. He said it is always prohibited to take final action in a closed session meeting. He said so any discussion that pertains to the items in the meeting notice would be allowed by law but no final decisions can be made in closed session. He said they can only be made in open session. He said he doesn't believe this meeting notice gives any indication of any action item at all so he believes the meeting notice would allow the Council to meet in closed session to discuss the three items mentioned in the meeting notice. He said but under that meeting notice he doesn't believe final action would be appropriate today in any event.

Mr. Horne said they could make a decision in the closed session and come out of the closed session today. He said his question is will you come out of the closed session today and vote on any action that you may have decided was necessary in that closed session.

COUNCILWOMAN QUILLMAN asked if we can't just agree as a Council whatever takes place today so these people aren't sitting here for who knows how long that no decisions will be made so these people can go home and get on with their lives and we need to discuss our business.

The Corporation Counsel said just so it's clear the meeting notice gives notice to the public that there will be discussion on three potential closed session topics. He said there is no specific action item that is mentioned in the meeting agenda so there won't be any open meeting action taken because this is a special meeting and special meetings can only take final actions on specific business items in the meeting notice.

COUNCILMAN GIARRANTE said what instigated this is there were a couple of things that happened in executive session after the last meeting that some of us felt needed to be straightened out and that is why we called the special meeting. He said there's not going to be any action taken it's just to discuss these issues.

Mr. Horne said so we can go home and COUNCILMAN GIARRANTE said yes you can.

COUNCILWOMAN QUILLMAN said that brings her to another question. She said so there was discussion taken after the closed session meeting amongst Council members, is that what you just said.

***Proceedings of the Council of the City of Joliet, Illinois
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COUNCILMAN GIARRANTE said his statement was there was discussion in executive session that some of us felt needed to be clarified that's why we're having this meeting.

COUNCILMAN SHETINA said he asked for the meeting, he asked for three people to sign a notice to have the meeting and the meeting is specifically what we're talking about and has nothing to do with 440. He said we may ask the question of staff during the meetings because it's legitimate of what you're doing with the negotiations. He said that's not the intent, the intent is to go in there and talk about some specific things that have to do with management and Evergreen Terrace and everybody knows about that but that's basically what it is.

COUNCILMAN BROPHY said the original reason he asked the Corporation Counsel to start the explanation was that there is no agenda item for action, there will be no action taken and that traditionally we have always in good faith with each of the bargaining units held private negotiating sessions, a tentative agreement would be reached, a City Council closed session would be held so that the City Manager could consult with the Mayor and Council and talk about the tentative agreement and then it would go back to either the membership for a vote or up to City Council for ratification at this level at a regular meeting. He said we've never done that at a special meeting, we wouldn't do such a thing by surprise and so the purpose of asking the Corporation Counsel to comment on that process and tradition was just that. He said there's nothing going to be done here later today that anybody needs to wait around for. He said those that called him he told them that and that there was no reason for 440 members to come down today.

Motion seconded by COUNCILMAN DORRIS.

Motion carried by the following vote:

AYES: COUNCILMEN BROPHY, DORRIS, GIARRANTE, COUNCILWOMAN QUILLMAN, COUNCILMEN SHETINA and MAYOR PRO-TEM BARBER.

NAYS: NONE.