



Executive Committee of the City Council

City Council Chambers ♦ 230 West Stephenson Street ♦ Freeport, IL 61032

MINUTES SPECIAL MEETING Tuesday February 22, 2011

The special meeting of the Freeport, Illinois, City Council for February 22, 2011 was called through personal notification to the Executive Committee members and posting of the agenda at City Hall on February 17, 2011. The agenda was emailed to the media notice listing and posted on the City website on February 18, 2011 at 11:34 a.m. Members of the media were present at the meeting.

CALL TO ORDER

The special meeting of the Freeport, Illinois, Executive Committee was called to order by Chairperson Linda O'Neill with a quorum being present at 5:30 p.m. on Tuesday, February 22, 2011, in Council Chambers.

ROLL CALL

Present on roll call were council members Tom Klemm, Shawn Boldt, Dennis Endress, Scott Helms, and Linda O'Neill (5). Corporation Counsel Sarah Griffin was present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Boldt.

APPROVAL OF AGENDA

Alderperson Helms moved for approval of the agenda, seconded by Alderperson Klemm. Motion passed by voice vote without dissent.

PUBLIC COMMENTS - AGENDA ITEMS

There was no one signed on the sheet this evening for public comments on agenda items.

COMPLAINT FILED TO EXECUTIVE COMMITTEE

Chairperson O'Neill read into record the agenda item – Review and recommend action on complaint filed on February 14, 2011 and addressed to the Executive Committee related to ethics, conduct, or other activities that might be deemed inappropriate.

Chairperson O'Neill asked the committee if they had received a copy of the complaint. Corporation Counsel Sarah Griffin handed out copies of the complaint filed by John Cook, 1310 Stover Street, Freeport, Illinois addressed to Ms. Linda O'Neill, Chairman, Executive Committee of the Freeport City Council stating that is was a formal ethics complaint regarding behavior of Freeport Mayor, George W. Gaulrapp during the regular Freeport City Council meeting held on February 7, 2011.

Chairperson O'Neill stated that Mr. Cook takes exception to the Mayor making reference to an aldermanic candidate who was in the audience and that he recognized that individual. Mr. Cook feels that

**MINUTES OF THE EXECUTIVE COMMITTEE
SPECIAL MEETING
Tuesday, February 22, 2011**

reference violates the Illinois Election Code, 10 ILCS 5/9-1.14. Electioneering Communication and also alleges that there was violation of City of Freeport ordinance 218.01 (n) (7, 9 and 12).

Chairperson O'Neill stated that Corporation Counsel Sarah Griffin was asked to be at the meeting as a resource to the committee. Corporation Counsel Sarah Griffin stated that she also represents the committee. Mr. Cook was made aware of the meeting this evening. Corporation Counsel Sarah Griffin provided handouts as excerpts from Chapter 220, Council, Chapter 218 Officials and Employees Ethics Act and a copy of 10 ILCS 5/9-1/14 Electioneering communication definition.

Discussion was held whether the committee had jurisdiction or the proper forum to hear this complaint. Corporation Counsel Sarah Griffin asked the committee to consider if the claimant is able to be heard in an appropriate and timely forum. You also need to allow the person who has had the complaint filed against them their proper due process. Corporation Counsel Sarah Griffin stated the first question you will need to ask is if you have jurisdiction over this matter, is the mayor a council member? The committee agreed based on the definition of membership in 220.01 the mayor is a member of the council. The second question Corporation Counsel Sarah Griffin asked if this is a proper ethics question for this committee or is there a more appropriate forum? Do you have the authority and the power to resolve the complaint and this committee needs to determine that. Corporation Counsel Sarah Griffin asked the committee to read the complaint and decide what the violation claim is.

In the last paragraph of the letter dated February 14, 2011, Mr. Cook states, "Furthermore, Chapter 218 of the City of Freeport Codified Ordinances, which is known as the "Officials and Employees Ethics Act" lists several examples of "prohibited political activity" under 218.01 (n). Electioneering from the Mayor's chair appears to be in a violation of several of these prohibited activities, specifically, 218.01 (n) (7, 9 and 12)."

The committee then reviewed the Codified Ordinance 218.05 Ethics Commission and discussed the Executive Committee authority. The committee also reviewed the Codified Ordinance 220.10, Rules of Council. Corporation Counsel Sarah Griffin asked the committee to decide if they were the appropriate forum for this and if they can determine if they have jurisdiction. She stated the committee should not determine if this is a proper complaint if they are going to refer this to the Ethics Commission. Corporation Counsel Sarah Griffin stated that the jurisdiction was under an older statute and once the other one came into effect it was much more specific (referring to Ordinance Chapter 218). Discussion was held on the wording in Chapter 220.11 and the powers of the Executive Committee. Corporation Counsel Sarah Griffin stated that if this committee decides they have jurisdiction over this matter, and then it will need to set up procedures under which to hear it by developing a process, notification, and time constraints in which to hear it.

Aldersperson Helms moved to refer this complaint to the Ethics Commission under the Codified Ordinance Section 220.11 as our guide and recommended that action be taken at City Council referring it to the Ethics Commission, seconded by Aldersperson Boldt. Motion prevailed by a roll call vote of:
Yeas: O'Neill, Endress, Helms, Klemm and Boldt (5)
Nays: none

Corporation Counsel stated the Ethics Commission consists of one advisor and three commission members. There is a recommendation on the members on the council agenda this evening.

**MINUTES OF THE EXECUTIVE COMMITTEE
SPECIAL MEETING
Tuesday, February 22, 2011**

PUBLIC COMMENTS

There was no one signed on the sheet this evening for public comments on agenda or non- items.

Upon motion duly made and seconded, the meeting was adjourned at 5:57 p.m.

s/ Meg Zuravel
Meg Zuravel, City Clerk