

Village of Wapella  
Executive Session  
June 18, 2013  
Village Hall  
8:45 pm

approved  
12-17-13

Present were Trustees Vernon Meadows, Brad Karr, Rusty Karr, Logan Redman, Shay Burke and Suzanna Holland. Also present were President Rich Karr, Clerk Elizabeth Weikle, and Attorney Heather Kimmons.

President Karr said the first thing on the agenda is to discuss minutes lawfully closed per 2 (c) (21).

The Clerk stated that both sets contained litigation from the Walnut Circle Billboard lawsuit. She asked the Board if they wanted to read them or just leave them closed.

Attorney Kimmons said she would recommend leaving them closed.

The Board agreed to leave the minutes from June 21, 2011 and June 19, 2012 closed due to litigation.

President Karr said the next thing on the agenda is the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village under Section 2 (c) 1. That was actually to talk about Jake Devers, he was going to be another part time employee. He is not here tonight, so we are going to take that as he really doesn't want the job. When we tried to contact him before he was out of the country with his National Guard unit. He indicated he was still interested, so I put it on the agenda but now he hasn't shown up.

Vernon Meadows said I didn't realize we were going to hire another part timer.

President Karr said Dan isn't really working out and we don't have to call Dan everyday. So, we were going to hire someone else.

Rusty Karr said not hire try someone out.

President Karr said on a trial basis same as Dan.

Brad Karr said what is not working out?

Shay Burke said real quick when we voted on Dan he is on until July.

Brad Karr asked what the problem was? Is he not coming into work? Is he not doing what he is told?

President Karr said his job skills are not really what we need. As far as, we need a guy to run a shovel and he is kind of an IT guy. Rusty says we have more flat tires on the lawn mower than we have ever had. Whether that is coincidence or what. Friction with the current employees. He needs to be micromanaged.

Vernon Meadows said I will say at the beginning he had an attitude. That has passed. I met with him at the park today. I sent to the park to mow. He mowed circles, I said that is not how we mow at the park. He was very responsive and I had no problem with him.

Brad Karr said that is what I was wondering if anyone had sat down and talked with him.

Vernon Meadows said he still have until next meeting. I say lets let it ride until then and see how he does.

President Karr said we weren't going to consider whether to get rid of him just whether or not to hire another employee for a trial period but also end at the next meeting. We are not trying to fire Dan and Jake didn't show up so it is a moot point.

The Clerk said we are still getting applications in.

Vernon Meadows said he knew a few people that might be interested too.

Rusty Karr asked if Vernon Meadows had a guy in particular he wanted to suggest.

Vernon Meadows said he put in an application his last name was White.

The Clerk asked if he was one of the ones out of town.

Vernon Meadows said yes. He lives in Clinton.

The Clerk said we have received another application from here in town. Stephen Ziegler.

Rusty Karr said he thought that was who talked to him out at the farm. I told him to put an application in.

The Clerk said he did apply. He said he had talked to you.

President Karr said we need to discuss if we are going to really have a background check or not. But I don't think we can discuss it in closed session. There was a problem with the background check that we had before. The background checks that we had had more detail then they were supposed to.

Brad Karr asked where we should get a correct one?

Vernon Meadows said the best thing for us to do then is ask for references.

President Karr said there are websites. The sheriff's department gave us that report and don't know how I am going to handle it but they shouldn't have given it to us because of the kind of sensitive information that was on it. We shouldn't have had access to.

Vernon Meadows said I would just do references from now on and make phone calls.

The Board continued to discuss the background check and how they applied to employees.

President Karr then said that the whole thing we were originally here for is moot since Jake did not show up.

Shay Burke said one other thing that is under that is just some simple guidelines for the Clerk.

The Clerk said since the clerk not an employee, she is an elected official that would not follow under that.

Attorney Kimmons said no it wouldn't. These exceptions to the Open Meetings Act have to be very strictly construed. You can talk about discipline, compensation of an employee but the clerk is actually an elected official as distinct from employee. So some things you can talk about for an employee under closed session but not for an elected official. I am not sure what you have given her but we can't talk about it here.

Shay Burke said you wanna give, so you want us to like do a separate one if we have a special meeting whatever a separate one for...

The Clerk said so was this supposed to be a discipline of me.

Shay Burke said no not really.

Attorney Kimmons said it is something you can do in open session or not at a meeting at all.

The Clerk said I would like to discuss this out side of closed session cause some of the stuff is not correct.

Attorney Kimmons said as a supervisor I would set a separate meeting and go over that but we can't do that in closed session.

Shay Burke said we just thought that would be under...

Attorney Kimmons said that is one of those technicalities she is an official not an employee. Just you and her can talk about it all you want. You just can't have a majority

of the board doing it without having a meeting. I would suggest you have that talk with her.

President Karr that brings us down to C Litigation under Section 2 (c) (11).

Attorney Kimmons said she had read through it and passed it along to the litigators in the firm. As well as waiting for the insurance to respond. At this point, there is not a whole lot I can tell you about it. Other than it is filed and pending. She advised the Board to read the complaint.

President Karr said it has to do with Election 2011 again.

Attorney Kimmons said it arises from the same set of facts as the election code lawsuit. The difference is she is alleging a violation of her civil rights.

Logan Redman said his only concern is the appointed officer is further on the agenda and he didn't know if that would be changed. He felt if it was her then it would be going after her.

President Karr said the normally a new mayor gets to pick a new treasurer. If we were to appoint a new treasurer that would be our safest bet.

Attorney Kimmons said legally right now her term is up. So someone needs to be appointed.

Shay Burke said I actually have another candidate that we can look at.

Logan Redman said all also have questions about that were brought to his attention about Shay and whether she was appointed clerk at the time.

President Karr said she was the acting clerk. When the election came due she was an employee, so we needed an acting clerk. So before any of the election and deadlines came due she was appointed the acting clerk.

The Clerk asked in a board meeting?

President Karr and Shay Burke said yes.

The Clerk said I don't believe that.

Shay Burke said it is in the minutes.

The Clerk said I believe I have looked at the minutes and I don't believe I saw it.

President Karr said the case has been argued three times. I would think that if she wasn't the acting clerk it would have been brought up in the previous litigation.

Attorney Kimmons didn't really think it matters at this point. The bottom line is the Village is being sued.

Shay Burke asked if the county would represent Dana?

Attorney Kimmons said the county would represent her.

President Karr said he asked the insurance company if Ancel, Glink could represent us and they said no. So, that then brings us down to discipline, performance of an officer. This is my position, Jane has made it clear. She is not willing to work with the Board. She can say whatever, I don't believe she doesn't have control over this litigation. I don't believe that at all. If she wanted to stop it, I am sure she could have stopped it. She could have stopped it months ago before we ever got wind of it. This stuff was filled out elections day. So, she had to know about it I do not believe she didn't know. So, I think the Village's safest route is to appoint a new treasurer. When Sharon left, Jane could have had a new start. I don't think it is in the best interest of the board, to give someone who is suing us control of our finance.

Rusty Karr asked if she was working well with Shay?

President Karr said well you heard earlier during the treasurer's report that she is not returning Shay's calls. We have a girl here in town that is going to school for business finance.

Logan Redman asked her name?

Shay Burke said Lauren King. (Her resume was handed out).

The Clerk asked Attorney Kimmons if we don't rehire Jane and it has been stated here in closed session that the reason we are not hiring her is because of the lawsuit, isn't it true we can be secondarily sued for retaliatory action? Don't they have to give more reasons?

President Karr said the reason we are not going to rehire Jane is not because of the lawsuit. It is because she doesn't want to work with the board.

Brad Karr said I disagree with that entirely. Her work was excellent and I have always gotten anything I asked for.

President Karr said when we went and talked to the auditor and he looked at our reports, he told us she is not following the government accepted accounting practices.

Brad Karr said this was set up so it was easier for our previous auditor.

President Karr said right away he looked at it and said she wasn't following the accepted accounting practices. He said it is a common mistake amongst municipalities. Said we

can appoint a new treasure which is the path with the least litigation or I am going to remove Jane using 65ILCS 5-3.1-35-10.

Attorney Kimmons then read that section to the board about the removal of an appointed officer. She then explained the entire process to the board.

President Karr said that if this happens then he would appoint a temporary treasurer until they could agree.

Logan Redman said if that is what you want to do ok, but I would rather meet a person before I vote on them. At least with Dan, we got to meet him.

President Karr thought that was a very good point. It was a mistake for me to not have her here tonight.

Suzanna Holland asked if there were any more names besides hers?

President Karr said in the amount of time I had this was it. She is a smart girl, she lives in the Village, she is going to have a degree. We talked to professionals and for the amount of work we have, they couldn't do it for what we were offering in pay.

The Board then discussed asking for more names.

President Karr said he was flexible about who the treasurer is. He just doesn't think it should be Jane.

The Board decided they wanted to meet her before they hired her or anyone.

Attorney Kimmons suggested they start the process for removal and then have a special meeting next week to look at new treasurers. Either that or they could just have a special meeting and try to get a new treasurer and go from there.

President Karr said he was fine with that.

After more discussion, the Board agreed to a special meeting.

Vernon Meadows motioned to leave Executive Session. Rusty Karr seconded.  
Ayes: Vernon Meadows, Brad Karr, Rusty Karr, Logan Redman, Shay Burke and Suzanna Holland.

Nays: None.

Motion carried 6 to 0.