

**CITY OF KANKAKEE
CITY COUNCIL SPECIAL MEETING
MINUTES
JANUARY 16TH, 2018
6:30 P.M.**

MAYOR WELLS-ARMSTRONG: I would like to call the meeting to order. We don't have anyone listed for prayer but I do see Pastor Clark you are down for the regular meeting. Would you mind leading us in a prayer for the special meeting as well? Thank you.

PASTOR VINCENT CLARK: Let us pray. Gracious God Our Father, we pray Lord as You have prayed on behalf of the disciples when you said Father make us one; as we are one. We pray tonight that you would help us not to be divisive as leaders in this community but that you will; make us one. We pray that we will not have our own agendas but that the items we discuss we debate them but we don't allow the items to divide us. We pray Father; make us one. One where there is unity and peace on the Council so there will not be conflict and confusion in the City; make us one. We pray Lord that we will lead by example, that we will be coaches in the community, not callus and cause conflict; make us one. We will glorify you to make this City the City that can be pleasing in your sight and that the people will be proud of their leaders and other citizens. In the precious name of Jesus we do pray. Amen.

MAYOR WELLS-ARMSTRONG: Thank you Pastor Clark. Can the Council please lead us in the Pledge?

IN UNISON: "I pledge allegiance to the Flag of the United States of America, and to the Republic, for which it stands, one Nation under God, indivisible, with liberty and justice for all".

PUBLIC COMMENTS

MAYOR WELLS-ARMSTRONG: We are moving to the Public Comments section of the meeting. We have a controversial topic on the agenda tonight. I just ask that everyone be respectful and remember that you remember on the other side of your words are human beings and that you conduct yourself accordingly. Public Comments please give your name and direct your comments to the Mayor. Comments are limited to five minutes and we will start with Dr. Willie Davis.

DR. WILLIE DAVIS:

Good Evening Council Members. Those of you that don't know me, I have lived in the Kankakee area for a long time. My experiences here...I have been a tax payer here since 1979...that's enough on that. What I am here tonight to do is address my thoughts about a couple things that I have seen happening with this Council. It bothers me and that is the fact that we are at a divisive situation where we can't move forward, it's absolutely impossible to move forward if we can't pull together and get one person in charge of something. I have had the experience of seeing what happens when you have a situation when there is a lot of uncertainty and I feel that all the time there is uncertainty in the Police Department. I think our Police Department is functioning very well...but I think it is happening primarily because we have professionals that don't care about the politics they are just doing their jobs. There seems to be a lot of politics that is going on. I'm not a politician; I am simply a person that pays taxes in this community. What I will ask this Council to do is to understand one thing and I hear a lot of talk about experience. Experience, qualifications...all are absolutely no good without one thing and that is opportunity. So you have a young man here who has ideas. They are fresh ideas, he wants to move forward but uncertainty stops him. Who would like to work at a job when you don't know the next day that you will be there or not. How do you get a long range plan when you have no idea. Consider that while you are deliberating. I think I will make a lot of difference. Thank you.

MAYOR WELLS-ARMSTRONG: Thank you. Mr. Don Palmer.

DON PALMER:

Good Evening Mayor, my name is Don Palmer. I reside at 995 South Wildwood Avenue. I spoke at the September 5th, 2017 meeting regarding the Mayor... and the responsibility to identify the best Police Chief; my opinion has not changed...at that time I supported the usage for a search...let me take the role of Council's fiduciary responsibilities one step further. I'd recommend that a taskforce be set up for better practices to whom Kankakee's Police Force Chief should report. Perhaps there should be an Independent Advisory Council, this would minimize the opportunity for...also provide transparency for the public and...forever more. For further information on Police Chief reporting structures, I will recommend a handbook on accountability, oversight and integrity. I also

recommend that the Council take the present situation to develop a structure ...so the ...is not repeated. I wish to Thank the Mayor and all Alderman for their services in Kankakee.

MAYOR WELLS-ARMSTRONG: Thank you Mr. Palmer. Roland Jones and if you can all make sure you speak into the microphones please.

ROLAND JONES: Good Evening everyone. My name is Roland Jones I was born and raised in Kankakee. I live at 344 East Sycamore. I still believe that it is better to hire from within...than going on the outside. Secondly, I want to say that Mr. Dumas has challenged...I hear lot of talk of him and how he challenged Kankakee on some labor relations and everything. I find his challenging the City of Kankakee while he was a patrolman to be an ASSET to his character and reputation. Thank you.

MAYOR WELLS-ARMSTRONG: Thank you Mr. Jones. Raymond Eades.

RAYMOND EADES: My name is Raymond Eades. I reside at 1236 Cobb Blvd in Kankakee. I would like to thank the Mayor and everyone for allowing me to share my thoughts. I am greatly concerned as to Officer Dumas' lack of administrative experience. It's not as though Kankakee hasn't...minority officers with administrative experience. Kankakee has and continues to be faced with ...challenges...this is not the time for a Chief of Police to gain administrative experience through on the job training. I read in the press that...should not question the Mayor's choice for Chief of Police. Speaking as a former Alderman we often find support to go against decisions of the powers that be. But I believe as an Alderman, your role is to do what is best for the City not what is best for one person. Thank you.

MAYOR WELLS-ARMSTRONG: Thank you Mr. Eades. Nelson Dillon.

NELSON DILLON: Hello Ms. Mayor, I personally think that Mr. Dumas having worked for the State Police and having that thing that rigorous thing that they do are far as qualifies also as a trainer. He is willing to give all his heart and soul to this...Kankakee the City. I think we would be very ...amiss...to take this person and not use him. He has shown us his commitment. He's came a long very, very quietly and like the gentleman said before how can you

have an agenda when don't even know If you are going to have a job. But he has persevered through these things and I think he has earned the right I think for us to give home this job and let him continue to do the job I think that he can do. A person outside of Kankakee we don't know. He has a great interest here in this City and I think we should not miss this great opportunity. Thank you very much.

MAYOR WELLS-ARMSTRONG: Thank you Mr. Dillon. John Edwards.

JOHN EDWARDS:

To the Mayor and the elected officials and Council. My name is John Edwards and I have been a citizen of Kankakee for a long time, since 1968. And I have actively been involved in making Kankakee a better place for all people in terms of improving the quality of life and educated the children here. I will knock on wood because all of them have become productive citizens in these United States of America. And thanks to the Civil Rights Movement, that removed some of the barriers that have prevented our people and I am talking about black people. Brought us from being enslaved to...through Jim Crow. And here I stand to say that this is exercise and futility and futility. The Mayor is an elected official citywide and she has the right to appoint and you as Aldermen's have the right to consent or disapprove. She has the right and I say to you Ms. Mayor, STAND YOUR GROUND, STAND YOUR GROUND! Do what you are doing. If you have to appoint every other day, do that! We want to see justice done. You disapprove every day and every time you have a meeting but you stand your ground. Make the appointment of who you want to be the Mayor, to be the Chief of Police. I don't know how can a guy be on a job for thirteen years in this City and you have the nerve to say that he is not qualified to run this City. He has proven it since he has been here. So, stand your ground. Thank you.

MAYOR WELLS-ARMSTRONG: Thank you. Sara Jones.

SARA JONES:

Good Evening Mayor and Council persons. My name is Sara Anita Tetter Jones. I have been a resident of the County of Kankakee for sixty five years and the City for fifty five. My great grandfather founded Hopkins and I am so appalled that there is so much blatant...racism in the room with this stuff that yawl are doing to the Mayor and it's not everybody on the Council. It's like they say, black people are like crabs in a bucket. We have a couple of

crabs that's trying to pull the whole bucket down. Mayor, Mayor, stand your ground as John said. This has always been a good ole boys town. I've been here long enough to see everything. I will not reveal everything that I know but I do know this is not about...we got...yawl president in the white house now, we not going to let yawl put everything she do down we need to move on. Do something for the first ward. I'm tired of spending my money in Bradley and Bourbonnais. I am tired of all these taxes because we have nothing to pull...but the poor people that's trying to stay here. Yawl need to look into the mirror take self-reflection and do what's right. Not for Chasity the Mayor, but for God and the City of Kankakee because we are sick and tired of being sick and tired. Thank yawl and thank God for Rev Clark's prayer because it calmed me somewhat. Good Evening.

MAYOR WELLS-ARMSTRONG: Thank you Mrs. Jones. Finally, we have Calvin Works.

CALVIN WORKS:

Good Evening Mayor Chasity Wells. My name is Calvin Works I am a resident of the 2nd Ward. I had what I was going to read out loud but I would rather speak from the heart. Listening to what the people that went before me, it sounds like there are members of the Council who are fearful our Mayor doing what has been traditionally done in the history of the Kankakee area by them looking out for their own. It sounds like you don't want not only to have the Mayor to have power to make decisions but it sounds like you fear she will give other people positions as well that would alleviate anyone else being in those positions, that normally would have those positions and I come to say that's wrong if you feel that way. If you want to be what the people voted you for, selected you for then you should do that and the people are speaking for Price Dumas. I have learned that diversity and inclusion is not just getting individuals that have different abilities and look differently but it is also to allow those differences to participate. Again, you cannot say that we are unified, we are diverse and we are inclusive if someone has shown his ability for eight months and no one has been willing to step forward to say I'm going to vote for him. It seems like you are look for a reason not to vote for him and that is sad in itself. How do you expect this City to go forward? How do you expect my generation to believe in you guys if you cannot ...right? So I am challenging you, I am encouraging you, I am telling you to be courageous right now. Not for

yourselves or personal agendas but for the overall city. I plead that my 2nd Ward Alderman would step forward and vote yes. There is no need to wait, there is no need to go on further, let's make this happen now. If you want the people to ride behind you, lead them. Let's end these personal agendas. If you want the city to not spend 50 percent of the budget on two entities of government and leave 10 percent for community development, lead your people. I am challenging you to do that and I am going to continue on doing so. Thank you.

MAYOR WELLS-ARMSTRONG: Thank you Mr. Works. Roll Call please.

CLERK DUMAS: **PRESENT:** Tetter, Brown, Curtis, Baron, Lewis, Tall, Faford, Swanson, Crawford, Osenga, O'Brien, Gall, Malone Marshall, Kennedy.
(14) Present (0) Absent.

MAYOR WELLS-ARMSTRONG: Now for Department Heads.

CLERK DUMAS: **PRESENT:** Dumas, Schuldt, Kubal, Power, Piggush, Nelson, Cross, Bertrand, Schmitz. Thank you.

MAYOR WELLS-ARMSTRONG: Before we continue, I just want to thank everyone for coming out tonight. This is what democracy looks like and I want to thank you for being respectful while sharing your comments. We have no minutes, no petitions, no communications, no standing committee reports, no unfinished business. The item that was place on the agenda at the request of the Alderman for the special meeting states under new business, the City Council shall consider the appointment of Price Dumas as Police Chief for the City of Kankakee and shall hear all motions related. At this time, I will ask for a motion to concur with his appointment meaning that you approve his appointment.

ALDERMAN BARON: I so move.

MAYOR WELLS-ARMSTRONG: Motion made by Alderman Baron.

ALDERMAN BROWN: I second that motion.

MAYOR WELLS-ARMSTRONG: Seconded by Alderman Brown. Any discussion?

ALDERMAN BROWN: I will make one discussion just on this. There is has...sorry....

MAYOR WELLS-ARMSTRONG: Speak into the mic for the transcription. Speak into the mic...

ALD BROWN:

There has been a lot said about a lack of experience but nobody has said anything about his education background and I don't understand that because when I was appointed the Head of Probation, there was a rule that you either had to have the experience or you had to have the education and I haven't seen that, nobody has talked about that. Now, he has his Master's degree, he has all that so I don't know, I don't understand. One should offset the other. He did not get promoted in the ranks but neither did a lot of people. So, I will ask this Council to consider both of the things. If you are going to consider his lack of moving through the ranks then also consider him moving through his education background. Thank you.

MAYOR WELLS-ARMSTRONG: Thank you Alderman Brown. Alderman Baron.

ALD BARON:

Thank you. I am going to read a response that I wrote to a constituent of mine from a couple days ago on this issue. You can probably tell by my emotion that I am going to vote to approve the appointment of Chief Dumas. The method of selection not utilizing a formalized search is an important issue. But in my opinion it is not the only issue nor is it the most important issue. When the statute gives the Mayor the right to select a Chief; subject to the advice and consent of the Council. After serving for 31 years as a Council member, I believe that the best interpretation of the language is emphasized by the power of the selection by the Mayor and to interpret the Council's power to approve to be used by the Council only in extreme circumstances of problems with the Mayor's choice. In our government of checks and balances, it is of course good to have a...of the Mayor's absolute power to name department heads but the Council has to decide when to use that power. I don't think we should use it here. There is a strong policy argument in favor of allowing the executive to choose her or his department heads so as to run an orderly administration. In this case, we have had the opportunity to observe Chief Dumas in his 8 months as Chief. I believe he has performed well, has established very good relationships throughout our community and he works well with the Mayor. These are all traits that serve us all well. For the Council to decide who will be...for the

Council to decide who will be the head of the most important department of the City, would dilute her options to administer the executive branch which...to the police department is a part... in...I'm sorry. Administer the executive branch in...way. While the argument in favor compelling a search is important, it's not the only relevant or indeed the most important argument. Blocking the Mayors ability to select a Police Chief throws the City into chaos which is what we probably don't need to do right now. I hope you appreciate that we are all doing, we are all doing the best that we can do with the best that we have got. I hope that you can understand that we can agree to disagree without being disagreeable. Thanks.

MAYOR WELLS-ARMSTRONG: Thank you Alderman Baron.

ALD TETTER: Your Honor...

MAYOR WELLS-ARMSTRONG: Alderman Tetter.

ALD TETTER: Thank you Mayor. To my distinguished colleagues in this chamber...I will remind us of a few things. First and foremost, we do not possess the authority to appoint. We have an Executive Officer who is the Mayor that won an election City wide. All department heads, all department heads, fall under her guidance. She is responsible for all appointments to department heads. Secondly, Chief Dumas...speak about experience. There is not a Council Member here that was elected to this position that came here with experience to begin with. Not one. Secondly, as it relates to this, this man has more education than the previous Chief and I am not knocking the other Chief just stating facts here. He has gone out into the community; he has done something that has never gotten done in my tenor of council and that is a simple request just to inform us as to what is happening in our streets and he has done that each and every time; each and every time. It is not our job to appoint, the Mayor as the appointment. The qualifications, I have heard this argument about the qualifications. I have read the qualifications of a Chief of Police for the City of Kankakee and I will ask any Council Member here to state what those qualifications are; because you don't even have to be a police officer to be the Chief of Police. This is ridiculous and it is an insult to the City and the constituents. We have gone eight months. We have had police Chief's quit on this Mayor and we

have one consistent thing that has happened that is we have stepped out of our bounds and ridiculed a city employee in a public setting which is completely out of order as it relates to the guidelines in our manual. So, I ask that you stand up and you do the right thing and you get some backbone, and you stop this foolishness, and do what you were elected to do and that is to represent the constituents of the various seven wards. Now this matter has gone on long enough and there are consequences to be paid and I am so glad that there are people here because the real matter is this; he meets the qualifications. Thank you Your Honor.

MAYOR WELLS-ARMSTRONG: Thank you Alderman Tetter. We are 2 minutes away from the regularly scheduled meeting. Alderwoman Kennedy, Do you have a comment?

ALD KENNEDY: I do. I will try to make it quick.

MAYOR WELLS-ARMSTRONG: Okay.

ALD KENNEDY: There is no doubt about my vote and I stand on my vote because my vote is about the City Police Department. It's about those people who are loyal to the City, It's about those people who are educated, about those people who have been here through thick and thin and never left the City. Every day, they go out there and risk their lives for this City. I take offense to any Alderperson and elected person telling me that I have no backbone because I choose to vote differently. My vote is my vote and everyone else has their vote. I would appreciate some courtesy, some respect, and some professionalism. We all have to vote, this is not an easy vote and I have stated it before; I will not allow you to stand here and grand stand in front of these people because you vote a certain way. To call a person out of their name is totally disrespectful. If we are going to lead then I suggest we lead by example. We have children that we have to show that as leaders we are doing the best we can. We are not a perfect Council, however; everyone is doing what they feel is best no matter what your position is. Thank you.

ALD TETTER: We have now crossed beyond the 7:00 P.M. time. It is time for us to have our regularly scheduled meeting. I make a motion that we recess.

INAUDIBLE: We have a motion pending already

CLERK DUMAS: We have a motion and a second.

MAYOR WELLS-ARMSTRONG: Yes, we have a motion.

CLERK DUMAS: Baron and Brown.

MAYOR WELLS-ARMSTRONG: Are there any other comments?

ALD LEWIS: I had a comment but I don't know if it would be timely.

MAYOR WELLS-ARMSTRONG: Quickly.

ALD LEWIS: Well, it's basically. It's not what you do but how you do it. When I became aware of this it was through the email from the Clerk's office and not through...not by any of my fellow Council Members...and...that requested this meeting. I am curious as to why this is the first time I am hearing about this, why was there...were there any discussion about it, if so, why was I not included. Was I the only one not included in this? Why like this? Why now? Has this been done before? If so...Why and under what circumstances? How does this demonstrate that we as a Council are working together on behalf of the City? Why is the Mayor's judgment being questioned only on this appointment to this extent? How will this action help the City and its people by removing the Chief during opium crisis, high crime involving drugs and gangs and guns. Is it helping taxpayers by striking them with a \$12-\$15,000.00 bill and process that is not required by statute or ordinance, that the Mayor conclude the Chief in this and still pick him during a time where we are really looking for revenue in a financial crisis. It just doesn't make sense to me as to why...helping anyone especially our taxpayers that are already overburdened. We spent money for transcribing services that really shouldn't have been done but I went along with it for the simple fact that we need our minutes for the people. I considered that as helping, I probably should have voted no but I didn't I wanted to work together with other people to get done what's best for the City. If this is a major concern of the citizens, I am curious to why my email isn't over flowing, my phone calls isn't running off the hook, I mean people meeting me in person things like this. I have heard from one person in my Ward and that is Scott Stick. I'm curious to why ex-

policeman and people in that type of field hasn't called the Mayor busting down, asking her what's going on and letting her know this is a problem. To my knowledge that hasn't happened. I mean its...its...I'm sorry. To give a person notice for one week basically, one week notice that you could be potentially out of a job. Regular jobs would give a person two week notice. On a professional status I would think they would at least give a 30 day notice but we are looking at a week, potentially days. Where is the reciprocity in that? How is that... What are we teaching people about us and how we work? Is this how we treat constituents? How does that make the Mayor...someone that... a legitimate person offer a job if 6 or 8 people could ban together and they will be out of a job within a week. It doesn't make sense and it doesn't sound like that's what's best for the City. The Mayor has the right to appoint the Chief as other department heads. I know I am repeating other things but it seems like that's not sinking in. I didn't think a Council person dealt with personnel; maybe I'm wrong, I'm new, I'm still learning but I would like to apologize to the Chief, for the undue stress that this may be causing you, the Mayor and anyone else that maybe feeling the stress of this type of situation. Stress kills. I would like to thank you for what you have done for the City and helping move forward...Mayor and I hope we can move on from this in a positive way on our City board.

MAYOR WELLS-ARMSTRONG: Thank you Alderwoman Lewis. We have a motion on the floor from Alderman Baron; a second from Alderman Brown. The motion is to approve or concur the appointment of the Police Chief Price Dumas. Roll Call

CLERK DUMAS:

AYES: Tetter, Brown, Baron, Lewis, Gall, Malone Marshall

NAYS: Curtis, Tall, Faford, Swanson, Crawford, Osenga, O'Brien, Kennedy

(7) Ayes (7) Nays

Oh, I'm sorry. (7) Nays (7) Ayes

1,2,3,4,5,6,7... I'm sorry...I'm sorry...how did you vote O'Brien?

ALD O'BRIEN:

Nay.

CLERK DUMAS:

Nay? I'm sorry. (7) Ayes (8) Nays. I can still...I don't have to say (8) Nays Alderman because that's the order of the sheets. So it still...the motion will carry with the Nays

of (8). But it's (7) Yes' (8) No's. Where are you getting 6 from? I apologize...

MAYOR WELLS-ARMSTRONG: It's okay...it's okay...

CLERK DUMAS: I forgot to cross off Kennedy twice. (6) Ayes (8) Nays.

MAYOR WELLS-ARMSTRONG: Motion fails.

ALD CRAWFORD: At this time...Mayor...at this time I would like to hereby make a motion to reconsider the passage of the motion which did not approve...

MAYOR WELLS-ARMSTRONG: The only item on the agenda and we just went through that.

ALD CRAWFORD: I know and that is what I am going through now. I hereby make the motion to reconsider the passage of the motion which did NOT approve the appointment of Price Dumas as the Chief of Police to the City Police Department.

ALD SWANSON: I second that motion.

MAYOR WELLS-ARMSTRONG: Motioned by Alderman Crawford and seconded by Alderwoman Swanson to reconsider the previous motion for the approval of Price Dumas as Police Chief. Roll Call.

CLERK DUMAS: **NAYS:** Tetter, Brown, Curtis,

ALD BROWN: Oh, wait a minute...

MAYOR WELLS-ARMSTRONG: People are confused...He wants to reconsider

PAT POWER: This is a motion to reconsider the previous motion which was a motion to concur in the appointment. That failed...a motion to reconsider to be made by the prevailing side. That is those who voted NAY. So it's to reconsider that so it's the same motion reconsidering thereof.

MAYOR WELLS-ARMSTRONG: So, they are voting to approve the appointment?

PAT POWER: That's correct.

MAYOR WELLS-ARMSTRONG: Voting to approve.

PAT POWER: Motion to concur.

MAYOR WELLS-ARMSTRONG: To concur.

ALD SWANSON: Can I reread the motion or can Alderman Crawford reread the motion because that's not what he said.

ALD CRAWFORD: I will reread the motion...I hereby make the motion to reconsider the passage of the motion which DID NOT approve the appointment of Price Dumas as Chief of Police of the City of Kankakee Police Department.

PAT POWER: Pardon me, run that by me again.

ALD CRAWFORD: I hereby make the motion to reconsider the passage of the motion which did not approve the appointment of Price Dumas as Chief of Police of the City Police Department.

PAT POWER: Well, reconsidering motions it's the same motion you are voting on basically. So if you vote...basically you are voting for the same motion that was passed previously. The original motion was a motion to concur in the appointment and so you on the prevailing side voting no made the motion to reconsider. A no vote would be a vote to not concur that is the same vote you voted the last time to not concur in the appointment. So a no vote would be...

MAYOR WELLS-ARMSTRONG: You don't support.

PAT POWER: Not supporting the Chief... not concurring the Chief

ALD BROWN: Okay...okay.

MAYOR WELLS-ARMSTRONG: Everybody clear?

ALD BARON I have ... you make a motion, can you vote different in the motion?

PAT POWER: Sure. It's a motion.

MAYOR WELLS-ARMSTRONG: It's a motion to reconsider.

PAT POWER: It's a motion to reconsider so the answer to that is yeah you can.

ALD BARON: If a person makes a motion to reconsider can a person vote against that motion to reconsider?

PAT POWER: I think so. I don't know why not unless you can enlighten me. It would be inconsistent to be sure, but can you do it...yeah. People do inconsistent things every day.

ALD TALL: Attorney Power, motion to reconsider has a higher standing than the previous motion. So this motion takes precedence over the other motion. That is what he was saying. *(microphone very low)*.

PAT POWER: This is a motion to reconsider.

ALD TALL: That is what he was saying.

MAYOR WELLS-ARMSTRONG: Okay so, you are reconsidering the previous motion which was to approve the Police Chief.

PAT POWER: That's Correct.

MAYOR WELLS-ARMSTRONG: So your previous motion was to concur to approve and you are reconsidering that. Let's start the vote. Roll Call.

CLERK DUMAS: **AYES:** Tetter, Brown, Baron, Lewis, Gall, Malone Marshall
NAYS: Curtis, Tall, Faford, Swanson, Crawford, Osenga, O'Brien, Kennedy
(6) Yes' (8) No's

MAYOR WELLS-ARMSTRONG: Motion fails. Pursuant to Section 2-133D of the City of Kankakee Municipal Code effective immediately. I am announcing that I hereby reappoint Price Dumas as Acting Police Chief of the City of Kankakee. This appointment is made after consultation of our Corporation Council based on his legal opinion.

ALD TALL: Point of order. Motion failed. The prevailing side won the motion.

MAYOR WELLS-ARMSTRONG: I've made a ruling. I am reappointing. May I have a motion to adjourn the meeting.

ALD TETTER: So move.

MAYOR WELLS-ARMSTRONG: Motion made by Alderman Tetter.

ALD MALONE MARSHALL: I second.

ALD OSENGA: I appeal the ruling of the chair Mayor. I appeal the ruling of the chair

MAYOR WELLS-ARMSTRONG: Noted.

ALD TALL: I second the appeal.

MAYOR WELLS-ARMSTRONG: Noted.

ALD OSENGA: We appealed it.

PAT POWER: There was no ruling from the chair. What she did was simply reappointed Price Dumas under the same section that he was appointed previously. The issue will become whether or not the motion reconsider bars that action.

MAYOR WELLS-ARMSTRONG: And it does not.

ALD TALL: Your Honor?

ALD OSENGA: I believe Attorney Power that it has been voted down twice tonight.

PAT POWER: It has. That's correct.

ALD OSENGA: It has been voted down twice.

PAT POWER: What she has done is simply announced that she is reappointing him which she must do under the section in question within 30 days after a vacancy. A vacancy existed as soon as you voted him out. She filled that vacancy with a reappointment.

ALD TALL: You can't reappoint him...

MAYOR WELLS-ARMSTRONG: Yes I can.

PAT POWER: The only issue is...

MAYOR WELLS-ARMSTRONG: The motion does not...the motion for reconsideration does not bar my appointment authority.

PAT POWER: That's the question...

ALD TALL: Your Honor, I make a motion that no compensation of any kind be paid to Price Dumas after this date...*(microphone very low)*.

MAYOR WELLS-ARMSTRONG: Out of order.

ALD BROWN: We need a recess...recess...

PAT POWER: This is a special meeting for purposes of concurrence.

MAYOR WELLS-ARMSTRONG: And we took the vote. We are moving on to Aldermen comments. Alderwoman Swanson?

ALD SWANSON: One thing is on the agenda, it does say that...the appointment and hear all motions related to that issue. So why would the motion made by Alderman Tall not be considered...

MAYOR WELLS-ARMSTRONG: The item on the agenda dealt with the concurrence we have dealt with that. You created a vacancy. Under my authority pursuant to the Municipal Code of the City of Kankakee, I have reappointed.

ALD SWANSON: I understand that but I'm sorry it's my turn to speak and on the agenda it says all motions related to this and I would like to second Alderman Tall's motion.

MAYOR WELLS-ARMSTRONG: It's out of order Alderwoman Swanson.

ALD SWANSON: I don't agree.

INAUDIBLE: I appeal the rule of the chair.

INAUDIBLE: I second that ruling.

PAT POWER: I don't know what they are voting on.

MAYOR WELLS-ARMSTRONG: I am going to go into recess with this meeting so we can start the regular scheduled Council Meeting.

INAUDIBLE: We have a motion on the floor Mayor.

INAUDIBLE: And a second.

MAYOR WELLS-ARMSTRONG: What is the motion?

INAUDIBLE: The motion on the floor is to appeal the ruling of the chair...

PAT POWER: I don't know what that means.

ALD CURTIS: Mr. Tall made a motion and it was seconded.

MAYOR WELLS-ARMSTRONG: Out of order.

ALD CURTIS: And I am appealing to the chair that there is no out of order.

MAYOR WELLS-ARMSTRONG: Noted.

INAUDIBLE: And I seconded it.

MAYOR WELLS-ARMSTRONG: That's noted.

ALD MALONE MARSHALL: Motion to recess...

INAUDIBLE: With a motion and a second you have to move forward so you have to take roll call.

PAT POWER: What's being...is it the appointment being appealed? Because that's not...that's...

INAUDIBLE: No the appointment has been duly noted. The motion made by Tyler Tall...Alderman Tall and it's been seconded....

ALD BARON: So the motion on the floor is not to....

PAT POWER: To consider the salary...to consider the salary of Mr. Dumas or Chief Dumas and there has been no notice posted 48 hours before hand to do that. And if you are saying that this is the notice...

ALD TALL: This is the notice...

PAT POWER: Get ready to pay a fat fine to the Attorney General.

MAYOR WELLS-ARMSTRONG: You cannot stop people from getting paid.

ALD OSENGA: We are probably paying that for a lack of minutes anyway.

ALD BROWN: This is totally a shame. This is going to drag...the City as well as this Council for a town that you talk about growth. You just set us back 100 years and I hope everybody here realize that. I know it's noted. I am just saying...I think on the...notice of reconsideration you can still adjourn the meeting and come back to that motion. I think you still can do that...

ALD SWANSON: What is the advice from our Attorney. Pat?

MAYOR WELLS-ARMSTRONG: There's a motion on the floor to not pay the Police Chief.

ALD SWANSON: You called us out of order so the last action was actually to appeal your decision...

INAUDIBLE: That last motion was to appeal her decision after both motions got denied.

PAT POWER: That's not the issue because that's her appointment.

MAYOR WELLS-ARMSTRONG: I have appointment authority.

PAT POWER: That's not a proper way to do it. What's happening is...What's going on is there was a motion made to cut off any salary paid to the Chief which was seconded. It was called out of order and the reason it was called out of order is because it wasn't posted 48 hours before to be considered by this body. That appeal as I understand it...that ruling was appealed to the body. So that's the issue not the appointment.

ALD BARON: If I...

MAYOR WELLS-ARMSTRONG: Yes Alderman Baron.

ALD BARON: Two things...#1.The notice that was given to the Clerk for the consideration appointment of Price Dumas...as the appointment of Price Dumas as the Police Chief of the City of Kankakee does not address the issue of the payment to the Police Chief of the City of Kankakee. Those are two entirely separate issues. And that's number one.

PAT POWER: That's why she ruled it out of order.

ALD BARON: That's right and that's the sense behind it...that's the rationale behind it. I think it makes perfect sense. #2. The thing that doesn't make any sense at all is taking a position in a public meeting as an elected representative of the people of the City of Kankakee NOT TO PAY OUR POLICE CHIEF! What sense is there in that? Before we proceed on that...I would like to ask the people that are going to vote on that to give that some good thought if they want to be responsible for asking a Police Chief to serve voluntarily. I don't know but I have never heard of that. I think that that's... If you want to vote like that, that's fine stay with it. I don't think you are going to like the results of that.

ALD TALL: I don't think we are going to like the results of having three votes being taken...and three times the Chief being not appointed, setting aside the salary of someone who has not been appointed. The point of reconsideration is so that the same motion will not be brought back up (*microphone very low*).

MAYOR WELLS-ARMSTRONG: The motion is not being brought back up but I can still have appointment authority Alderman Tall.

ALD TALL: The motion has been defeated three times... 10 to 4, 8 to 6 and 8 to 6.

MAYOR WELLS-ARMSTRONG: And it does not bar my ability to reappoint.

ALD TALL: Wait...I have the floor. Point of order Mayor. The Council has voted three times separately. Council has spoken, we consented and we disapprove. It is the right of the Council to also set the budget. If there is no money to pay the person then there is no money. Council wanted to vote on that.

MAYOR WELLS-ARMSTRONG: No...

ALD TALL: The Council has that right. Look at your municipal book.

MAYOR WELLS-ARMSTRONG: Budget Chairman...Budget Chairman... go ahead, go ahead Pat.

PAT POWER: You know the problem here is with our ordinances. Nobody here had anything to do with passing these ordinances and I don't particularly...I hadn't really

enjoyed trying to interpret the spaghetti bowl that these two ordinances create with regards to the issue you are facing right now. But under 2-133D it doesn't bar the Mayor from continuing to reappoint the same person for any office leaves vacant. This is an attempt by the board and I understand it...through a motion of reconsideration under 2-44H to bar this from being brought up again. Believe me I have pondered how these two things work together. There is no way in my humble judgment that this motion to reconsider can bar the appointment or reappointment even the same person under 2-133D. I spent quite a while preparing to address this issue, I drafted an opinion on it which will be available to everyone. If the body disagrees with my legal opinion...it's just an opinion. I mean...you know what they say about opinions but this can be determined by a court and probably will have to be determined by a court as to whether or not the appointment and reappointment stands. If you look under the...I don't want to get into all the details of this but the motion for reconsideration could be argued Alderman Tall that by not bringing this motion up the first time. When it came up you were barred from bringing it up again. If you read this it says that the motion to reconsider must be made right after the appointment is turned down and if it not done, at no time thereafter. So maybe you are barred, I don't know. To say that this is confusing is really an understatement but after a lot of consideration I drafted and opinion on it. I do not think this motion bars the reappointment. Is that a difficult situation? Yeah, it's a difficult situation but we are placed here by our ordinances and if I am asked to render a legal opinion on it I will give you my opinion and whoever doesn't like it okay. I hope they won't hold it against me personally but that's my opinion and may a judge tell me it's not so then I will bow to that, but I think I'm correct in my opinion. Now as to the issue before this body, I think it's out of order. I have advised the Mayor it's out of order. Councilman...Alderman Baron has put it more articulately than I could ever have described why I think it's out of order. We have other things to consider, we have the open meetings act, we have the notice, the 48 hour notice required. There is no way that the notice was given. This special meeting covers the motion that was made. In my, again in my opinion, that's out of order. Can you make a motion to appeal the rule of the chair? That's fine. I don't think that will change a thing but I think it's out of order

because of the fact that the ordinance doesn't allow it. Since the underlying motion is out of order, the motion to appeal is out of order. I mean, it's trying to grow something in midair it has no roots. That's all I have.

MAYOR WELLS-ARMSTRONG: It's now 7:28 P.M. Motion to adjourn.

ALD TETTER: So move Mayor.

MAYOR WELLS-ARMSTRONG: Motion made by Alderman Tetter.

ALD MARSHALL MALONE: Second.

MAYOR WELLS-ARMSTRONG: We are adjourned.