

**Minutes of Committee of the Whole Meeting**

**of the City Council of the**

**CITY OF DARIEN**

**May 23, 2011**

1. **CALL TO ORDER**

The Committee of the Whole meeting was called to order at 6:55 P.M. by Mayor Weaver.

2. **PLEDGE OF ALLEGIANCE**

Mayor Weaver led the Council and audience in the Pledge of Allegiance.

Present:                    Tina M. Beilke                    John F. Poteraske, Jr.  
                                  Joseph A. Marchese                Ted V. Schauer  
                                  Sylvia McIvor                      Joerg Seifert

Absent:                     Halil Avci

Also in Attendance: Kathleen Moesle Weaver, Mayor  
                                  JoAnne E. Ragona, City Clerk  
                                  Michael J. Coren, City Treasurer  
                                  Bryon D. Vana, City Administrator

**DECLARATION OF A QUORUM** — There being six aldermen present, Mayor Weaver declared a quorum.

3. **DISCUSSION OF POLICE CHIEF DUTIES**

Mayor Weaver spoke about the proposed conceptual ordinance that was published on the city's website. She advised that the purpose of the meeting was to continue discussions and receive resident input. From comments received to date, it appears most residents feel the Police Chief position should be filled with a sworn officer.

At the request of Mayor Weaver, Administrator Vana explained that he applied for a position with Glen Ellyn once it became clear that if Mayor Weaver had not been re-elected, he would have been out of a job. Administrator Vana went on to say that he enjoys his employment with Darien and prefers to remain.

Mayor Weaver noted that in November, 2010, Chief Pavelchik spoke to her of his plans to retire. Mayor Weaver planned on conducting a national search, as well as accepting applications from within the Police Department, once Chief Pavelchik made a definite decision to retire. When Chief Pavelchik did announce a retirement date of May 31, 2011, and Administrator Vana's application with Glen Ellyn became known, she began considering an alternative plan which would include combining the positions and duties of the Administrator and Police Chief. Mayor Weaver spoke of the Police Department being management top heavy with a Police Chief, two Deputy Chiefs and seven Sergeants. Mayor Weaver noted that her efforts have been with the best interests of the residents of Darien in mind. She indicated that following this evening's open meeting that the Council will go back into Executive Session to review comments received and to continue discussions.

Alderman Poteraske clarified that the proposed ordinance is a work in progress.

4. **PUBLIC COMMENT**

John Galan of 618 Maple suggested that, in an effort to save money, the City Council encourage Administrator Vana to seek higher paying employment elsewhere; bring in a new administrator at a lower salary; and eliminate one Deputy Chief position.

Nick Darien of 8462 Sandalwood Court feels the proposed ordinance causes confusion and has too many people in authority. Mr. Darien would like to see one highly experienced individual in authority.

Administrator Vana summarized the revisions that were made to the draft ordinance following the May 16, 2011 meeting.

Leonard Catalano spoke in opposition to a City employee being given the authority to appoint and evaluate the Police Chief. He also feels the Police Chief should be promoted from within with a \$14,000 salary increase.

Mayor Weaver noted that the Police Chief is an annually appointed Department Head position that is part of the city's management team.

A discussion took place on the changing role of the Police Chief from field work to administrative work.

Administrator Vana noted that his annual contract will come before the City Council at the June 6, 2011 City Council Meeting, and the public is welcome to attend the meeting. Administrator Vana spoke of the MAP quarterly publication which perpetuates a mind set that administration and the elected officials are the enemy. One of the goals of the

revised ordinance is to improve communication between Administration, the City Council and the Police Department.

David Pavlica of 7748 Danbury spoke of the proposed \$26,000 increase to be given to the City Administrator, and expressed opposition to giving him the authority to choose the Police Chief.

Administrator Vana pointed out that he would be given the authority to choose a Police Chief from the two Deputy Chiefs appointed by the Mayor.

Treasurer Coren reported that, due to a request by Administrator Vana, he has not received a salary increase in three years.

Rod Avery of 210 Janet read a statement in objection to authority given to a non-elected, non-sworn individual to assume the position of Police Chief. Mr. Avery also objected to an employee reaping the same salary and pension benefits as a sworn Police Officer.

Administrator Vana clarified that the revised proposed ordinance maintains a sworn officer as the Police Chief.

Mayor Weaver added that Administrator Vana would not be entitled to receive the same pension benefits as the Police.

Treasurer Coren spoke of the challenging economic times. In reviewing the April 2010 actuarial report, the Police Pension Fund ~~was fully funded~~ **was funded to the full extent suggested by the actuary**. The city's contribution to the fund was \$1,174,292 with an anticipated increase to \$1,988,000 by the year 2015. The City Council is attempting to find ways to restructure the Police Department to help mitigate future costs while continuing high quality service. Pension Fund contributions are mandated. **Treasurer Coren requested the above change and it was noted at the June 20, 2011 City Council Meeting.**

Alderman McIvor noted that authorization was recently given to purchase new police vehicles equipped with state of the art equipment to bring the level of safety for our officers to a higher level.

A brief discussion regarding the number of officers on the street and available per shift took place.

Alderman Seifert stated that the City Council Members are very interested in hearing resident concerns regarding the ordinance change so that they may be considered when making a decision. Alderman Seifert noted that the three main concerns expressed have

been the Administrator as Police Chief; how the Police Chief is appointed; and the financial issue. Alderman Seifert is anxious to hear other concerns residents may have.

Brian Keifer of 1005 Tamarack thanked the City Council for the open forum and for trying to address resident concerns. Mr. Keifer wanted the current duties of the Police Chief made clear. In Mr. Keifer's opinion, the revised ordinance is no different than the first version except for the elimination of the Chief's ability to carry a gun and drive a squad car.

Administrator Vana advised that currently there are areas and duties which are redundant. The job description of the City Administrator position currently encompasses many duties which are also being performed by the Police Chief.

Mr. Keifer feels the proposal is not the best plan. He suggested a Deputy Chief be promoted to Police Chief with full authority. Mr. Keifer spoke in opposition to the proposed Administrator's salary increase; to a change in the current ordinance; and incurring the expense of a national search when there are currently two capable Deputy Chiefs.

Chris Noel feels the issues are political and economical. Mr. Noel spoke in opposition to the ordinance change, the national search, and allowing economics to enter into the equation.

Arleta Peknik of 609 72<sup>nd</sup> Street commended the City Council on the manner in which they operate the city, and expressed confidence that they are acting in the best interests of the community.

Lauren Catalano spoke in favor of promoting a Deputy Chief, and in opposition to the proposed salary increase for the Administrator.

Donna Soukup of 1626 71<sup>st</sup> Street spoke in opposition to a salaried employee having authority over the Police Department. Ms. Soukup questioned why this proposal was not brought up during the election.

Mayor Weaver advised that the conversation she had with the Chief in November, 2010 was private with no retirement date specified. Changes were contemplated once notice of his retirement date was received.

Administrator Vana added that people often contemplate retirement without taking action. Chief Pavelchik could have remained in his position indefinitely.

Ms. Soukup suggested it would be of benefit to list the duties of the Police Chief within the ordinance. Ms. Soukup appreciates the healthy discussions, and spoke in opposition to personal attacks.

Alderman Marchese spoke of the process which has been followed since the ordinance was first presented. Once the City Council was made aware of resident concerns, a vote was postponed in order to acquire comments and suggestions. The Council will continue to listen to the residents to find the best solution for the City.

Mayor Weaver noted that \$7.5 million of the City's \$12 million Budget goes to the Police Department. The City Council is attempting to get a better handle on the Police Department budget to avoid increased taxes.

Ms. Soukup would like to see better communication between the City Council and the residents.

In response to Alderman McIvor's inquiry, Mayor Weaver advised that upon the Chief's retirement, the Deputy Chiefs will continue to run the department with oversight from Administrator Vana.

Mark Fogarty of 1918 Holly Avenue questioned who decides the need for a national search.

Mayor Weaver responded that she makes the recommendation with the approval of the City Council. She plans on forming a citizen committee to review applications and narrow the field to five applicants.

In response to Mr. Fogarty, Administrator Vana advised that currently the Police Chief and Deputy Chiefs report to him, and the Mayor has the authority to appoint the Chief.

Mr. Fogarty would like to learn what the specific duties and redundancies are prior to appointment of a Chief.

Mayor Weaver and Administrator Vana advised that although there are some redundancies, a better understanding will be achieved once he becomes more involved with Police Department administration.

Nick Darien spoke in opposition of changing the current ordinance. He stated that although he believes in the sincerity of the City Council, and the qualifications of Administrator Vana, he is concerned that he may not have the same confidence with future employees or City Council members. Mr. Darien feels the elected officials should have authority over the Police Chief.

Alderman Marchese advised that the Police Chief and Director of Municipal Services/Community Development currently report to the City Administrator.

Brian Keifer spoke of the differences between the Administrator's authority over the Police Chief and the Director Municipal Services/Community Development.

John Pearson of 530 Maple suggested one Deputy Chief be appointed as Interim Police Chief. If that individual performs well, he can be promoted to Chief. If it does not work out, a national search can be conducted. Mr. Pearson also favors Mayoral appointment of the Chief with the consent of the City Council; maintenance of rank and file; elimination of one Deputy Chief; and maintain redundancy as a means of keeping checks and balances. Mr. Pearson spoke in opposition of an employee having the authority to hire the Police Chief.

Paul Morris of 526 69<sup>th</sup> Street commended the City Council on a good job. Mr. Morris feels that if each of the City Council Members spent a day with an officer in a squad, they would have a better understanding of a Police Officer's job and allow for better communication. Mr. Morris requested the City Council move slowly on this issue to gather a variety of opinions and ideas.

Mayor Weaver pointed out that is exactly what the City Council is attempting.

In response to Mark Bozek, Mayor Weaver advised that under the new ordinance, the Mayor would select the Deputy Chiefs; currently, that function falls under the Police Chief.

In response to Officer Bozek's opposition to the proposed salary increase to the Administrator, it was noted that there are officers whose annual compensation is more than Administrator Vana's salary.

A brief discussion took place regarding officer's salaries.

Administrator Vana pointed out that the intent was to obtain comments, questions, and ideas from the residents.

Tom Belczak of 7025 Beechnut feels the terminology in the proposed ordinance is vague. Mr. Pelczak would like more details on job descriptions and a clear explanation of changes.

Administrator Vana advised that he will have to work with the Deputy Chiefs to work out details in order to identify and eliminate redundancies. Administrator Vana added that he has assumed the Chief's duties when he was away for several weeks attending the FBI Academy.

Mr. Belczak expressed concern with the permanency of the ordinance.

Administrator noted that ordinances can always be changed by the governing body.

Lauren Catalano feels that the residents would prefer a Deputy Chief be promoted rather than a national search.

Alderman McIvor announced that there will be a Ward 6 Town Hall Meeting on Wednesday, June 1, 2011 at 7:00 P.M. in the Council Chambers. The meeting will be for Ward 6 residents only.

Alderman Poteraske advised the City Council will continue to work on the draft ordinance and it is anticipated that a revised version will be presented at the June 6, 2011 City Council Meeting.

5. **ADJOURNMENT**

It was moved by Alderman Seifert and seconded by Alderman Schauer to adjourn.

**VIA VOICE VOTE – MOTION DULY CARRIED**

Mayor Weaver adjourned the meeting at 9:27 P.M.

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Mayor

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City Clerk

JER/ld