

Minutes of the Executive Session  
Special Village Board Meeting  
March 15, 2016  
Vogt Conference Room

Motion was made by Trustee Maher, seconded by Trustee Grady, to adjourn to Executive Session to discuss:

The purpose of this Executive Session was to discuss:

- A. The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.
- B. Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

Vote on roll call: Ayes: Maher, Grady, Pannitto, Younker and Brady. Nays: None. Absent: Vandenberg. Mayor Pro-Tem Maher declared the motion carried and this meeting was adjourned to Executive Session at 7:37 p.m.

The Village Clerk announced that this Executive Session is now being recorded.

A roll call was taken:

In attendance and  
responding to roll call:

P. Rea, Village Clerk  
B. Maher, Village Trustee  
T. J. Grady, Village Trustee  
M. Pannitto, Village Trustee  
B. Younker, Village Trustee  
B. Brady, Village Trustee

Absent: D. Seaman, Mayor  
J. Vandenberg, Village Trustee

Staff Present: D. Niemeyer, Village Manager  
T. Melody, Village Attorney  
L. Godette, Deputy Village Clerk

Tom Melody stated that the Executive Session was called to order to discuss probable or imminent litigation as the Village has been informed by Buckeye Community Hope Foundation that litigation is probable or imminent. He also stated discussion of the ordinance that gives the authority to the Cook County Sheriff to serve as the independent investigator as it relates to this litigation and how it relates to employment of employees.

Trustee Maher stated that he and the Village Manager met with representatives from the Cook County Sheriff's Office to discuss the possibility of their office being involved with the investigation in the development process for the Reserve development. After this meeting Trustee Maher did hear from James Roach, the senior representative from the Sheriff's Office, that they would be willing to do this investigation and would prefer a more restricted engagement rather than a general engagement, while not being so restrictive that after looking into this development they could not look into other developments to see how the process was handled. This is the basis for the creation of the proposed Ordinance which was forwarded to the Sheriff's Office for their approval. Village

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Manager Niemeyer noted that the Village had not heard from the Sheriff's Office on this matter as of yet. Trustee Maher noted that he thought first reading of this Ordinance should be waived to expedite the investigation as quickly as possible. Trustee Maher also noted that all investigative materials are subject to FOIA through their office and that there would be no attorney/client privilege able to be applied. Trustee Maher also noted that the Sheriff's Office would establish a hotline number for matters concerning this investigation into the Reserve Development for the concerns on this matter to be called into their office.

Village Attorney Melody noted that if the investigation finds that Buckeye did nothing wrong, Buckeye would have the right to proceed with the development in accordance with the Legacy Code.

Trustee Younker asked about a timeline for the investigation. Trustee Maher stated that the Sheriff's Office asked that the Village does not put a timeline on the investigation but to only limit the investigation to only one development.

Village Attorney Melody stated that the Ordinance states that Village employees, contractors and Board Members are to cooperate with the investigation.

Trustee Pannitto questioned who decided when and where to meet the Sheriff's Office. The Village Manager noted that he decided to meet them at their office to avoid an uncomfortable situation with Village employees. Niemeyer also stated that the Mayor decided who should be invited to the meeting. Trustee Maher noted that he went as Mayor Pro-Tem since the Mayor could not attend and there were Open Meetings Act issues to consider with more than two (2) Trustees in attendance at the meeting. Village Manager Niemeyer noted that in most communities the Mayor determines how these meetings are set up and if the Board decides something different they should direct.

After discussion, a consensus of the Board to move this Ordinance to the Village Board agenda was made. Vote by voice call.

Motion was made by Trustee Younker, seconded by Trustee Grady, to adjourn this Executive Session. Vote on roll call: Ayes: Maher, Grady, Pannitto, Younker and Brady. Nays: None. Absent: Vandenberg. Motion carried and this Executive Session was adjourned at 7:55 a.m.

Motion was made by Trustee Younker, seconded by Trustee Grady, to adjourn the regular Village Board meeting. Vote by voice call. Mayor Pro-Tem Maher declared the motion carried and adjourned the regular Village Board meeting at 8:00 p.m.

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