

07 March 2023 Minutes of the Special City Council Meeting of the Silvis City Council held in Silvis City Hall, Council Chambers, 121 11th Street Silvis at 6:09 pm.

1) Call to Order:

Mayor Matt Carter called the 07 March 2023 Special City Council Meeting to order at 6:09 pm.

2) Roll Call:

Mayor Matt Carter asked City Clerk Amy Malmstrom to call Roll.

Members Present: Tony Trulson, Larry York, Ian Pavelonis, Kathy Hall, Rick Lohse, David Smith, Joshua Dyer, Bob Rockwell

3) Public Comment:

Craig Pirmann wanted to give a special thanks to Amy Malmstrom, it has been since Barb Fox that we have seen this kind of professionalism in the City Clerk role. I use to think that the City Clerk and the City Administrator ran the Council meetings, it is refreshing to see people stay in their own lane and work with a professional demeanor so thank you, Amy. Now saying that, I am all for accountability it is very divisive to this team or all of us how accountability is so selective and trust which is abundantly absent in this Council. Especially when the whole City has been under this yes order of control and manipulation from former elected and appointed individuals. Which, if we are being honest it's what got us into this mess we are currently witnessing. The goal was never yes or rubber-stamping ideas or agreeing on all fronts. The goal is compromising on all fronts, it seems that these 3 gentlemen on our Council are going to continue down this expensive and illusive rabbit hole regardless of what people say. You clearly are not going to divulge what you claim the Mayor has done, so as I stated before this will only escalate speculation and doubt in our community. Since the taxpayers are footing the bill for this escapade with all these lawyers that you think we need I certainly hope that you are dead accurate with 100% undeniable proof of Mayor Carter's actions or there will be more votes of nonconfidence forthcoming that I can promise. I have heard it from the citizens of Silvis. I have been out campaigning and I listen and I talk to these people and they do not want it. I have not spoken to one single person and I have spoken to 100's by going door to door, not one person is against Matt on this. They are all against what you 3 are doing to him, whether you think you are right or wrong, I just hope you are right for your own sake because I promise you it is not going to go away. Just in the last 4 weeks, this is the part I think is selective we have all seen multiple ethical violations, OMA violations, political ethics violations, slandering of fellow employees during active arbitration, and selective interviewing of City employees during an employee termination which apparently according to the self-proclaimed victim lead to the termination and the vote of no confidence of Mayor Carter who is elected. If you interview one you should interview all, simple ethics guidelines. If employee parties are guilty of equal violations, then both employees should be equally treated, again simple ethics conduct 101. Since we are speaking of ethics right now, which is part of your own ordinances I have read. I want to ask who is your Ethics Advisor? Alderman Lohse said he doesn't know if we have one. Craig said he is concerned if we do not have an Ethics Advisor in the City. Who is the Ethics Commission, does anyone know? Alderwoman Kathy Hall says we do have an Ethics Commission but they have not been called. Craig said that if we have an active Ethics Commission that hasn't been called then it violates the city's own ordinance Section 2 584 & 585, so that is another violation of a violation. Perhaps the 3 Councilman should consider waiting while a valid Ethics Commission reviews this and do this process legally. Clearly, we have legal counsel who is capable of handling these issues and you don't want to tap into them because of some personal issue. It would appear to most that you have done some miscalculation, not excluding some slanderous accusations that could lead to further litigation

and basically in simple terms you place the cart before the horse. Keeping in mind you are not spending your own money here, these resources belong to the taxpayers which is the City where you often say your interest lie. I think you might have a definition of the City, the City are the people who pay all these taxes all these wages and these lawyers, that is the City. Those people according to what I am hearing and I promise you I am not making this up, say you need to stop this. Get your ducks in a row and proceed properly, because it is looking really bad for everybody. So, for now from our City Attorney, we have a valid and well-vetted City Attorney, so until that firm who is equally qualified or vetted is agreed upon by the Council and the Mayor is chosen and placed as our municipal representation, you should stop being so schoolyard petty about a very respectable law firm due to a personal vendetta against an elected Mayor. As all of this is unfolding many of these primary responsibilities are going by the wayside, and work is not getting done. For example, our TIF's are expiring as we speak, where are we heading with all this Economic Development? We are seeing more and more empty buildings, how about our Economic Development website, we still have Jim Grafton listed, I see that they updated Nevada, but Jim Grafton I don't need to contact him do we? Is he still involved with our City, because his name has been there for about a year? Have you formally defined the City Administrator's responsibilities, we never had it when Grafton was here so he would just wing it not even sure he would have hired a lawyer to handle any of this. To avoid mistakes from the past, maybe we should be looking at what we are doing in the present. It seems we should place this petty indifference on hold and address the real issues that affect our team and that is all of us, we are all in this together. Everyone who pays taxes in this City, everyone who spends the money that represents those people are all here tonight. I know you don't care about what we say but I am trying to pass this on to you as eloquently as I can for now, I am not very good at this because I am just getting started. I will be an Alderman at this table in May and I will respect your discussions but what I am hearing is not professional, and it is disturbing having had a professional business in this City for the last 30 years and a citizen my whole life.

4) Discussion and Action on the Following:

a. Discussion and Vote to Disqualify Ancel & Glink from legally representing the City of Silvis due to a Conflict of Interest and terminate their legal services for the City of Silvis

Keri-Lyn from Ancel Glink spoke – if you want to terminate me let me at least tell you how to do it legally. I prepared some materials for you. I have this document that I titled "Municipal Attorneys: Who Can Hire Them and Who Can Fire Them." I know there are people on the Council who are not comfortable with my law firm. I didn't just want to write down my opinion so what this document does is actually include the law, statutes, municipal code, and court decisions. You can read them for yourself. Generally, with municipalities there are 3 or 4 types of relationships that you have with attorneys. Sometimes you have City Officials/Officers, Independent Contractors, legislative counsel, and larger cities have legal departments and I didn't include that in here. Under your ordinance in Silvis, the City Attorney are officers. This is from the IL Municipal Code.

The City Attorneys are Officers.

Sec. 3.1-30-5. Appointed officers in all municipalities.

- (a) The mayor or president, as the case may be, by and with the advice and consent of the city council or the board of trustees, may appoint (1) a treasurer (if the treasurer is not an elected position in the municipality), (2) a collector, (3) a comptroller, (4) a marshal, (5) an attorney or a corporation counsel, (6) one or more purchasing agents and deputies, (7) the number of auxiliary police officers determined necessary by the corporate

authorities, (8) police matrons, (9) a commissioner of public works, (10) a budget director or a budget officer, and (11) other officers necessary to carry into effect the powers conferred upon municipalities.

Source: 65 ILCS 5/3.1-30-5

Current Situation here in Silvis

Former City Attorney resigned and abandoned the office.

The city is sending out a request for proposals to numerous law firms.

When the City receives responses, they will be evaluated and the Mayor will bring forth a recommendation for appointment to the office of City Attorney and seek the advice and consent of the City Council.

Next question that has come up:

Why are you serving as Temporary City Attorneys if the Council did not confirm you?

The Illinois Municipal Code does not require the City Council to confirm a temporary appointment.

"If an appointed municipal officer ceases to perform the duties of or to hold the office by reason of death, permanent physical or mental disability, conviction of a disqualifying crime, or dismissal from or abandonment of office, the mayor or president of the municipality may appoint a temporary successor to the officer."

Source: 65 ILCS 5/3.1-30-5(d)

How can we remove an appointed officer? This is what some of you want to do is get rid of me and this is how the statute says it has to be done, not the way Keri-Lyn says it has to be done, I took this right out of the Municipal Code.

Sec. 3.1-35-10. Mayor or president; removal of appointed officer.

"...The mayor or president may remove any officer appointed by the mayor or president under this Code, on any written charge, whenever the mayor or president is of the opinion that the interest of the municipality demand removal. The mayor or president shall report the reasons for the removal to the corporate authorities at a meeting to be held not less than 5 nor more than 10 days after the removal.

65 ILCS 5/3.1-35-10

This doesn't say anything about the City Council removing an appointed officer. So, how can a City Council remove an appointed officer without the approval of the mayor and the answer is the Council doesn't have the power to do this. Now if some of you have been given the opinion that you can remove the City Attorney without the agreement of the mayor, whoever is advising you needs to show you where it says this. I just cut and pasted from the Municipal Code where it says you can't. This upsets sometimes City Councils that want to get rid of people, so what they try to do through ordinances is shift the city's legal work to other law firms without the mayor's approval. The Village of Westmont tried to do this and, in that situation, the mayor of Westmount tried to remove the City Attorney without consulting the Village board. He never presented another attorney to the Village Board for advice and consent and for their temporary attorney was in office for over a year and the village was very upset about that. They decided to terminate the law firm appointed by the mayor and they contracted with a different law firm. The mayor vetoed that resolution and the trustees voted to override the veto. The mayor filed a lawsuit against the trustees seeking to say that what the trustees did was not valid, the contract was invalid, they wanted an injunction preventing the trustees and the trustees law firm, from operating under the contract and they were requiring the law firm to turn over the Villages files. The trial court in that case agreed with the mayor and it enjoined the trustees and the former law

firm from operating under the resolution. Required the Mayor to bring forth a candidate for appointment. The Trustees appealed to the Appellate Court.

Appellate Court:

"Following the removal of Kenneth Kubiesa as village attorney, Mayor Burke delegated all responsibilities for the village's legal work to Zamis and the Rathje firm. At no time did Mayor Burke seek the consent of the board of trustees for this delegation of work to the Rathje firm. Although the defendants challenge the mayor's authority to take such action, section 3.1-30-5(d) of the Code plainly permits the mayor to appoint a temporary successor following the dismissal of a municipal officer. 65 ILCS 5/3.1-30-5(d) (West 1996); See also Village of Round Lake Beach v. Brenner, 107 Ill.App.3d1, 6-7, 62 Ill.Dec. 756, 436 N.E.2d 1058 (1982) (mayor had power to appoint temporary chief of police without the consent of the board of trustees); Michels v. McCarty, 196 Ill.App.493, 499 (1915) (noting that a mayor may appoint a temporary replacement after removing an officer)."

Appellate Court:

"Based on our review of the Code, we are aware of no statutory authority or ordinance that would authorize the trustees to unilaterally terminate this temporary assignment. As already noted, the Code conveys no independent power to the board of trustees to remove appointed municipal officers. Nor have the defendants provided any authority in support of their contention that they were authorized to take such action. For these reasons, we believe that there is a fair question as to the alleged impropriety of the trustees' termination of the Rathje firm.

The appellate court upheld the trial court's award of injunctive relief to the mayor.

That is if you have a city officer and right now, we are a city officer. If you want to remove me, you have to do that by having the mayor put charges against me.

Now it is true that the city can hire other lawyers as independent contractors.

The Illinois Municipal Code provides:

...[T]he corporate authorities of any municipality may make contracts for a term exceeding one year and not exceeding the term of the mayor or president holding office at the time the contract is executed, relating to... (2) the employment of outside professional consultants such as engineers, doctors, land planners, auditors, attorneys or other professional consultants who require technical training or knowledge...

65 ILCS 5/8-1-7(b)

Appellate court:

"The defendants argue that they were authorized to employ [their own] firm under section 8-1-7(b) of the Code, which provides, in relevant part:

"Notwithstanding any provision of this Code to the contrary, the corporate authorities of any municipality may make contracts for a term exceeding one year and not exceeding the term of the mayor or president holding office at the time the contract is executed, relating to: (1) the employment of a municipal manager, administrator, engineer, health officer, land planner, finance director, attorney, police chief or other officers who require technical training or knowledge; (2) the employment of outside professional consultants such as engineers, doctor, land planners, auditors, attorneys or other professional consultants who require technical training or knowledge[.]" 65 ILCS 5/8-1-7(b) (West 1996).

The defendants argue that this statute gives the board of trustees the authority to independently contract for outside legal services, whether or not the mayor had appointed an individual to serve as village attorney."

"Based on our examination of the plain language of the statute, we agree with the defendant's initial contention that subsection (2) permits the municipal corporate authorities to retain

additional outside legal services whether or not the mayor has appointed an individual to serve in the office of village attorney. However, we do not believe that section 8-1-7(b) permits the board of trustees to take such action unilaterally. Under section 1-1-2(2) of the Code, the term "corporate authorities" is defined as the mayor and the trustees. 65 ILCS 5/1-1-2(2) (West 1996). We, therefore, believe that the statute requires that the mayor and the board of trustees must act together in undertaking to contract for outside legal consulting services."

How could the Mayor fire the labor attorney without the Council's approval?

1. The labor attorney was introduced to the Council by the previous mayor, and the City then started using the labor attorney.
2. The City Council voted to pay the attorneys bills "for consulting services," but never voted to hire the labor attorney, or to award the labor attorney a contract.
3. Because the labor attorney was serving at the pleasure of the Mayor without the City Council awarding contract, the Mayor had the right to stop using the labor attorney without a vote.
4. Even if there was a contract awarded by the previous Mayor, Section 8-1-7 of the Illinois Municipal Code provides any contract cannot "exceed the term of the Mayor," so the contract would have expired when Mayor Carter was elected. 65 ILCS 5/8-1-7.

Legislative Counsel

The City Council can hire professional consultants as legislative counsel to provide advice to the Aldermen, provided their work does not encroach on the work of the City Attorney if there is a prior appropriation to do so.

Source: 65 ILCS 5/8-7-1(a) and (b);

Sampson v. Graves, 301 Ill.App.3d 961

Summary

-The Mayor may make a temporary appointment to the office of City Attorney without the advice and consent of the City Council.

-The Mayor makes a permanent appointment to the office of the City Attorney with the advice and consent of the City Council.

-The City Council cannot remove an appointed officer without the approval of the Mayor.

-The City Council can contract for legal services if the Mayor and City Council agree.

-The City Council can hire legislative counsel to advise the Alderman, but not to perform the City's legal work (unless approved by the Mayor).

Keri-Lyn then showed a picture of former Island Lake Mayor, Debbie Herrman. What happened in Island Lake 11 years ago is exactly what is happening here. We were the City Attorney and the Village said no we don't want you we are going to get rid of you and we are going to hire our own law firm and that is what they did. That mayor filed a lawsuit and 6 months later, the Aldermen settled that and reinstated us and paid us \$217,000 and also paid the other law firm \$60,000. Based on my recommendation is that the Mayor and the City Council work together, to find a law firm that everyone is confident with who can perform the legal work of the City. I also want to address the issue of conflict of interest.

Do you have a conflict of interest? No. A few people claim I have a conflict of interest because they have falsely stated I personally represent the Mayor. I have never represented the Mayor, and he has never retained me to represent him. I think there are 2 reasons why people are saying this. I am the author of this book and we have talked about this before, as a result of this book we get dozens of phone calls throughout the year who have questions about municipal law and from municipal attorneys that have questions. What our Ethics Code says is we cannot advise someone on an issue if we know they have other counsel advising them. After the

February 7th meeting, I was contacted by the City Clerk and the Mayor because they felt that they were improperly excluded from the closed session. I told them that they have counsel representing you on this and I cannot advise you on this issue but what I can do if you would like is reach out to your counsel and speak with him and they said yes please do that. I called up Nick Mason and said I was asked to call you by the Mayor and the Clerk because they have questions about issues that happened and being excluded from the closed session, so I did tell Nick that I was calling on behalf of the Mayor and the Clerk. Every time I get a phone call and call the City Attorney on behalf of an elected official that doesn't turn them into my client. I was never retained by either of them and as the City Council knows when I zoomed into a meeting with them regarding the clerk's office, we are also the attorneys for the Municipal Clerks of Illinois. We get a lot of questions from city clerks and I have to follow our ethical protocol when public officials call me. Mr. Mason said he was never asked to render his opinion on whether or not it was proper to go into closed session and that the labor attorney rendered that advice. He gave me her information and then I called her and had the same conversation with her and in the course of that conversation she somehow came away with the fact that I was representing the Mayor and the Clerk and that is not true. I did call and asked some questions on their behalf and I also asked why the City Administrator was excluded as well from the meeting. Sometimes what happens is we make mistakes in our book and we find out that this is what is happening in our municipality, there is a local case that we do not know about and this is how we update the book. I want to talk to attorneys to see what they are saying because we might have gotten something wrong and we want to clarify that. The other thing is I did send the Mayor a copy of the Lenihan case as things were progressing here. It was forwarded to people with my name on it and those people are saying so you represent the Mayor, no anytime a public official asks me for a copy of something and I sent it to them it doesn't turn them into my client. In fact, as a result of my conversation with the labor attorney, I told the mayor he did need to hire a lawyer and he did hire a lawyer, Mark Daniel. I am not affiliated with Mr. Daniel, he does not work at my firm, and my firm has represented several clients against clients represented by Mr. Daniel. Repeating a false remark does not make it true. People appear to be intentionally making or repeating this false remark to damage my professional reputation and credibility, or because they want to add fuel to the fire and have chaos continue in the city. I take the rules under professional conduct very seriously because I am not going to lose my law license over the City of Silvis, I have no desire to do that. I like what I am doing and want to continue to do it. I have given you the law which was cut and pasted from the book and you can do what you want with it but that is the law.

Alderman Joshua Dyer had some comments. You seem to be leaving out some important details, I am no lawyer but I can read. The Lenihan case clearly states that the issue is the City of Westmont had an ordinance that directly states that the Mayor can unilaterally hire a City Attorney. We have no ordinance that says that. It was under the fact that the City of Westmont had an ordinance that said the Mayor could do this. Keri-Lyn said she should have told you the Illinois law and Westmont had an ordinance that said the same thing. That is not what the Appellate court ruled on, they ruled on the Illinois Municipal Code not the Westmont village code. Alderman Joshua Dyer said that is just not accurate, it is just clear and that is what they said. The reason the mayor gets to do that is because the city has an ordinance that the mayor gets to do that. That was the foundation for their ruling, we do not have that ordinance. In fact our ordinance specifically states that it is the ordinance committee that directs legal work, that is what our ordinance says.

Keri-Lyn said she has given you black and white what the letter of the law says.

Alderman Joshua Dyer said you have given us the parts that are important for you to try to make your point but you're ignoring some pretty important details.

Keri-Lyn said they didn't say based on Westmont's code and Josh disagrees with her saying yes they did and she said no they said the Municipal Code. Keri-Lyn then read the code again to him.

Alderman Ian Pavelonis asked if the Illinois Municipal Code would supersede.

Keri-Lyn said yes, you would not have the power to adopt something different than what the state law says you can do. Yes, you are correct that in Westmont situation they had an ordinance that granted the Mayor additional powers but not related to the appointment of an officer.

Alderman Joshua Dyer said that you also bring up the Sampson Case and the Sampson case doesn't matter because we are not a strong mayor form government.

Keri-Lyn said I am surprised you bring up the Sampson case but that says that the Aldermen has a lot of power and ruled against the mayor, so you would want us to follow that. The appellate court did say that the City of Harvey is a strong mayor form of government and that is inaccurate, I am the City Attorney for the city of Harvey. When you read the Sampson decision, they also refer to article 3.1 of the Municipal Code which is the section that applies to the type of government you have. The strong mayor form of government is governed by article 6 of the Election Code and it analysis the appellate court doesn't site to that code at all. So, while they may have made a statement that it is a strong mayor form of government they don't. I would agree that you do have the powers that the court says you have in the Sampson case. Alderman Joshua Dyer said the other issue he has is you are claiming he has appointed you as a temporary officer.

Keri-Lyn said because the ordinance makes the city attorney an officer.

Alderman Dyer said we are not trying to discharge you as an officer who has been dually appointed. You are claiming he has appointed you as an officer and it clearly says that the Mayor as the case may be by the advice and consent of the council. So, if he is appointing you as an officer even as a temporary one we get to review that. We have consent and advice and we are calling to do that tonight.

Keri-Lyn said that is not what it says and she asked him to look at the 1st page or the second page and reread the info on the temporary attorney. The reason that they did this is that for example let's say it was the police chief that has left and you can't have a special meeting or a City Council meeting for 48 hours and the mayor wants to appoint a new police chief and the Council doesn't agree, you can't operate without a police chief. There is a lot of legislative history here and you can go back and look at how they came up with this language and basically what they said is that we are cognizant that these different parts of municipal government. A government needs to keep operating even if they don't agree and that is why, in this instance, the mayor has the temporary ability to make this appointment without the advice and consent of the Council. Now unlike the Lenihan case where the mayor didn't bring an appointment to the council for over a year, you have a mayor who is in the process of sending out RFQ's and getting information from other law firms. The mayor has allowed 30 days to see how many come back and she asked the Mayor if he thinks within 60 days he will have something to bring to the council and he said it depends how many come back and if there is not enough in the pool they will have to look some more.

Alderman David Smith asked if one of the ones you have put out could be a temporary because we do not have the trust with Ancel Glink. I gave all of you a suggestion and if they are willing and they came in as a temporary can they be put in. With the consent of you and us.

Mayor Matt said why, and I don't get the trust part of it, and it wouldn't be the consent of you. It would be my choice as the temporary. It is very obvious that you have a credible law firm here and you guys are so stubborn and it is not that you don't like her it is because you don't like me. It has nothing to do with her, you guys need to grow up and do your job.

Alderman Dyer and Smith said they are trying.

Alderman Smith said he lost a lot of faith that has happened this week. We have a City Administrator going on vacation this week and you told her to not take her phone and computer and to leave them here. If you were going on vacation, I would expect you to take your stuff as well. The Police Chief went on his thing and took his computer so he could answer stuff. If we had an emergency in the City, I think it is uncalled for to ask her to not take her stuff.

Mayor Matt said absolutely not, we have plenty of staff to take care of that. There should never be anybody in this organization if they go down the whole thing goes down. It should never be like that period.

Alderman Trulson said Mr. Mayor we obviously have issues you and I. I thought we were friends but what is going on between you and I is not the same as my discomfort with Ancel Glink. I have tried to conduct myself here at these meetings professionally and I have an issue with Ancel Glink with what I have seen and that has nothing to do with what we have going on. I don't trust you because to me it looked like and I know you are denying it but I still cannot shake the trust issue that I have because of my initial perception that you represent the mayor and some comments that I was told you made. If you presented Mr. Mayor another firm as temporary counsel, I would have no issues so long as there was not that appearance of a conflict of interest. The fact that I have seen is that our current temporary counsel has a conflict of interest.

Mayor Matt said please present that paperwork.

Alderman Dyer said the facts that we have are that she has identified herself to 2 officers of the court and 2 of their subordinates as representing the Mayor. She has denied it and it doesn't change the sworn testimony of other people, officers of the court.

Alderman Trulson said that in an email he received from the firm today he once again feels threatened and intimidated. He doesn't feel comfortable with Ancel Glink, it is not one thing, it is not 2 things it is multiple items. If I use certain language or say certain things or imply certain things, then I would be sued. It is a cease and desist letter, did you not get that Mr. Mayor? Mayor has not read it and Trulson said you have it in writing, and it is in an email.

Mayor Matt said that her being my attorney is something you have made up in your mind.

Alderman Dyer said he doesn't understand that when a client says to his attorney we think you have a conflict of interest why are you not willing to recuse yourself and say my client seems very uncomfortable with me, they should find someone else.

Keri-Lyn said that they were not sued to stay the law firm, I brought up that case because do you want to wait 60 days for the mayor to bring forth a new firm or do you want to waste money fighting this? What is representing your constituents, it is not about the lawyers making money it is about what is right for this community and I have always encouraged you guys to work together to find peace.

Alderman Trulson said so far the mayor has hired you and your firm and he has hired another attorney to represent him and your firm has hired another lawyer. The council has not been able to hire an attorney and now there are 3 lawyers representing your interest talking about the Mayor. Who asked your firm to sue or put a motion for injunction against Mrs. Wright?

Keri-Lyn said we are the City Attorney's and we have 2 FOIA Requests seeking the recording of the closed session and we also have the Attorney General requesting it, the City is required to be in possession of this document and when I talk to Ms. Wright she told me she had the tape. Alderman Trulson said and once again who asked you to file the injunction to sue Ms. Wright on behalf of the City and who asked you to put the motion in.

Keri-Lyn said that the plaintiff in the case is the City Clerk who is the FOIA officer, the Mayor and the City. The Clerk had to perform her function as a FOIA officer and she can't do that because we don't have a document that we are required to have by law to turn over or even evaluate. The Mayor asked us on behalf of the City, his interest is separate from the Cities so he has someone representing him. Just like you voted for legislative counsel to represent the Alderman, the mayor has a right to have someone represent him and that is not me.

Alderman Trulson said you did this for the City per request of the mayor and the City Clerk but none of the rest of us who represent the City.

Alderman Dyer said a FOIA request would never have the authority to open up a closed session.

Keri-Lyn said that is not true, the Attorney General has requested it too. If the closed session has a basis to be excluded, it can be excluded and doesn't have to be produced but we don't have it to evaluate if that is the case or not. We have filed a lawsuit to get the tape from the former attorney, she said she has it, now she is saying a council person has it. We need that tape and the second part is for her to turn over her legal files. That is what it is about. The whole lawsuit is to get her to turn over a tape, now we have found out she does not have. Who has the tape? We have to have this tape, we have to evaluate it. If no one is going to tell us who has this tape we are probably going to have to engage in discovery with everyone about what happened to the tape. Again, it is about \$\$\$ and it doesn't matter to me because lawyers are going to be paid as a result of this and if they don't pay the court will order them to pay. So, whoever has the tape please just turn it over. If we don't have it by Thursday, we are going to have to change our course of action.

Alderman Dyer said and again if you have a client that says we don't want to be represented by you why are you not willing to recuse yourself and say they are really uncomfortable with me.

Mayor Matt said she made that comment to me in my office, and I have strongly encouraged her to stay for many reasons. I have been around City politics for over 37 years, and I have gone through, observed or interacted with 5 legal councils and I have seen the good and the bad and I thought I had seen the worst back in the late 80's. This is a new Chapter, 2 of the legal councils have moved on to be judges, out of all the legal counsel the city has overserved, hired or I have worked with by far Ance! Glink runs circles around them. Their love of the law and knowledge of the law is so significant so deep, you could be smug all you want but it is the truth. The experts go to them when they have a problem or a question. This is the best thing that the City of Silvis has ever had when it comes to legal services and you may laugh again but I don't care because it is the truth.

Alderman Trulson said Mr. Mayor you are going to refuse any request we have, we have tried to play out what my objections are at least peacefully. Apparently, you are going to ignore those request, I think you called me stubborn earlier and I am going to have to say you are showing that side.

Mayor Matt said he is calling wisdom on this one.

Alderman Joshua Dyer suggests we move forward with the item on the agenda.

Motion:

Alderman Joshua Dyer made a motion to disqualify Ancel Glink from legally representing the City of Silvis due to a Conflict of Interest and terminate their legal services for the city. Motion was seconded by Alderman Rick Lohse.

Vote:

Members Vote: Alderman Tony Trulson - Yes, Alderman Larry York - No, Alderman Ian Pavelonis - No, Alderwoman Kathy Hall - No, Alderman Rick Lohse - Yes, Alderman David Smith - Yes, Alderman Joshua Dyer - Yes, Alderman Bob Rockwell - Yes
Motion carried 5 ayes 3 nays.

b. Hire Labor & Employment Attorney/Firm to provide legal services for Negotiations, Grievances, Arbitrations, and other labor & employment services as directed by Council.

Alderman Trulson said he plead his case earlier just a review he would suggest that we retain Ms. Wright for Arbitrations and Negotiations.

Alderman York said I have a comment on that we just disqualifying this law firm because of a possible conflict of interest with the mayor. Today legal email and 30 minutes later someone in the email chain contacted Ms. Wright and she emailed us all. So she has a back door to someone in here and I call that a conflict of interest as well. If you are going to get rid of Ancel Glink then that disqualifies Allison too.

Alderman Dyer told him that email was sent directly to Allison and carbon copied all of us. The additional law firm sent the email. Keith Hunt who that lawyer already has already been suspended for 30 days from the Illinois bar association. It is interesting that he was chosen since they already had ethical conflicts. He was barred for double dipping for fees and charges against their client.

Alderman York said he doesn't think Allison represented the city well, she did in arbitrations but when she rolled over and started doing other stuff she was wrong.

Alderman Trulson said would you say that has to deal with labor relations, the grievances, the arbitrations.

Alderman York said that is correct she was hired to go up against the Union.

Alderman Trulson said she was hired to go with the council on labor related items.

Alderman York said if we can get the previous mayor down here, he hired her for legal representation with arbitrations with the union.

Alderman Dyer said she has also been directed by the Mayor to handle FOIA requests at times and also the investigations into some of these allegations by the Mayor. The allegations on a previously employed city employee.

Alderman Trulson said we are off topic, Larry you are saying that the mayor was asking for transcripts and I wasn't there on the 7th of February because I just had surgery so I was not at that closed meeting. I believe those are the transcripts you are asking for. That is separate from what Larry is talking about.

Alderman York said don't get me wrong I think that Allison with the arbitration with the union did a fantastic job and I am all for bringing her back here to do that.

Motion:

Alderman Tony Trulson made a motion to hire Pappas & Wright for negotiations, grievances, arbitration and other labor and employment services. The motion was seconded by Alderman Rick Lohse.

Vote:

Members Vote: Alderman Tony Trulson - Yes, Alderman Larry York - No, Alderman Ian Pavelonis - No, Alderwoman Kathy Hall - No, Alderman Rick Lohse - Yes, Alderman David Smith - Yes, Alderman Joshua Dyer - Yes, Alderman Bob Rockwell - Yes, Mayor Matt Carter - No
Motion carried 5 ayes 4 nays.

5) Call for adjournment from the Special City Council Meeting.

Mayor Matt Carter said if there was no more business to bring before the 07 March 2023 Special City Council Meeting, he would entertain a motion to adjourn.

Motion:

Mayor Matt Carter made a motion to adjourn the 07 March 2023 Special City Council Meeting. Motion was seconded by Alderman Larry York.

Vote:

Motion carried via voice vote:

07 March 2023 Special City Council Meeting adjourned at 7:06 pm

Submitted by:

A handwritten signature in black ink, appearing to read "Amy Malmstrom". The signature is fluid and cursive, with the first name "Amy" and last name "Malmstrom" clearly distinguishable.

Amy Malmstrom
City Clerk