

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CHANCERY DIVISION**

JASON HOUSE, BRITTNEY NORWOOD,)
KIANA BELCHER and TAMMY BROWN, as)
Trustees of the Village of Dolton,)
)
Plaintiffs,)
)
v.)
)
TIFFANY HENYARD, individually and as Mayor)
of the Village of Dolton, MICHAEL A. SMITH,)
ANGELA LOCKETT and RONNIE BURGE SR.,)
)
Defendants.)

Case No. 2024 CH 08972

**PLAINTIFFS’ EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

NOW COME PLAINTIFFS, by and through their attorneys, Odelson, Murphey, Frazier & McGrath, LTD. and move this Honorable Court for entry of a temporary restraining order and preliminary injunction, stating as follows in support:

I. Facts

Plaintiffs Jason House, Brittney Norwood, Kiana Belcher and Tammy Brown are four (4) of the six (6) elected Trustees of the Village of Dolton and make up a majority of the Board of Trustees. (**Exhibit 1: Verified Complaint ¶ 1**) Tiffany Henyard is the Mayor of the Village of Dolton. (Id. at ¶ 2). Keith Freeman is the duly appointed Village Administrator of the Village of Dolton. (Id. at ¶ 6). Michael A. Smith, Angela Lockett and Ronnie Burge Sr. are each individuals that were unlawfully appointed by Mayor Henyard to positions within the Village. (Id. ¶¶ 3 – 5).

Beginning in July of 2024, Village Administrator Freeman started issuing directives to Village employees to comply with certain laws and Ordinances passed by the Village Board. (Id. ¶ 10). For example, Freeman notified employees that all requests from Mayor Henyard for

services, documents and deployment of resources were to be made in writing, directed department heads to remove all signage containing Mayor Henyard's name and likeness in accordance with Village Ordinance, instructed department heads that all village expenditures incurred by the Mayor's office must be approved by the Board of Trustees, advised the police department that the Mayor's security detail had been revoked by Ordinance, directed the issuance of permits to the Dolton Park District that had been held up by the Mayor for no legitimate reason, and advised department heads that "Tiffany Henyard Cares" vehicle stickers would no longer be sold by the Village. (Id.) Upon information and belief, once Mayor Henyard learned of these actions she began attempts to terminate Freeman as the Village Administrator. (Id. at ¶ 11).

Mayor Henyard ordered the IT director to disable Administrator Freeman's email account so he could not conduct Village business. (Id. at ¶ 12). On two occasions, Mayor Henyard ordered Janice Johnson, the director of Administrative Services, to draft a termination letter to Keith Freeman. (Id. at ¶¶ 13-14). On one such occasion, Mayor Henyard ordered her boyfriend and the former Deputy Police Chief to stand outside Ms. Johnson's office so she could not leave until she drafted said letter. (Id. at ¶ 14). Ms. Johnson refused the Mayor's efforts to draft a termination letter to Administrator Freeman. (Id. ¶ at 13-14). At the August 5, 2024 Village Board Meeting, Mayor Henyard called for a vote to terminate Administrator Freeman. (Id. at ¶ 15). No such motion was made and therefore no action to terminate Administrator Freeman was taken. (Id.). Despite the lack of Board action, Mayor Henyard announced "Keith Freeman is fired". (Id.). On or about August 12, 2024 Mayor Henyard's personal attorney, with no affiliation to the Village of Dolton, sent a letter to Ms. Johnson advising her that "Keith Freeman's employment with the Village of Dalton (sic) has been terminated" and requesting that she take all actions necessary to effectuate Freeman's termination. (Id. at ¶ 16).

Mayor Henryard did not receive the consent of the Board of Trustees prior to Freeman's removal as required by Dolton Ordinance 93-027 and did not report the reasons for Freeman's purported termination to Plaintiffs between 5 and 10 days after his purported termination as required by Section 1-8-1(B) of the Dolton Code and 65 ILCS 5//3.1-35-10. (Id. at ¶¶ 19-20). In fact, the Board expressly rejected Mayor Henryard's removal of Keith Freeman by failing to move to terminate him at the August 5, 2024 meeting. (Id. at ¶ 20). Out of an abundance of caution, the Board voted to reinstate Freeman as Village Administrator at the September 12, 2024 special meeting. (Id. at ¶ 21).

A regular meeting of the Dolton Board of Trustees was scheduled for September 3, 2024 at the Village Hall. (Id. at ¶ 23). Mayor Tiffany Henryard has refused to place any action items requested by Plaintiffs on the regular Village Board Agendas. (Id. at ¶ 23). Additionally, the Village Hall capacity has proven to be inadequate to accommodate the increasing members of the public and media outlets that frequently attend Village Board meetings. (See attached **Exhibit 2: PAC Opinion 24-010**). The Illinois Attorney General determined in a September 3, 2024, binding opinion that the location and set up of the Village Hall at the June 3, 2024 and July 1, 2024 meetings were not open and convenient in violation of the Open Meetings Act. (Id.). The Attorney General found that the Village had advance notice of capacity issues but failed to move the meetings to a larger room, offer standing room or overflow capacity or otherwise attempt to make the meeting reasonably accessible. (Id.) Therefore, in order to consider important Village business and comply with the Open Meetings Act, Plaintiffs canceled the September 3, 2024, meeting and scheduled a special meeting for September 12, 2024 at the Park District facility, which has a larger capacity. (**Exhibit 1** ¶ 23) Plaintiffs provided Notice and an Agenda for the September 12, 2024 meeting. (**Exhibit 3: Notice and Agenda**).

Mayor Henyard, Trustee Andrew Holmes, Trustee Stanley Brown and several members of the public appeared at the Village Hall on September 3, 2024. (**Exhibit 1 ¶ 23; Exhibit 4: September 3, 2024 video recording**). No quorum was established as required for a meeting and a meeting was never called to order. (**Exhibit 1 ¶ 24**). Mayor Henyard proceeded to call for Department Head reports then had her personal attorney Beau Brindley speak about the “attack” on Mayor Henyard, the corruption of the Board of Trustees and the purported termination of Keith Freeman as Village Administrator. Mr. Brindley’s speech was riddled with misrepresentations of the Open Meetings Act, Illinois Constitution, Illinois Municipal Code and Court orders.

Mayor Henyard then stated she was appointing Lakeside Legal and attorney Angela Lockett as the Village attorney. (Exhibit 1 ¶ 31; Exhibit 4 at 49:20). Mayor Henyard then stated she was appointing Michael Smith as the new Village Administrator. (Exhibit 1 ¶ 26; Exhibit 4 at 50:55). She then represented that the Village had a new Village Attorney and Village Administrator. (Exhibit 4 at 52:15) Obviously, no vote was taken by the Board of Trustees on the appointments of Lockett and Smith. (**Exhibit 1 ¶¶ 28, 34-35**). Plaintiffs have not been presented with and have not consented to the appointments of Lockett as Village Attorney and Smith as Village Administrator. (Id. at ¶¶ 28, 40).

Since September 3, 2024, Lockett has issued correspondences purporting to be the Village Attorney and requested, among other things, that litigation files be turned over to her office. (Id. at ¶ 36). Since September 3, 2024, Smith has cleared out Freeman’s office and changed the locks so that Freeman cannot access his own office. (Id. ¶ 29). Smith also represented to the Fire Department that their union contract that was approved at the September 12, 2024 meeting would not be honored, and an unfair labor practice has since been filed by the union against the Village. (Id. ¶ 30).

On September 20, 2024, Mayor Henyard purported to appoint Ronnie Burge Sr. as the new Chief of Police of the Village. (Id. ¶ 39). This did not occur during an open meeting and the Board of Trustees did not vote to consent to this appointment. (Id. at ¶¶ 39, 40). Plaintiffs have not been presented with or consented to the nomination of Ronnie Burge Sr. as Police Chief. (Id.). Defendant. Burge has held himself out as the Police Chief, taken a police department vehicle as his own, and given directives to the Dolton Police Officers. (Id. ¶¶ 41-42).

II. Legal Standard

“The purpose of a preliminary injunction is to prevent a threatened wrong or a continuing injury pending a trial on the merits of the case.” *Pardilla v. Vill. of Hoffman Ests.*, 2023 IL App (1st) 211580, ¶ 30. A party seeking a preliminary injunction or TRO must demonstrate (1) a clearly ascertainable right in need of protection (2) irreparable injury in the absence of an injunction (3) no adequate remedy at law exists and (4) a likelihood of success on the merits. *Somer v. Bloom Twp. Democratic Org.*, 2020 IL App (1st) 201182, ¶ 16; *Cnty. of Du Page v. Gavrilos*, 359 Ill. App. 3d 629, 634 (2005). The moving party must raise a fair question as to all four elements to obtain an injunction. *Alms v. Peoria Cnty. Election Comm’n*, 2022 IL App (4th) 220976, ¶ 25. If all elements of a preliminary injunction are met, the court must also balance the equities by weighing the benefits of granting an injunction against the possible injury to the opposing party and also consider the public interest. *Guns Save Life, Inc. v. Raoul*, 2019 IL App (4th) 190334, ¶ 68. A preliminary injunction preserves the status quo, which is the last actual, peaceable uncontested status that preceded the controversy. *Hutsonville Cmty. Unit Sch. Dist. No. 1 v. Illinois High Sch. Ass’n.*, 2021 IL App (5th) 210308 ¶ 24.

III. Argument

(1) Plaintiffs have a clear and ascertainable right in need of protection.

Plaintiffs comprise a majority of the Board of Trustees of the Village of Dolton. Pursuant to plainly established law, Plaintiffs have the clear right to consent to certain Village appointees nominated by the Mayor.

Plaintiffs' legal right to consent to the individual nominated to the position of Village Administrator is found in Dolton Ordinance 93-207 which states:

“The Village Administrator shall be an employee who **shall be appointed** and removed by the Mayor **with the advice and consent of the Board of Trustees**”. Dolton Ord. 93-207 Sec. 3 (emphasis added).

Additionally, Plaintiffs have the legal right to consent to the removal of the Village Administrator. Dolton Ordinance 93-027 establishing the position of Village Administrator states,

“The Village Administrator shall be an employee who shall be appointed and **removed by the Mayor with the advice and consent of the Board of Trustees**.” Dolton Ord. 93-207 Sec. 3 (emphasis added).

Plaintiffs also have the legal right to a report of the reasons for the Mayor's removal of the Village Administrator at a meeting held within a specified time frame. Plaintiffs have the right to vote to disapprove the removal of the Village Administrator and to have the Administrator restored. If the Mayor fails or refuses to report the reasons for removal, Plaintiffs have the right to cause the Administrator to be restored. Dolton Code Section 1-8-1(B) and the Illinois Municipal Code state:

Removals: Except where otherwise provided by statute, the President may remove any officer appointed by him on any formal charge whenever he is of the opinion that the interests of the Village demand removal. He shall report the reasons for the removal to the Board of Trustees at a meeting held not less than 5 nor more than 10 days after the removal. If the President fails or refuses to report to the Board of Trustees the reasons for the removal, or if the Board of Trustees by a 2/3 vote of all its members authorized by law to be elected, disapproves of the removal, the officer thereupon shall be restored to the office from which the officer was removed.” Dolton Village Code 1-8-1(B)

Except where otherwise provided by statute, 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 interests 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. If the mayor or president fails or refuses to report to the corporate authorities the reasons for the removal, or if the corporate authorities by a 2/3 vote of all members authorized by law to be elected disapprove of the removal, the officer thereupon shall be restored to the office from which the officer was removed.” 65 ILCS 5/3.1-35-10.

Plaintiffs’ legal right to consent to the individual nominated to the position of Police Chief is found in Dolton Code Section 5-1-2(B) which states:

“The Police Chief shall be appointed by the Village President **by and with the consent and advice of the Board of Trustees.**” Dolton Code 5-1-2(B) (emphasis added).

Plaintiffs’ legal right to consent to the individual nominated to the office of Village attorney is found in the Illinois Municipal Code, 65 ILCS 5/3.1-30-5 entitled “Appointed officers in all municipalities.” 65 ILCS 5/3.1-30-5. Subsection (a)(5) of this statute states:

“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 ... (5) an attorney or a corporation counsel.” 65 ILCS 5/3.1-30-5(a)(5) (emphasis added).

The Dolton Village Code echoes this statutory provision, stating: “The Village Attorney shall be appointed by the Village President, **with the advice and consent of the Board of Trustees.**” Dolton Code § 1-8B-1(A) (emphasis added).

Accordingly, Plaintiffs have a clear and ascertainable right to consent to an appointed Village attorney, Village Administrator and Police Chief before those individuals may be considered Village officials or employees. Plaintiffs also have a clear and ascertainable right to receive a report as to the removal of the Village Administrator at a meeting to take place between 5 and 10 days after such removal, to consent to the removal, to vote to have the Village Administrator restored and to have the Village Administrator restored if the Mayor fails or refuses to report the reasons for such termination.

(2) Irreparable injury will occur in the absence of injunctive relief.

“Irreparable harm does not mean injury that is beyond repair or beyond compensation in damages but rather denotes transgressions of a continuing nature.” *Tamalunis v. City of Georgetown*, 185 Ill. App.3d 163, 190 (1989). “Once a protectable interest is established ... irreparable injury [or harm] is presumed if that interest is not protected.” *Guns Save Life, Inc.*, 2019 IL App (4th) at ¶ 51. Plaintiffs have established their protected interest in consent to the appointment of the Village Attorney, Village Administrator and Police Chief and a protected interest in the procedure for the removal and restoration of the Village Administrator. Angela Lockett, Michael Smith and Ronnie Burge Sr. were not properly appointed and therefore have no authority to conduct Village business or act in any manner on behalf of the Village. Nonetheless, these individuals have been holding themselves out as duly appointed Village Officials, issuing directives, advising employees that Keith Freeman has no authority and causing mass chaos, confusion and frustration among Village staff, to the detriment of the citizens of the Village of Dolton and the Village Board.

(3) Plaintiffs have no adequate remedy at law.

“[A] remedy at law is considered inadequate when monetary damages cannot compensate the injury and the injury cannot be measured by pecuniary standards.” *Bd. of Educ. of Dolton Sch. Dist. 149 v. Miller*, 349 Ill. App. 3d 806, 814 (2004). Here, Defendant Henyard’s injury to Plaintiffs’ statutory rights to consent to appointments and removals cannot be measured monetarily and Plaintiffs have no adequate remedy to her repeated and ongoing violations of municipal law.

(4) Plaintiffs will likely prevail on the merits.

To show a likelihood of success on the merits, a party must raise a fair question as to the existence of the right claimed and Courts look to whether the Plaintiff will likely be entitled to the relief request in the underlying complaint. *Ron & Mark Ward, LLC v. Bank of Herrin*, 2024 IL

App (5th) 230274, ¶ 71. Plaintiffs are seeking declaratory and injunctive relief in their Verified Complaint and present a fair question as to the relief requested in this pleading.

(5) The balancing of the equities favors Plaintiffs and granting injunctive relief is in the public interest.

The benefits of granting injunctive relief outweigh any arguable harm to Mayor Henyard. As described in section 2 herein, Village employees are experiencing a hostile work environment due to the conflicting directives and assertions as to who has supervisory authority, which is affecting everyday Village services. Village employees and staff, as well as the Village Board, need the Court's intervention to enjoin these unauthorized individuals from exerting any further influence or control over Village affairs. The Village has been without a duly appointed Village attorney for over two (2) years and without a duly appointed Police Chief for several months. The harm to the Trustees and the citizens they represent far outweighs any potential harm to Mayor Henyard in maintaining the status quo.

IV. Conclusion

Plaintiffs have raised a fair question as to all the elements required for a temporary restraining order and preliminary injunction and should therefore be granted same. Specifically, Plaintiffs pray that this Honorable Court grant the following relief:

- (1) Issue a temporary restraining order and preliminary injunction, enjoining any purported removal by the Mayor of Village Administrator Freeman; enjoining the purported appointment of Michael Smith as Village Administrator; enjoining the purported appointment of Angela Lockett as Village Attorney; and enjoining the purported appointment of Ronnie Burge as Police Chief;

- (2) Issue a temporary restraining order and preliminary injunction, restraining the Mayor from making any further appointments without the advice and consent of the Board of Trustees;
- (3) Issue a temporary restraining order and preliminary injunction, restraining Michael A. Smith from holding himself out as the Village Administrator or conducting any duties of same;
- (4) Issue a temporary restraining order and preliminary injunction, restraining Angela Lockett from holding herself out as the Village Attorney or conducting any duties of same;
- (5) Issue a temporary restraining order and preliminary injunction, restraining Ronnie Burge Sr. from holding himself out as the Police Chief or conducting any duties of same; and
- (6) Granting any other relief this Court deems equitable and just.

Respectfully Submitted,

PLAINTIFFS

By: /s/ Lauren M. DaValle
One of their attorneys

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Exhibit 1

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Chancery Division Civil Cover Sheet
General Chancery Section

(12/01/20) CCCH 0623

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

JASON HOUSE, BRITTNEY NORWOOD, KIANA BELCHER,
and TAMMY BROWN, as Trustees of the Village Dolton

Plaintiff

v.

TIFFANY HENYARD, individually and as Mayor of the Village of Dolton,
MICHAEL A. SMITH, ANGELA LOCKETT and RONNIE BURGE, SR.

Defendant

Case No: 2024CH08972

CHANCERY DIVISION CIVIL COVER SHEET
GENERAL CHANCERY SECTION

A Chancery Division Civil Cover Sheet - General Chancery Section shall be filed with the initial complaint in all actions filed in the General Chancery Section of Chancery Division. The information contained herein is for administrative purposes only. Please check the box in front of the appropriate category which best characterizes your action being filed.

Only one (1) case type may be checked with this cover sheet.

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| 0005 <input type="checkbox"/> Administrative Review | 0017 <input type="checkbox"/> Mandamus |
| 0001 <input type="checkbox"/> Class Action | 0018 <input type="checkbox"/> Ne Exeat |
| 0002 <input type="checkbox"/> Declaratory Judgment | 0019 <input type="checkbox"/> Partition |
| 0004 <input checked="" type="checkbox"/> Injunction | 0020 <input type="checkbox"/> Quiet Title |
| 0007 <input type="checkbox"/> General Chancery | 0021 <input type="checkbox"/> Quo Warranto |
| 0010 <input type="checkbox"/> Accounting | 0022 <input type="checkbox"/> Redemption Rights |
| 0011 <input type="checkbox"/> Arbitration | 0023 <input type="checkbox"/> Reformation of a Contract |
| 0012 <input type="checkbox"/> Certiorari | 0024 <input type="checkbox"/> Rescission of a Contract |
| 0013 <input type="checkbox"/> Dissolution of Corporation | 0025 <input type="checkbox"/> Specific Performance |
| 0014 <input type="checkbox"/> Dissolution of Partnership | 0026 <input type="checkbox"/> Trust Construction |
| 0015 <input type="checkbox"/> Equitable Lien | 0050 <input type="checkbox"/> Internet Take Down Action (Compromising Images) |
| 0016 <input type="checkbox"/> Interpleader | <input type="checkbox"/> Other (specify) _____ |

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Pro Se Only: I have read and agree to the terms of the Clerk's Clerk's Office Electronic Notice Policy and choose to opt in to electronic notice from the Clerk's office for this case at this email address:

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**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CHANCERY DIVISION**

JASON HOUSE, BRITTNEY NORWOOD,)
KIANA BELCHER and TAMMY BROWN, as)
Trustees of the Village of Dolton,)
)
Plaintiffs,) Case Number
) 2024CH08972
v.)
)
TIFFANY HENYARD, individually and as Mayor)
of the Village of Dolton, MICHAEL A. SMITH,)
ANGELA LOCKETT and RONNIE BURGE SR.,)
)
Defendants.)

VERIFIED COMPLAINT

NOW COME JASON HOUSE, BRITTNEY NORWOOD, KIANA BELCHER, and TAMMY BROWN, as Trustees of the Village of Dolton, by and through their attorneys, Odelson, Murphey, Frazier & McGrath, LTD., and state as follows for their Verified Complaint against TIFFANY HENYARD, individually and as Mayor of the Village of Dolton and MICHAEL A. SMITH, ANGELA LOCKETT and RONNIE BURGE SR.:

PARTIES AND JURISDICTION

1. The Village of Dolton (hereinafter the "Village") is a municipal corporation located at 14122 Martin Luther King Jr. Drive, Dolton, Cook County, Illinois.
2. Plaintiffs JASON HOUSE, BRITTNEY NORWOOD, KIANA BELCHER AND TAMMY BROWN are each duly elected Trustees of the Village of Dolton. They comprise a majority of the Board of Trustees. They bring suit in their official capacities as Trustees of the Village of Dolton.

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3. TIFFANY HENYARD (hereinafter “Mayor Henyard”) is the Mayor of the Village of Dolton. She is sued in her individual capacity and her official capacity as the Mayor of the Village of Dolton.

4. MICHAEL A. SMITH (hereinafter “Defendant Smith”) is an individual that, upon information and belief, resides in the State of Illinois and was unlawfully appointed by Mayor Henyard as the Village Administrator for the Village of Dolton.

5. ANGELA LOCKETT (hereinafter “Defendant Lockett”) is an attorney with a registered business address in Gary, Indiana that was unlawfully appointed by Mayor Henyard as the Village Attorney for the Village of Dolton.

6. RONNIE BURGE SR. (hereinafter “Defendant Burge Sr.”) is an individual that, upon information and belief, resides in the State of Illinois and was unlawfully appointed by Mayor Henyard as the Police Chief for the Village of Dolton.

FACTS

Village Administrator Removal/Appointment

7. The position of Dolton Village Administrator was created by Ordinance 93-027. (See attached **Exhibit A**).

8. Pursuant to Ordinance 93-027, “*The Village Administrator shall be an employee who shall be appointed and removed by the Mayor with the advice and consent of the Board of Trustees.*”

9. Keith Freeman was nominated by Mayor Henyard as Village Administrator and received the consent of the Board of Trustees. He was duly appointed as Village Administrator of the Village of Dolton on January 18, 2022.

10. In early July of 2024 Administrator Freeman issued several directives to employees that went against Mayor Henyard’s commands, including but not limited to: (1) requiring Mayor

Henyard to make all requests for service, documents and deployment of resources in writing, (2) directing department heads to remove all signage containing Mayor's Henyard name and likeness from the Village in accordance with Ordinance; (3) directing department heads that all Village expenditures incurred by the Mayor's office must be approved by the Board of Trustees; (4) advising the Police Department that the Mayor's security detail was revoked by ordinance; (5) directing department heads to issue permits to the Park District that had been held up by the Mayor for no legitimate reason; and (6) advising department heads that Tiffany Henyard Cares vehicle stickers would no longer be sold by the Village.

11. Upon information and belief, once Mayor Henyard learned of these actions she began attempts to terminate Keith Freeman as the Village Administrator.

12. On or about July 16, 2024, Mayor Henyard ordered the Village IT director to disable Keith Freeman's Village email account. Upon information and belief, the Village IT director complied but later reinstated Freeman's email access.

13. On or about July 16, 2024, Mayor Henyard ordered Janice Johnson, the Director of Administrative Services, to draft a termination letter to Keith Freeman. Ms. Johnson refused.

14. On or about August 5, 2024, Mayor Henyard again ordered Ms. Johnson to draft a termination letter to Keith Freeman and threatened her that she could not leave her office until said termination letter was completed. Mayor Henyard then ordered her boyfriend Kamal Woods and former Police Deputy Chief Lacey to stand outside Ms. Johnson's office so Ms. Johnson could not leave. Ms. Johnson refused to draft said termination letter.

15. At the August 5, 2024 Board Meeting, Mayor Henyard called for a motion to terminate Keith Freeman. No motion was made and therefore no action to terminate Keith Freeman was

taken. Mayor Henyard then stated “Keith Freeman is fired”. A true and accurate depiction of this exchange can be viewed at <https://www.youtube.com/watch?v=UjYLOsMQ9w0> at 3:30:25.

16. On or about August 12, 2024, Mayor Henyard’s personal attorney (with no affiliation to the Village of Dolton) sent a letter to Ms. Johnson informing her that “Keith Freeman’s employment with the Village of Dalton (sic) has been terminated” and requesting that she take all actions necessary to effectuate Freeman’s termination.

17. The removal of the Village Administrator is governed by the Illinois Municipal Code and Village Code, which provide:

“Except where otherwise provided by statute, 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 interests 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. If the mayor or president fails or refuses to report to the corporate authorities the reasons for the removal, or if the corporate authorities by a 2/3 vote of all members authorized by law to be elected disapprove of the removal, the officer thereupon shall be restored to the office from which the officer was removed.” 65 ILCS 5/3.1-35-10.

“Removals: Except where otherwise provided by statute, the President may remove any officer appointed by him on any formal charge whenever he is of the opinion that the interests of the Village demand removal. He shall report the reasons for the removal to the Board of Trustees at a meeting held not less than 5 nor more than 10 days after the removal. If the President fails or refuses to report to the Board of Trustees the reasons for the removal, or if the Board of Trustees by a 2/3 vote of all its members authorized by law to be elected, disapproves of the removal, the officer thereupon shall be restored to the office from which the officer was removed.” (Exhibit B: Dolton Village Code 1-8-1(B))

18. Additionally, Ordinance 93-027 requires the advice and consent of the Board of Trustees for the removal of the Village Administrator.

19. The Mayor did not report the reasons for the removal of Keith Freeman as Village Administrator to the Board of Trustees not less than 5 nor more than 10 days after his purported termination as required by 65 ILCS 5/3.1-35-10 and Village Code Section 1-8-1(B). The Board of

Trustees was never given the opportunity to vote to disapprove the purported removal, in clear violation of law.

20. Mayor Henyard never received the consent of the Village Board as required by Ordinance 93-027 prior to purportedly terminating Keith Freeman. In fact, the Board expressly rejected Mayor Henyard's removal of Keith Freeman by failing to move to terminate him at the August 5, 2024 meeting.

21. On September 12, 2024, out of an abundance of caution, Plaintiffs held a special board meeting at the Dolton Park District wherein they voted to reinstate Keith Freeman as the Village Administrator.

22. A regular meeting of the Village Board of Trustees was scheduled for September 3, 2024 at the Village Hall.

23. Due to concerns with the Open Meetings Act, capacity issues with the Village Hall and the Mayor's refusal to place Plaintiffs' requested action items on the regular meeting Agenda, Plaintiffs canceled the September 3, 2024, meeting and scheduled a Special Meeting for September 12, 2024 at the Dolton Park District.

24. Mayor Henyard and two Village Trustees appeared at the Village Hall on September 3, 2024. No quorum was established to open the meeting and conduct Village business. Accordingly, no meeting was held.

25. Despite the absence of a quorum, Mayor Henyard proceeded to announce she was making appointments to two Village offices. A true and accurate depiction of these statements and actions can be viewed at <https://www.youtube.com/live/IU2VxjYOnBc> at 1:32:45.

26. Mayor Henyard stated she was appointing Defendant Smith as the Village Administrator of the Village of Dolton.

27. The Village of Dolton already has a Village Administrator. Keith Freeman has never been properly removed and remains the appointed Village Administrator.

28. The Village Board was never presented with the appointment of Defendant Smith as the Village Administrator and has never voted to consent to the appointment.

29. Starting September 4, 2024, Defendant Smith began holding himself out as the Village Administrator of the Village of Dolton. Defendant Smith cleaned out Keith Freeman's office and changed the locks so Freeman could not access his own office.

30. Defendant Smith also represented to the Dolton Fire Department that their union contract was not valid, causing an unfair labor practice charge to be filed against the Village.

Village Attorney Appointment

31. On September 3, 2024, despite the absence of a quorum for a meeting, Mayor Henyard stated she was appointing Defendant Lockett as the Village Attorney of the Village of Dolton. A true and accurate depiction of these statements and actions can be viewed at <https://www.youtube.com/live/IU2VxjYOnBc> at 1:32:45.

32. Pursuant to 65 ILCS 5/3.1-30-5(a)(5), *The Mayor ... by and with the advice and consent of the ... board of trustees, may appoint ... (5) an attorney or corporation counsel*". 65 ILCS 5/3.1-30-5(a)(5).

33. Pursuant to Section 1-8B-1(A) of the Dolton Code, "*The Village Attorney shall be appointed by the Village President, with the advice and consent of the Board of Trustees.*" Dolton Code 1-8B-1(A) (see attached **Exhibit C**).

34. The majority of the Village Board was not present to consent to the appointment on September 3, 2024.

35. The Village Board has never been presented with the appointment of Defendant Lockett as Village attorney and has never voted to consent to the appointment.

36. Since September 3, 2024, Defendant Lockett has issued correspondence to Village staff falsely representing herself as the Village attorney and has requested the turnover of litigation files.

Police Chief Appointment

37. The office of Dolton Police Chief was created by Section 5-1-2(A) of the Dolton Village Code. (See attached **Exhibit D**)

38. Pursuant to Section 5-1-2(B) of the Dolton Code, *“The Police Chief shall be appointed by the Village President by and with the consent and advice of the Board of Trustees.”*

39. On or about September 20, 2024, outside of a duly convened meeting of the Board of Trustees, Mayor Henyard purportedly appointed Defendant Burge Sr. as the Police Chief of the Village of Dolton.

40. The Village Board has never been presented with the appointment of Defendant Burge Sr. as Village Police Chief and has never voted to consent to the appointment.

41. On September 20, 2024, Defendant Burge Sr. took a department vehicle assigned to a Commander and purported to designate it as his vehicle.

42. Defendant Burge Sr. has been falsely holding himself out as the duly appointed Village Police Chief.

COUNT I: DECLARATORY AND INJUNCTIVE RELIEF

Unlawful Removal of Village Administrator

Plaintiffs v. Defendant Henyard

43. Plaintiffs restate and reallege Paragraphs 1-30 as if set forth fully herein.

44. Plaintiffs have a tangible legal interest in compliance with the procedures under the removal statute and removal ordinance, including a report by the Mayor to Plaintiffs of the reasons

for an appointed officers' removal not less than 5 nor more than 10 days after removal, the ability to vote to disapprove the removal, and the restoration of an appointed officer if the Mayor fails to report the reasons for removal.

45. Plaintiffs have a tangible legal interest pursuant to Ordinance 93-027 to consent to the removal of the Village Administrator.

46. Defendant has an opposing interest as she has purported to remove Keith Freeman as the Village Administrator without following the procedures of the removal statute or ordinance or obtaining the consent of Plaintiffs.

47. An actual controversy exists in that the Mayor has purported to remove the Village Administrator without any legal authority and communicate to Village staff that Keith Freeman is no longer the Village Administrator.

48. Plaintiffs have a clear and ascertainable right to the lawful removal of the Village Administrator, including the clear legal right to be informed as to the reasons for the removal of the Village Administrator, to vote as to whether to disapprove the removal and to consent to the removal.

49. Plaintiffs will suffer irreparable harm if Village Administrator Freeman remains removed in violation of law.

50. Plaintiffs have no adequate remedy at law.

51. Mayor Henyard's actions in purporting to remove the Village Administrator without complying with statutory mandates and Dolton ordinances are outside the scope of her authority and unlawful.

WHEREFORE, for all the foregoing reasons, Plaintiffs respectfully request that this Honorable Court:

- A. declare that Mayor Henyard is required to report the reasons for the removal of the Village Administrator to the Board of Trustees at a meeting not less than 5 nor more than 10 days after her termination of the Village Administrator and allow the Board of Trustees to vote to reinstate the Village Administrator;
- B. declare that Mayor Henyard does not have the authority to remove the Village Administrator without the consent of the Board of Trustees;
- C. declare that the removal of Keith Freeman as the Village Administrator was contrary to law and of no legal effect;
- D. declare that Mayor Henyard failed or refused to report the reasons for the removal of Keith Freeman to the Board of Trustees not less than 5 nor more than 10 days after her purported removal and Keith Freeman shall therefore be restored as Village Administrator;
- E. declare that Keith Freeman remains the duly appointed Village Administrator of the Village of Dolton.
- F. enjoin the improper and unlawful removal of Keith Freeman as the Village Administrator;
- G. enjoin Defendant Henyard from representing to Village employees and staff that Keith Freeman is not the Village Administrator;
- H. order costs to the Plaintiffs; and
- I. and grant any other relief this Court deems equitable and just.

COUNT II: DECLARATORY AND INJUNCTIVE RELIEF
Unlawful Appointment of Village Administrator
Plaintiffs v. Defendants Henyard and Smith

52. Plaintiffs restate and reallege paragraphs 1-30 as if set forth fully herein.

53. Plaintiffs have a tangible legal interest in providing their consent to any individual nominated by the Mayor as Village Administrator.

54. The Mayor has an opposing interest as she has purported to appoint Defendant Smith as the Village Administrator without presenting him to or receiving the consent of Plaintiffs.

55. An actual controversy exists in that the Mayor has purportedly appointed Defendant Smith as Village Administrator without the consent of the Board of Trustees and Defendant Smith is falsely holding himself out as the Village Administrator and taking action as such.

56. Plaintiffs have a clear and ascertainable right to consent to an individual nominated by the Mayor as Village Administrator before that individual may be appointed and act as such.

57. Plaintiffs will suffer irreparable harm if Defendant Smith continues to act as though he is lawfully appointed.

58. Plaintiffs have no adequate remedy at law.

59. Mayor Henryard's actions in purporting to appoint Defendant Smith as the Village Administrator without following the mandates of statute and Dolton ordinances are outside the scope of her authority and unlawful.

WHEREFORE, for all the foregoing reasons, Plaintiffs respectfully request that this Honorable Court:

- A. declare that Mayor Henryard did not present Defendant Smith to the Village Board for consideration as Village Administrator and did not receive the consent of the Village Board prior to his appointment;
- B. declare that Mayor Henryard does not have the authority to appoint an individual as the Village Administrator who has not been presented to and received the consent of the Village Board;
- C. declare that the appointment of Defendant Smith as Village Administrator was contrary to law and of no legal effect;
- D. enjoin Mayor Henryard's illegal appointment of Defendant Smith as Village Administrator;
- E. enjoin Defendant Smith from holding himself out as Village Administrator or undertaking the duties of Village Administrator;
- F. enjoin Mayor Henryard from making any further appointments in violation of the Illinois Municipal Code and Dolton Village Code;
- G. order costs to the Plaintiffs; and
- H. grant any other relief this Court deems equitable and just.

COUNT III: DECLARATORY AND INJUNCTIVE RELIEF
Unlawful Appointment of Village Attorney

Plaintiffs v. Defendants Henyard and Lockett

60. Plaintiffs restate and reallege paragraphs 1-6 and 31- 36 as if fully set forth herein.

61. Plaintiffs have a tangible legal interest in providing their consent to individuals nominated by the Mayor as Village Attorney.

62. Mayor Henyard has an opposing interest as she has purported to appoint Defendant Lockett as the Village Attorney without presenting her to the Board of Trustees or receiving their consent.

63. An actual controversy exists in that the Mayor has appointed Defendant Lockett as Village Attorney without the consent of the Board of Trustees and Defendant Lockett is falsely holding herself out as the duly appointed Village Attorney.

64. Plaintiffs have a clear and ascertainable right to the presentment of and consent to an individual nominated by the Mayor as Village Attorney before that individual may be appointed and act as such.

65. Plaintiffs will suffer irreparable harm if Defendant Lockett continues to act as though she is the lawfully appointed Village attorney.

66. Plaintiffs have no adequate remedy at law.

67. Mayor Henyard's actions in appointing Defendant Lockett as Village Attorney are outside the scope of her authority and unlawful.

WHEREFORE, for all the foregoing reasons, Plaintiffs respectfully request that this Honorable Court:

- A. declare that Mayor Henyard did not present Defendant Lockett to the Village Board for consideration as Village Attorney and did not receive the consent of the Village Board prior to her appointment;
- B. declare that Mayor Tiffany Henyard does not have the authority to appoint an individual as Village Attorney who has not been presented to and received the consent of the Village Board;

- C. declare that the appointment of Defendant Lockett as Village Attorney was contrary to law and of no legal effect;
- D. enjoin Mayor Henyard’s illegal appointment of Defendant Lockett as Village Attorney;
- E. enjoying Defendant Lockett from holding herself out as the Village Attorney or conducting any of the duties related to same;
- F. enjoin the Mayor from making any further appointments in violation of the Illinois Municipal Code and Dolton Village Code;
- G. order costs to Plaintiffs; and
- H. grant any other relief this Court deems equitable and just.

COUNT IV: DECLARATORY AND INJUNCTIVE RELIEF
Unlawful Appointment of Police Chief
Plaintiffs v. Defendants Henyard and Burge Sr.

68. Plaintiffs restate and reallege Paragraphs 1-6 and 37 - 42 as if set forth fully herein.

69. Plaintiffs have a tangible legal interest in providing their consent to individuals nominated by the Mayor as Police Chief.

70. The Mayor has an opposing interest as she has purported to appoint Defendant Burge Sr. as the Police Chief without presenting him to the Board of Trustees or receiving their consent.

71. An actual controversy exists in that the Mayor has appointed Defendant Burge Sr. as Police Chief without the consent of the Board of Trustees and Defendant Burge Sr. is falsely holding himself out at the duly appointed Police Chief.

72. Plaintiffs have a clear and ascertainable right to the presentment of and consent to an individual nominated by the Mayor as Police Chief before that individual may be appointed and act as such.

73. Plaintiffs will suffer irreparable harm if Defendant Burge Sr. continues to act as though he is the lawfully appointed Police Chief.

74. Plaintiffs have no adequate remedy at law.

75. Mayor Henryard’s actions in appointing Defendant Burge Sr. as Police Chief without presenting him to the Plaintiffs or receiving their consent are outside the scope of her authority and unlawful.

WHEREFORE, for all the foregoing reasons, Plaintiffs respectfully request that this Honorable Court:

- A. declare that Mayor Henryard did not present Defendant Burge Sr. to the Village Board for consideration as Police Chief and did not receive the consent of the Village Board prior to his appointment;
- B. declare that Mayor Henryard does not have the authority to appoint an individual as Police Chief who has not been presented to and received the consent of the Village Board;
- I. declare that the appointment of Defendant Burge Sr. as Police Chief was contrary to law and of no legal effect;
- J. enjoin Mayor Henryard’s illegal appointment of Defendant Burge Sr. as Police Chief;
- K. enjoin Defendant Burge Sr. from holding himself out as Police Chief or performing any of the duties of Police Chief;
- L. enjoin Mayor Henryard from making any further appointments in violation of the Illinois Municipal Code and Dolton Village Code;
- M. order costs to Plaintiffs; and
- N. grant any other relief this Court deems equitable and just.

Respectfully Submitted,

**JASON HOUSE, BRITTNEY
NORWOOD, KIANA BELCHER, and
TAMMY BROWN**

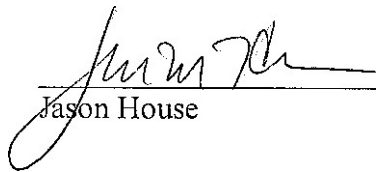
By: /s/ Lauren M. DaValle
One of their Attorneys

Michael J. McGrath, mmcgrath@omfmlaw.com
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Odelson, Murphey, Frazier & McGrath, Ltd.
3318 W. 95th St.
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Attorney No. 100780

VERIFICATION

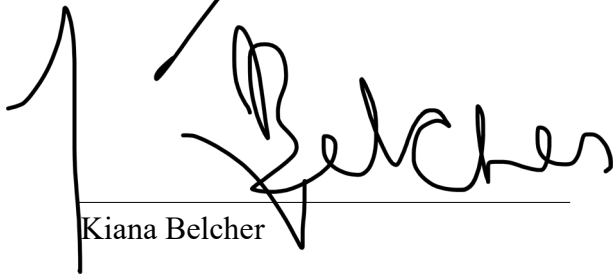
Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the facts set forth in this VERIFIED COMPLAINT FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION are true and correct to the best of their knowledge, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he or she verily believes the same to be true.

Dated: September 23, 2024



Jason House

Brittney Norwood



Kiana Belcher

Tammy Brown

FILED DATE 9/24/2024 10:30 AM 2024CH08972

Exhibit

A

ORDINANCE 93-207

**AN ORDINANCE OF THE VILLAGE OF DOLTON, ILLINOIS,
ESTABLISHING THE APPOINTED POSITION OF VILLAGE OF DOLTON
VILLAGE ADMINISTRATOR**

The Mayor and Board of Trustees of the Village of Dolton make the following findings of fact:

1. The Village of Dolton is a municipal corporation and home-rule unit of government.
2. That it is in the best interests of the citizens of the Village of Dolton to have a Village Administrator to serve and assist the Mayor.

BE IT ORDAINED by the Mayor and the Board of Trustees of the Village of Dolton, Cook County, Illinois, a home-rule unit of government, as follows:

SECTION 1.: There shall be hereby established the appointed position of Village Administrator.

SECTION 2.: The Village Administrator shall assist the Mayor in the direction of the operations of the various Village of Dolton departments and agencies and shall assist the Mayor in such other duties as the Mayor from time to time may assign.

SECTION 3.: The Village Administrator shall be an employee who shall be appointed and removed by the Mayor with the advice and consent of the Board of Trustees.

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SECTION 4.: The Village Administrator shall receive compensation at a rate to be determined by the Mayor and the Board of Trustees through the appropriate Board Salary Resolution.

All Ordinances or parts of Ordinances, in conflict herewith, shall be and are hereby expressly repealed.

This Ordinance be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED THIS 27TH DAY OF APRIL, 1993, pursuant to a roll call vote as follows:

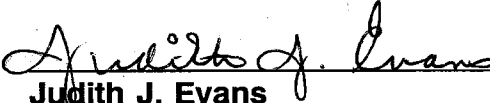
AYES: 4- Myers , Clayton, Herzog, Louis

NAYS: 2- Lewis, Panozzo

ABSENT: None

APPROVED BY ME THIS 27TH DAY OF APRIL, 1993


DONALD J. HART, Mayor
Village of Dolton

ATTEST:

Judith J. Evans
Village Clerk, Village of Dolton

FILED DATE 98242024 10:30 AM 2024CH08972

Exhibit B

CHAPTER 8

VILLAGE OFFICERS AND EMPLOYEES

SECTION:

- 1-8-1: Appointments To and Removals From Office
- 1-8-2: Residency Requirements
- 1-8-3: Personnel Regulations
- 1-8-3-1: Salary Schedules and Policies
- 1-8-3-2: Vacations
- 1-8-3-3: Holiday Pay
- 1-8-4: Civil Service

1-8-1: **APPOINTMENTS TO AND REMOVALS FROM OFFICE:**

- A. **Appointments:** The President, by and with the advice and consent of the Board of Trustees, shall appoint all officers of the Village whose appointments are not otherwise provided for by law, and whenever a vacancy shall occur in any office which by statute or ordinance the President is authorized to fill, he shall, at a regular meeting of the Board of Trustees, communicate to the Board of Trustees the name of his appointee to such office, and pending the concurrence of the Board of Trustees in such appointment, he may designate some suitable person to discharge the duties of said office.
- B. **Removals:** Except where otherwise provided by statute, the President may remove any officer appointed by him on any formal charge whenever he is of the opinion that the interests of the Village demand removal. He shall report the reasons for the removal to the Board of Trustees at a meeting held not less than five (5) nor more than ten (10) days after the removal. If the President fails or refuses to report to the Board of Trustees the reasons for the removal or if the Board of Trustees, by a two-thirds ($\frac{2}{3}$) vote of all its members authorized by law to be elected, disapproves of the removal, the officer thereupon shall be restored to the office from which he was removed. The vote shall be by yeas and nays and shall be entered in the journal. In the event of restoration, the officer shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense. (1971 Code ch. 5, §7)

- 1-8-2: **RESIDENCY REQUIREMENTS:** All Village officers and employees shall be actual residents of the Village within one year from the date of original

employment. Any Village employee who shall fail to comply with the provisions of this Section shall be discharged from the employment of the Village in the manner provided by law.

All officers and employees who now reside outside the Village must become residents of the Village within twelve (12) months after the effective date hereof. (Ord. 86-101, 1-6-86)

1-8-3: PERSONNEL REGULATIONS:

1-8-3-1: SALARY SCHEDULES AND POLICIES: The following shall constitute the salary schedule and salary policies for the employees of the Village:

- A. **Base Pay:** The monetary amount by the name of the individual represents the base monthly wage to be paid before longevity increases.

Employees that are employed by the Village as full-time, continuous employees shall be paid at the base rate less seven percent (7%) for the first year of employment. After the first year of continuous, full-time employment, they shall be paid the same base rate as other employees in the same job classification.

- B. **Longevity Increases:** Longevity increases shall be added to the monthly wage at the rate of seventy dollars (\$70.00) per month for employees after five (5) years of continuous, full-time employment with the Village; thereafter, an additional amount of seventy dollars (\$70.00) per month shall be added to the monthly wage for employees after ten (10) years of continuous, full-time employment with the Village; thereafter, an additional amount of seventy dollars (\$70.00) per month shall be added to the monthly wage for employees after fifteen (15) years of continuous, full-time employment with the Village. Longevity increases shall not apply to the meter readers, part-time and temporary employees and janitors, and shall only apply to employees that are classified under the Civil Service Commission or Police and Fire Commission of the Village.¹

The longevity pay rate for union members for the Public Works Department shall be seventy dollars (\$70.00) per month after five (5) years of service, one hundred forty dollars (\$140.00) per month after ten (10) years of service and two hundred ten dollars (\$210.00) per month after fifteen (15) years of service.

- C. **Overtime Pay:** Overtime shall be paid to employees at their regular hourly rate of pay. There shall be no overtime pay for the following positions:

Police Chief
 Assistant Police Chief
 Deputy Fire Chief
 Superintendent of Public Works
 Assistant Superintendent of Water/Public Works
 Assistant Superintendent of Streets and Sanitation of Public Works

- D. **Effect and Application of Salary Schedule:** The salary schedule shall be effective as of July 11, 1986 through July 10, 1987, and only those persons in

¹. See Title 2, Chapters 5 and 7, respectively, of this Code.

- D) the employ or service of the Village on the effective date hereof shall be entitled to raise in pay.

	<u>Base Wage Before Longevity Increase</u>
FIRE DEPARTMENT	
Deputy Fire Chief	\$2,501.08/month
Shift Commander - Engineer	2,381.83/month
Engineers	2,298.50/month
Fire Fighter	2,108.25/month
Chief Dispatcher	1,730.41/month
Dispatcher	1,654.08/month
Part-Time Dispatcher	8.34/hour
Fire Inspector	1,791.67/month
STREETS AND ALLEYS DEPARTMENT	
Laborers and/or Equipment Operators	1,894.36/month
Clerk - Department of Public Works	1,519.84/month
Mechanic - Grade I	2,227.92/month
Mechanic - Grade II	1,927.72/month
Mechanic - Diesel	2,229.16/month
Janitor	8.87/hour
SANITATION AND DRAINAGE DEPARTMENT	
Laborers and/or Equipment Operators	1,894.36/month
Part-Time Employees	3.50/hour
MUNICIPAL OFFICE AND WATER DEPARTMENT CLERKS	
Deputy Clerk	1,569.84/month
General Clerk	1,519.84/month
Part-Time Employees	8.34/hour
Full-Time/Part-Time	5.00/hour
WATER DEPARTMENT	
Meter Readers	.30/per unit
Part-Time Employees	3.50/hour
BUILDING AND GROUNDS	
Janitor	8.87/hour
Part-Time Janitor	3.50/hour
POLICE DEPARTMENT	
Sergeants	2,316.58/month
Patrolman	2,108.25/month
Chief Police Clerk	1,783.92/month
Police Clerks	1,654.09/month
Deputy Marshals	6.96/hour
Part-Time Clerks	8.34/hour
Crossing Guards	5.50/hour

D)

Base Wage Before
Longevity Increase

SPECIFIED EMPLOYEES

Police Chief	\$2,792.75/month
Assistant Police Chief	2,501.08/month
Police Lieutenant	2,451.08/month
Superintendent of Public Works	2,792.75/month
Asst. Supt. of Water - Public Works	2,501.08/month
Asst. Supt. of Streets & Sanitation - Public Works	2,501.08/month
Foreman of Public Works (Res. 86R-133, 1986)	2,290.08/month

1-8-3-2: VACATIONS:

A. Vacations for Other than Fire and Police Personnel: Annual vacation periods with full pay shall be allowed each full-time employee and full-time appointed officer of the Village, including those paid on an hourly pay basis, according to the following schedule: (1971 Code ch. 32, §1)

1. Two (2) weeks of vacation each year for those who have served the Village for a period of one year and less than seven (7) years. Such allowance shall not vest until the full year of service has been completed. After completion of the first year, such allowance shall vest on the first of each calendar year following.

2. Three (3) weeks of vacation each year for those who have served the Village for a period of seven (7) years and less than twenty (20) years. Such allowance shall not vest until seven (7) full years of service have been completed and shall vest each year thereafter on the first of the calendar year following.

3. Four (4) weeks of vacation each year for those who have served the Village for a period of twenty (20) years. Such allowance shall not vest until twenty (20) full years of service have been completed and shall vest each year thereafter on the first of the calendar year following.

4. Only one vacation allowance shall be given in any one calendar year.

5. Each such employee and officer shall be allowed an additional day of vacation in the event, during the vacation period taken, one of the following holidays occurs: Memorial Day, New Year's, Christmas, Thanksgiving, Labor Day, Independence Day, Lincoln's Birthday or Veteran's Day. (Ord., 9-9-75)

B. Vacations for Fire Department and Police Department Personnel: Annual vacation periods with full pay shall be allowed each full-time member of the Fire Department and of the Police Department according to the following schedule: (1971 Code ch. 32, §2)

1. Two (2) weeks of vacation each year for those who have served the Village for a period of one year and less than seven (7) years. Such allowance shall not vest until the full year of service has been completed. After completion of the first year, such allowance shall vest on the first of each calendar year following.

- B) 2. Three (3) weeks of vacation each year for those who have served the Village for a period of seven (7) years and less than twenty (20) years. Such allowance shall not vest until seven (7) full years of service have been completed and shall vest each year thereafter on the first of the calendar year following.
3. Four (4) weeks of vacation each year for those who have served the Village for a period of twenty (20) years. Such allowance shall not vest until twenty (20) full years of service have been completed and shall vest each year thereafter on the first of the calendar year following.
4. Only one vacation allowance shall be given in any one calendar year.
5. In addition to the allowance set forth in paragraphs 1, 2 and 3 of this subsection, there shall be allowed ten (10) days of furlough for members of the Police Department and eight (8) days of furlough for members of the Fire Department. (Ord., 9-9-75)
- C. Designation of Vacation Periods: The head of each department may designate by rule the time when each employee under his supervision may take a vacation, and shall submit his rulings to the President for purposes of information and approval. The times which heads of departments or appointed officials choose to take their vacations shall be approved by the President. When practicable, due consideration shall be given to employees having the longest period of continued service. (1971 Code ch. 32, §3)
- D. Vacations Not Cumulative: The above designated vacation periods shall not be considered cumulative, and no vacation with pay shall be allowed in any calendar year in excess of the periods above established. It is mandatory that a vacation be taken during the calendar year and no employee or officer shall be permitted to work and collect vacation pay. (1971 Code ch. 32, §4)
- E. Number on Vacation Limited: The respective heads of the departments of the Village are authorized to limit the number of employees on vacation at any time. (1971 Code ch. 32, §5)
- F. Divided Vacations: A vacation may be divided into more than one period within any calendar year at the reasonable discretion of the department head. (1971 Code ch. 32, §6)

1-8-3-3: **HOLIDAY PAY:** In the event an individual other than a fireman or police officer is scheduled to work on one of the holidays listed in subsection 1-8-3-2A5 of this Chapter, such individual shall be paid an additional amount equal to the individual hourly rate of pay for the number of hours worked on said holiday. (1971 Code ch. 32, §7)

1-8-4: **CIVIL SERVICE:** The offices and places classified by the Civil Service Commission¹ shall constitute the classified civil service of the Village. No appointment to any of such offices or places shall be made except under and according to the rules hereinafter mentioned. (1971 Code ch. 24, §7)

1. See Title 2, Chapter 5 of this Code.

- A. **Rules:** The Commission shall make rules, and make changes in such rules as will carry out the purpose, intent and provisions of this Section and for procedures relative to examinations, appointments, promotions and removals in offices and places. All such rules and changes shall be printed immediately and be available for distribution. Notice must be published in the local newspaper as follows: 1) of the place where the rules may be obtained, and 2) of the date not less than ten (10) days subsequent to the date of publication when the rules or changes in the rules shall become effective. (1971 Code ch. 24, §8)
- B. **Civil Service Examinations:**
1. **Applicants to be Examined:** All applicants for offices or places in the classified service shall be subject to examination. Such examinations shall be public, competitive and open to all citizens of the United States subject, however, to specified limitations as to residence, age, health, habits and moral character as may be determined by the Commission in the adoption and publication of its rules. However, the age limitations in such rules shall not apply to persons entitled to military preference in accordance with the provisions of chapter 24, paragraph 10-1-16, Illinois Municipal Code. The examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the applicants to discharge the duties of the positions to which they seek to be appointed, and shall include test of physical qualifications and health, and when appropriate, of manual skill. No part of said examination shall relate to political or religious opinions or affiliations. (1971 Code ch. 24, §9)
 2. **Notice of Examinations:** Notice of the time, place, general scope and fee of every examination shall be given by the Commission by publication for two (2) weeks in a local newspaper. Such notice shall also be posted in a conspicuous place in the Village Hall for two (2) weeks before such examination. (1971 Code ch. 24, §11)
- C. **Register of Eligibles:** A register of persons for each grade or class of positions in the classified service of the Village shall be prepared by the Commission. Such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination. (1971 Code ch. 24, §12)
- D. **Appointments:** The head of the department or office in which a position classified under this Section is to be filled shall notify the Commission of that fact, and the Commission shall certify to the appointing officer the name and address of the candidate standing highest upon the register for the class or grade to which the position belongs. However, in cases of laborers where a choice by competition is impracticable, the Commission may provide by its rules that the selections shall be made by law from among those candidates proved fit by examination, but laborers who have previously been in the service and were removed because their services were no longer required shall be preferred and be reinstated before other laborers are given positions, preference being given to those who have had the longest term of service, and laborers in the employ of the Municipality who have been employed under temporary authority for three (3) years or more or during parts of three (3) or more calendar years shall be preferred also and shall be placed upon the register for such positions without

D) examination and shall be certified before other laborers are given positions, preference being given to those laborers under temporary authority who have had the longest term of service in such positions. In making such certificate, sex shall be disregarded, except when some statute, the rules of the Commission or the appointing power specifies sex. The appointing officer shall notify the Commission of each position to be filled, separately, and shall fill such place by the appointment of the person certified to him by the Commission therefor. Original appointment shall be on probation for a period of not to exceed six (6) months to be fixed by the rules. The Commission may strike off names of candidates from the register after they have remained thereon more than two (2) years. At or before the expiration of the period of probation, the head of the department or office in which a candidate is employed may, by and with the consent of the Commission, discharge him upon assigning in writing his reason therefor to the Commission. If he is not then discharged, his appointment shall be deemed complete. To prevent the stoppage of public business or to meet extraordinary exigencies, the head of any department or office may, with the approval of the Commission, make temporary appointment to remain in force not exceeding one hundred twenty (120) days, and only until regular appointment under the provisions of this Section can be made. (1971 Code, ch. 24, §13; 1987 Code)

E. Removals or Suspensions: Except as hereinafter provided in this subsection, no officer or employee in the classified civil service of the Village who is appointed under the rules and after examination shall be removed or discharged or suspended for a period of more than thirty (30) days, except for cause upon written charges and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before the Civil Service Commission or by or before some officer or board appointed by the Commission to conduct such investigation. The finding and decision of such Commission or investigating officer or board, when approved by the Commission, shall be certified to the appointing officer and shall forthwith be enforced by such officer. Nothing in this Section shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty (30) days; except that any employee or officer suspended for more than five (5) days or suspended within six (6) months after a previous suspension shall be entitled, upon request, to a hearing before the Civil Service Commission concerning the propriety of such suspension. In the course of an investigation of charges, each member of the Commission and of any board so appointed by it and any officer so appointed may administer oaths and may secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation. (1971 Code, ch. 24, §14)

Any person who shall be served with a subpoena to appear and testify or to produce books and papers, issued by the Commission or by any Commissioner or by any board or person acting under the orders of the Commission in the course of an investigation conducted by the Commission, and who shall refuse or neglect to appear or to testify or to produce books and papers relevant to the investigation as commanded in such subpoena, is guilty of a misdemeanor and shall, on conviction, be punished by a fine as provided for in Section 1-4-1 of this Code. The fees of witnesses for attendance and travel shall be the

- E) same as the fees of witnesses before the circuit courts of this State and shall be paid from the appropriation for the expenses of the Commission. Any circuit court of this State, upon application of any such Commissioner or officer or board, may, in its discretion, compel the attendance of witnesses, the production of books and papers and giving of testimony before the Commission, or before any such Commissioner, investigating board or officer, by attachment for contempt or otherwise in the same manner as the production of evidence may be compelled before such court. Every person who, having taken an oath or made affirmation before a Commissioner or officer appointed by the Commission authorized to administer oaths, shall swear or affirm wilfully, corruptly and falsely shall be guilty of perjury and upon conviction shall be punished accordingly. (1971 Code, ch. 24, §15; 1987 Code)
- F. Exemptions From Provisions: Effective April 15, 1986, all employees included in the certified bargaining unit(s) hereinafter described shall be removed from all provisions of this Section and similar provisions of the Illinois Revised Statutes pertaining to civil service commissions in cities and villages.¹ Hereafter, all matters pertaining to promotions, suspensions, discharges and all rules of employee conduct shall be solely governed by agreement between the Village and the bargaining unit. Except, however, that nothing herein shall prohibit the Village President and Board of Trustees from designating the Civil Service Commission as the authority responsible for testing and processing applicants for entry level positions within said bargaining unit so long as all other provisions of the applicable agreement relating to the filling of vacancies are complied with.

The following classifications of affected employees are subject to the exemption described in this subsection: all employees in the Public Works Department classifications of driver, laborer, equipment operator, mechanic and custodian, but excluding all clerical employees, foreman, confidential and managerial employees and supervisors as defined by the Act, and all other employees of the Village. (Ord. 86-115, 4-15-86)

1. S.H.A. ch. 24, § 10-1-1 et seq.

Exhibit C

CHAPTER 8

VILLAGE OFFICERS AND EMPLOYEES

ARTICLE B. ATTORNEYS FOR THE VILLAGE

SECTION:

- 1-8B-1: Village Attorney
 1-8B-2: Special Prosecuting Attorney
 1-8B-3: Special Attorneys

1-8B-1: VILLAGE ATTORNEY:

- A. Office Created, Appointment: There is hereby created the office of Village Attorney. The Village Attorney shall be appointed by the Village President, with the advice and consent of the Board of Trustees. (1971 Code ch. 11, §1; 1987 Code)
- B. Bond: The bond of the Village Attorney shall be in the penal sum of one thousand dollars (\$1,000.00) conditioned for the faithful discharge of his duties. (1971 Code ch. 11, §1)
- C. Compensation: The Village Attorney shall be paid such sum as is set in the annual appropriation ordinance for his general services and advice. For services rendered in the conduct of suits, bonding problems and other problems requiring unusual expenditure of time not contemplated in the duties enumerated herein, he shall receive such additional compensation based upon the fair and reasonable value of such services. (1971 Code ch. 11, §4)
- D. Duties: The Village Attorney shall:
1. Be a legal advisor to the President and the Trustees and shall render advice on all legal questions affecting the Village whenever requested to do so by the President or the Trustees. Upon request, he shall reduce such opinion to writing.
 2. Draw such ordinances, deeds, leases and other papers as may be required of him by the President and Trustees.
 3. Attend meetings of the Village Board.

- D) 4. Prosecute or defend any and all suits or actions at law or in equity to which the Village may be a party or in which it may be interested, or which may be brought against it or by any officer of the Village on behalf of the Village or in the capacity of such person as an officer or employee of the Village.
5. Take such action as may be necessary to accomplish the full enforcement of all judgments and decrees rendered or entered in favor of the Village. (1971 Code ch. 11, §2)
6. Be a member of the Board of Trustees of the Firemen's Pension Fund of Dolton.¹ (1971 Code ch. 11, §3)
7. Process and carry through to completion all special assessment proceedings in the Village. (1987 Code)

1-8B-2: SPECIAL PROSECUTING ATTORNEY:

- A. Office Created, Appointment: There is hereby created the office of Special Prosecuting Attorney. The Special Prosecuting Attorney shall be appointed by the Village President, with the advice and consent of the Board of Trustees. (1971 Code ch. 12, §1; 1987 Code)
- B. Bond: The bond of the Special Prosecuting Attorney shall be in the penal sum of one thousand dollars (\$1,000.00) conditioned for the faithful discharge of his duties. (1971 Code ch. 12, §1)
- C. Compensation: The Special Prosecuting Attorney shall be paid the sum as is set in the annual appropriation ordinance for his services. (1971 Code ch. 12, §3)
- D. Duties: The Special Prosecuting Attorney shall prosecute all ordinance violations and traffic or motor vehicle violations of State statutes committed in the Village, and appeals thereof, to which the Village may be a party. (1971 Code ch. 12, §2)

1-8B-3: SPECIAL ATTORNEYS:

- A. Appointment: Notwithstanding any other provisions to the contrary, the Village President, with the consent of the Board of Trustees, may appoint an additional attorney or additional attorneys to perform special legal services designated by the President and the Board of Trustees.
- B. Bond: The bond of any special attorney shall be in the penal sum of one thousand dollars (\$1,000.00) conditioned on the faithful discharge of his duties. (1971 Code ch. 13, §2)
- C. Compensation: Any special attorney shall receive for services rendered compensation based upon the fair and reasonable value of his services. (1971 Code ch. 13, §3)

¹. See Title 2, Chapter 9 of this Code.

Exhibit

D

CHAPTER 1
POLICE DEPARTMENT¹

SECTION:

- 5-1- 1: Department Created, Members
- 5-1- 2: Chief of Police
- 5-1- 3: Organization and Operation of Department
- 5-1- 4: Appointments, Promotions and Discharges of Department Members
- 5-1- 5: Oath
- 5-1- 6: Powers and Duties of Department
- 5-1- 7: Accident Reports
- 5-1- 8: Badge of Police Officers
- 5-1- 9: Duty to Aid Police
- 5-1-10: Prohibited Acts and Conditions
- 5-1-11: Press Cards
- 5-1-12: Penalties

5-1-1: **DEPARTMENT CREATED, MEMBERS:** There is hereby created a Police Department, an executive department of the Village. The Police Department shall consist of the Chief of Police and such other members as may be provided for from time to time by the President and Board of Trustees. Neither the Chief of Police nor any of the policemen or other employees of the Police Department shall be considered as officers of the Village but they shall all be considered employees of the Village. (1971 Code ch. 14, §1)

5-1-2: **CHIEF OF POLICE:**

- A. Office Created: There is hereby created the office of Police Chief. (1971 Code ch. 14, §2)
- B. Appointment: The Police Chief shall be appointed by the Village President by and with the consent and advice of the Board of Trustees. (Ord., 6-13-78)
- C. Duties:
 - 1. Generally: He shall be responsible for the performance by the Police Department of all its functions, and all persons who are members of the Department shall serve subject to the orders of Chief of Police.

1. See Title 2, Chapter 8 of this Code for Pension Fund and Pension Fund Board of Trustees.

- C) 2. Keeping Village Jail: The Chief of Police shall be the keeper of the jail and shall have custody over all persons confined therein and of all property pertaining thereto.
3. Arrest Records: It shall be the duty of the Chief of Police to keep a record of the names of all persons arrested or committed to the Village jail or County jail in a book to be provided for such purpose. Such record shall show the date of arrest or committal, the number of days imprisoned, the amount of the fine, when and to whom paid, and the date of discharge or other disposition of such persons.
4. Post Notice of Rights: The Chief of Police shall post in every room, other than cells, of the building where persons are held under arrest or are held in custody, in conspicuous places where it may be seen and read by persons in custody and others, a poster printed in large type containing a verbatim copy in the English language of the provisions of paragraphs 103-2, 103-3, 103-4, 109-1, 110-2, 110-4 and subparts (a) and (b) of paragraphs 110-7 and 113-3 of chapter 38, Illinois Revised Statutes.
5. Custodian of Abandoned, Stolen Property:¹ The Chief of Police shall be custodian of all lost, abandoned or stolen property in the Village and shall make disposition of same in accordance with State statute. (1971 Code ch. 14, §18)
6. Execute Orders of Health Inspector: The Chief of Police shall execute or cause to be executed all orders directed to him by the Health Inspector, so far as they relate to the preservation of the health of the Village. (1971 Code ch. 14, §18; 1987 Code)
7. Reports Required: The Chief of Police shall, prior to the first meeting of the Village Board in June of each year, make an annual report in writing to the Village Board of the state of the Police Department with a detailed report of the transactions of the Department for the preceding year, with such statistics and suggestions in regard to the requirements of the Department as he may deem advisable; and shall also make reports of any matter or thing concerning such Department, whenever requested by the President or Village Board.
8. Rules and Regulations: The Chief of Police may make or prescribe such rules and regulations for the guidance of the members of the Department as he shall see fit; and such rules, when approved by the President and Board of Trustees, shall be binding on such members. (1971 Code ch. 14, §18)

5-1-3: **ORGANIZATION AND OPERATION OF DEPARTMENT:** The Police Department shall be organized and the policemen and employees thereof shall be appointed and shall function as provided by ordinance and the rules and regulations applicable to the Police Department. (1971 Code ch. 14, §4)

5-1-4: **APPOINTMENTS, PROMOTIONS AND DISCHARGES OF DEPARTMENT MEMBERS:** Appointments to and promotions within the Police Department shall be made by the Board of Fire and Police Commissioners² in the manner provided by law. No policeman shall be discharged from the Department except

1. See also the provisions of Section 1-10-10 of this Code.

2. See Title 2, Chapter 7 of this Code.

after a hearing on charges before the Board of Fire and Police Commissioners as provided by law. (1971 Code ch. 14, §§5, 6)

5-1-5: **OATH:** The Chief of Police and all regular policemen shall, before entering upon their duties, take and subscribe an oath to faithfully and impartially discharge the duties of their position as fixed by ordinance. The oath shall be as follows:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of Illinois, and the ordinances of the Village of Dolton, and that I will faithfully discharge the duties of _____ to the best of my ability."

This oath or affirmation, so subscribed, shall be filed in the office of the Village Clerk. (1971 Code ch. 14, §7)

5-1-6: **POWERS AND DUTIES OF DEPARTMENT:**

- A. **Generally:** The Chief of Police and all members of the police force of the Village, when on duty, shall devote their time and attention to the Municipal affairs of the Village, to preserve the peace, order, safety and cleanliness thereof; and to this end they shall execute and enforce all ordinances and police regulations and orders of the President and Village Board. They shall take notice of all nuisances and at all times render all necessary assistance to all Village departments in the abatement thereof. They shall take notice also, of the impediments, obstructions and defects in the walks, streets, avenues, alleys and public places of the Village and shall remove the same or cause immediate notice to be given the proper person, whose duty it may be to attend to the same according to the ordinances of the Village. (1971 Code ch. 14, §9)
- B. **Issue Warrants and Processes:** The members of the police force of the Village shall have power and authority, and it shall be their duty, in the Village and outside of the same, when necessary and lawful, to serve and execute warrants and other process for the apprehension and commitment of persons charged with a violation of any of the Village ordinances or any crime or misdemeanor or violation of any law or ordinance of this Village; and they shall have the power and authority, and it shall be their duty, to serve and execute any civil process issued on behalf of the Village by any court of proper jurisdiction; and while serving or executing or assisting in the service or execution of any such warrant or process, they shall be vested with and have all the powers and authority conferred on constables at common law and by the laws of this State.
- C. **Arrests:** The members of the Village police force shall have the power, and it shall be their duty, to arrest on view, all persons in the Village found in the act of violating any law or ordinance or aiding or abetting in such violations and to bring such persons so arrested before the court of proper jurisdiction to be dealt with according to law. (1971 Code ch. 14, §8)

- D. **Appear as Witness:** All policemen making arrests shall attend as witnesses before the court where the trial may be had, and shall procure all necessary evidence in their power, and furnish a list of witnesses to the court and the Village Prosecuting Attorney, and no Village policemen shall be entitled to any witness fees to be taxed against the Village in any action for the violation of an ordinance where the Village is plaintiff. (1971 Code ch. 14, §10)
- E. **Aid Fire Department:** It shall be the duty of the Police Department to aid the Fire Department by giving alarms in case of fire and clearing the streets or grounds in the immediate vicinity of the fire so that the members of the Fire Department shall not be hindered or obstructed in the performance of their duties. (1971 Code ch. 14, §11)
- F. **Regulate Traffic:** The members of the police force of the Village shall regulate and direct, when necessary, the travel and movement of all persons and vehicles traveling or going in the public streets or other thoroughfares within the Village, for the purpose of preventing injuries to persons or property and of preserving peace and public order. All persons so traveling or going, or having charge of such vehicles, are required to obey the orders and directions of members of the police force of the Village for the aforesaid purpose. (1971 Code ch. 14, §12)
- G. **Remove Abandoned Vehicles:** The members of the police force shall remove any abandoned or unattended vehicle standing on the main traveled part of a street or highway in the Village. They shall provide for the removal of such vehicle to the nearest garage or other place of safety.¹ (1971 Code ch. 14, §13)
- H. **Report of Property Seized or Found:** It shall be the duty of policemen to report and deliver to the Chief of Police all property seized or found by them immediately after the same shall have come into their possession, which property, with the date of delivery and description of the same and the name of the policemen depositing the same, shall be entered in a book kept for that purpose by the Chief of Police who shall be responsible for the same. (1971 Code ch. 14, §15)

5-1-7: **ACCIDENT REPORTS:**

- A. It shall be the duty of each and every policeman of the Village, whenever any accident shall occur within the Municipal limits of which he has notice or knowledge, to report forthwith in writing to the Chief of Police, the place, day and nature of the accident; the hour of the day or night when it occurred; the condition of the weather; if at night, whether cloudy, clear or moonlight and whether the street lights were or were not lighted; the name of each person injured and the extent and nature of the injury suffered; the names and residences of the principal witnesses and the name and residence of the examining physician, if any, which shall be entered in full upon a record to be kept for the purpose in the office of the Chief of Police. (1971 Code ch. 14, §14)
- B. The Chief of Police shall make a report to the State Department of Public Works and Buildings for each motor vehicle accident occurring within the Village within ten (10) days after investigation of such accident. (1971 Code ch. 14, §18)

¹. See also Section 6-3-16 and Title 6, Chapter 9; See Title 4, Chapter 11 of this Code.

5-1-8: **BADGE OF POLICE OFFICERS:** Every member of the Police Department shall wear a suitable badge to be furnished by the Village, and any member who shall lose or destroy the same shall be required to pay the cost of replacing it. Whenever any member shall leave the Department, he shall immediately deliver to the Chief of Police his badge and all other articles in his possession belonging to the Village. (1971 Code ch. 14, §16)

5-1-9: **DUTY TO AID POLICE:** It shall be the duty of any person in the Village, when called upon by any member of the Police Department, to promptly aid and assist him in the execution of his duties. No person shall neglect or refuse to give such aid and assistance. (1971 Code ch. 14, §22)

5-1-10: **PROHIBITED ACTS AND CONDITIONS:**

A. Interference with Police: Any person who, in the Village, shall resist any member of the Police Department or any other person duly authorized to perform police duty in the discharge of his duties, or shall in any way interfere with, prevent or hinder him in the discharge of his duty as such member, or shall offer or endeavor to do so, and any person who shall in any manner assist any person in the custody of any member of the Police Department to escape or attempt to escape from such custody, or attempt to rescue any person from custody, shall be punished as provided herein. (1971 Code ch. 14, §19)

B. Impersonating or Imitating a Police Officer:

1. No person, other than a member of the Police Department or duly authorized auxiliary policeman, shall assume to act as a policeman in any capacity within the Village. (1971 Code ch. 14, §20)

2. No person shall impersonate any of the members of the Police Department, or shall maliciously or with intent to deceive, use or imitate any of the signs, signals or devices adopted and used by the Police Department, or shall wear in public the uniform adopted as the police uniform, after having been removed or suspended. (1971 Code ch. 14, §21)

C. Police Officers Furnishing Bail: No member of the police force shall become or furnish bail for any person arrested for violation of any ordinances of the Village or for the criminal laws of the State of Illinois. (1971 Code ch. 14, §17)

5-1-11: **PRESS CARDS:** The Chief of Police has power to issue press cards entitling the holder thereof to pass police and fire lines for the purpose of gathering and editing spot news or photographing news events in the Village. Such press cards shall be issued only to those engaged in gathering, reporting, editing or photographing current news events for newspapers, press associations, newsreels, radio and television stations. The application for such press cards shall be made in writing by the employer on behalf of the employee qualified to hold press cards. The employer shall represent that the employee on whose behalf an application for a press card is made is a full-time reporter, editor, writer, photographer or broadcaster of spot news, is of good moral character and is a citizen of the United States. No such card

shall be issued unless the applicant meets these requirements and unless and until the fingerprints of the prospective holder are filed in the office of the Chief of Police. (1971 Code ch. 14, §18)

5-1-12: **PENALTIES:** Any person who violates any section of this Chapter shall be fined according to Section 1-4-1 of this Code, and a separate offense shall be deemed committed on each day during or on which a violation occurs. (1971 Code ch. 14, §23; 1987 Code)

FRIDDDDATEE 9/22/2024 10:30 AM 2024CH08972

Exhibit 2



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

September 3, 2024

PUBLIC ACCESS OPINION 24-010
(Requests for Review 2024 PAC 81711, 81713, 81822, 82032, 82045)

OPEN MEETINGS ACT:
Duty to Make Meetings Convenient
and Open to the Public

Ms. Peggy Kelly Schultz
1259 Heather Road
Homewood, Illinois 60430

Mr. Dannie Lee
15249 Dante Avenue
Dolton, Illinois 60419

Ms. Rosie Leftwich
15230 Irving Avenue
Dolton, Illinois 60419

The Honorable Tiffany A. Henyard
Mayor
Village of Dolton
14122 Martin Luther King Jr. Drive
Dolton, Illinois 60419

Dear Ms. Schultz, Mr. Lee, Ms. Leftwich, and Ms. Henyard:

This binding opinion is issued by the Attorney General pursuant to section 3.5(e) of the Open Meetings Act (OMA) (5 ILCS 120/3.5(e) (West 2022)). For the reasons discussed below, this office concludes that the Village of Dolton (Village) Board of Trustees (Board) violated OMA by failing to make its June 3, 2024, and July 1, 2024, meetings convenient and open to the public.¹

¹In referring to the "Board" in this binding opinion, this office acknowledges that the Board was generally divided during the meetings at issue between the mayor and trustees who supported the mayor on one side and the remaining trustees on the other side. Nonetheless, Requests for Review of alleged OMA violations are properly lodged against a public body as a whole. 5 ILCS 120/3.5(a) (West 2022) ("A person who believes that a violation of this Act *by a public body* has occurred may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the alleged violation." (Emphasis added.)). Therefore, this office construes allegations of OMA violations by the Village's mayor or administration as allegations that their actions caused the Board as a whole to violate OMA on the dates in question.

Mr. Dannie Lee, Ms. Peggy Kelly Schultz, Ms. Rosie Leftwich
The Honorable Tiffany A. Henyard
September 3, 2024
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BACKGROUND

This office received three similar Requests for Review alleging that the Board failed to make its June 3, 2024, meeting convenient and open to the public. In a Request for Review (2024 PAC 81711) submitted to the Public Access Bureau on June 5, 2024, Mr. Dannie Lee alleged, in relevant part:

We have many senior citizens and a number of disabled taxpayers * * *. We're VERY concerned with Mayor Henyard's administration bringing in hired, out of town supporters and placing them strategically in a secured area to harass her opponents. Secondly Police Chief Lacey stalked the room and REPEATEDLY Threatens to Clear the room when he or his bosses perceive support such as applauding anything said that the administration doesn't approve of. * * * Also, despite several venues available in Dolton [t]he administration barricaded streets, set up entry blockages, made us stand in line for an hour to gain entry into the village hall they have limited to around 40 seats. There was a military like contingent of law enforcement both in and out of the building creating an intimidating atmosphere * * * . Some people had to wait outside because they [couldn't] get into the hall[,] which was totally unnecessary. They barricaded the parking lot forcing the * * * seniors and disabled to walk or hobble up to 2 blocks.^[2]

Also on June 5, 2024, Ms. Peggy Kelly Schultz submitted a Request for Review (2024 PAC 81713) to the Public Access Bureau alleging:

I was refused access to the Village of Dolton Board of Trustees meeting due to inadequate space in the meeting room. No alternative accommodations were offered such as an additional room, live stream of meeting or moving the meeting to another location. At least 20 or 30 other members of the public were denied access into the building.

In addition, the public parking lot and public street parking were blocked with large plastic drums, traffic barricades and police tape.

²E-mail from Dannie Lee to whom it may concern [Public Access Bureau, Office of the Attorney General] (June 5, 2024).

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People with disabilities parking spots were blocked also. There were many senior citizens and others in line with walkers, canes, etc. It was 86 degrees and they were forced to wait in the heat and refused entry into the building.^[3]

Finally, on June 14, 2024, Ms. Rosie Leftwich submitted a Request for Review (2024 PAC 81822) alleging that "Mayor Tiffany A Henyard provided seating for only 40 residents. Other residents including seniors and handicapped were turned away because she did not provide adequate space for all residents."⁴ Ms. Leftwich also alleged that surrounding streets and the parking lot were blocked off, inconveniencing residents.⁵

On June 10, 2024, the Public Access Bureau sent copies of Mr. Lee's and Ms. Schultz's Requests for Review to Ms. Henyard in her capacity as the head of the Board and to Village Administrator Keith Freeman. The Public Access Bureau also sent the Board a letter in each matter asking it to:

[P]lease provide this office with a copy of the agenda, open session minutes (in draft form if necessary), any recording of the open session of the meeting that may have been made by the Village, and any safety or accessibility plan the Village/its police created for the meeting. Please also provide a detailed written answer to the allegation that the Board did not make the meeting space convenient and open to the public, describing the size of the crowd that the Board anticipated would attend the meeting as well as any efforts the Board made to enhance or ensure the convenience and openness of the meeting (such as, for example, additional seating, overflow capacity with working audio, consideration of a larger meeting room, making clear and short pathways to the meeting for elders and people with disabilities, etc.).^[6]

³E-mail from Peggy Kelly Schultz to Leah Bartelt, Public Access Counselor Office of the Attorney General (June 5, 2024).

⁴E-mail from Rosie Leftwich to Sir [Public Access Bureau, Office of the Attorney General] (June 14, 2024).

⁵E-mail from Rosie Leftwich to Sir [Public Access Bureau, Office of the Attorney General] (June 14, 2024).

⁶Letters from Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to The Honorable Tiffany A. Henyard, Mayor, Village of Dolton (June 10, 2024), at 2.

FILED DATE: 9/24/2024 2:30 PM 2024CH08972

Mr. Dannie Lee, Ms. Peggy Kelly Schultz, Ms. Rosie Leftwich
The Honorable Tiffany A. Henyard
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In the inquiry letters related to Ms. Schultz's and Ms. Leftwich's files, this office also asked the Board to address the allegation that it impeded access to the meeting by having surrounding streets and parking spaces blocked off.⁷ In the inquiry letter related to Mr. Lee's file, this office further asked the Board to "please address the allegation that the Board fostered a hostile environment at the meeting[.]"⁸

On July 3, 2024, Mr. Lee and Ms. Leftwich each separately submitted a new Request for Review (2024 PAC 82032 and 82045 respectively) alleging that the Board again violated OMA by failing to make its July 1, 2024, meeting convenient and open to the public.⁹ They alleged that members of the public were again improperly turned away from the meeting because of the limited seating capacity of the room, with no apparent adjustments made by the Board to ensure that interested members of the public could attend the meeting despite the inadequacy of the meeting arrangements for the prior meeting.¹⁰ On July 5, 2024, the Public Access Bureau sent a copy of each new Request for Review to Ms. Henyard and Mr. Freeman and also sent them a new consolidated inquiry letter asking them to respond in writing to the allegation that the Board did not make the July 1, 2024, meeting convenient and open to the public.¹¹

On July 8, 2024, the Board sent this office a written answer from the Acting Chief of Police of the Dolton Police Department, Lewis Lacey,¹² and a copy of the police report and

⁷Letter from Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to The Honorable Tiffany A. Henyard, Mayor, Village of Dolton (June 10, 2024), at 2; Letter from Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to The Honorable Tiffany A. Henyard, Mayor, Village of Dolton (June 20, 2024), at 2.

⁸Letter from Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to The Honorable Tiffany A. Henyard, Mayor, Village of Dolton (June 10, 2024), at 2.

⁹E-mail from Dannie Lee to [Joshua] Jones, [Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General] (July 3, 2024); e-mail from Rosie Leftwich to [Joshua] Jones, [Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General] (July 3, 2024).

¹⁰E-mail from Dannie Lee to [Joshua] Jones, [Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General] (July 3, 2024); e-mail from Rosie Leftwich to [Joshua] Jones, [Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General] (July 3, 2024).

¹¹Letter from Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to The Honorable Tiffany A. Henyard, Mayor, Village of Dolton (July 5, 2024).

¹²Letter from Lewis Lacey, Acting Chief of Police, Village of Dolton Police Department, to Office of the Illinois Attorney General, Attention: [Joshua] M. Jones, Deputy Bureau Chief, Public Access Bureau (July 8, 2024).

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alleged piece of hate mail referenced therein.¹³ The Board also sent this office a copy of a letter from the Fire Chief of the Dolton Fire Department, Steven A. McCain, to Mr. Freeman about the occupancy of the meeting room.¹⁴ Because that letter was not addressed to this office, this office e-mailed Mr. Freeman and asked if the Board intended for it to be part of its answer that is required to be provided to Mr. Lee and Ms. Schultz,¹⁵ noting that this office has a duty to keep other records obtained from a public body pursuant to a Request for Review confidential.¹⁶

Also on July 8, 2024, this office forwarded a copy of Mr. Lacey's answer to Mr. Lee and Ms. Schultz and notified them of their right to reply.¹⁷ On July 9, 2024, Mr. Lee submitted a reply.¹⁸ On July 10, 2024, Ms. Schultz submitted a reply,¹⁹ in which she provided a link to a third-party video recording of the June 3, 2024, meeting.²⁰ On July 11, 2024, this office e-mailed Ms. Henyard and Mr. Freeman to clarify if the Village's response in the other two files was also intended for Ms. Leftwich's Request for Review.²¹ On that same date, the Board re-sent the same materials and stated: "The fire department letter serves as a document to address the occupancy and police department letter serves as a document to address barriers and street

¹³Incident Report, Dolton Police Department, Ofc. T Malone, Dolton, Illinois, Case No. D24-16696, July 7, 2024, 6:32 p.m.

¹⁴Letter from Steven A. McCain, Fire Chief, Dolton Fire Department, to Administrator Freeman (undated).

¹⁵E-mail from Joshua Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General, to [Keith] Freeman (July 8, 2024).

¹⁶5 ILCS 120/3.5(g) (West 2022) ("Records that are obtained by the Public Access Counselor from a public body for purposes of addressing a request for review under this Section 3.5 may not be disclosed to the public, including the requester, by the Public Access Counselor. Those records, while in the possession of the Public Access Counselor, shall be exempt from disclosure by the Public Access Counselor under the Freedom of Information Act.").

¹⁷Letters from Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to Dannie Lee and Peggy Kelly Schultz, respectively (July 8, 2024).

¹⁸E-mail from Dannie Lee to [Joshua] Jones [Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General] (July 9, 2024).

¹⁹Letter from Peggy Kelly Schultz [to Joshua Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (dated July 9, 2024, transmitted via e-mail July 10, 2024).

²⁰Dolton Trustees, *Dolton Trustees is live!*, YouTube (livestreamed June 3, 2024), <https://www.youtube.com/watch?v=z2oE-1s1l48>.

²¹E-mail from Joshua Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General, to [Tiffany] Henyard and [Keith] Freeman (July 11, 2024).

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blockage."²² Still on that same date, this office forwarded a copy of Mr. Lacey's letter to Ms. Leftwich and notified her of her opportunity to reply.²³ On July 13, 2024, Ms. Leftwich submitted a reply.²⁴

On July 17, 2024, the Board forwarded to Mr. Lee, Ms. Schultz, and Ms. Leftwich the complete records it furnished to this office, including a copy of the police report referenced in Mr. Lacey's letter, a copy of the piece of alleged hate mail, and the Fire Chief's letter.²⁵ On July 18, 2024, the Board confirmed that those materials were also meant to serve as its response to the allegations concerning its July 1, 2024, meeting.²⁶ On July 19, 2024, this office notified Mr. Lee and Ms. Leftwich of their respective opportunities to submit a reply concerning the July 1, 2024, meeting in response to the Board answer previously forwarded to them.²⁷ On July 19, 2024, Mr. Lee submitted a reply,²⁸ and Ms. Leftwich submitted a reply the following day.²⁹ On July 23, 2024, having since received the remainder of the materials comprising the Board's answer, Ms. Schultz submitted another reply.³⁰

²²E-mail from foia@vodolton.org to [Joshua Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General] (July 11, 2024).

²³E-mail from Joshua Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General, to [Rosie] Leftwich (July 11, 2024).

²⁴E-mail from Rosie Leftwich to [Joshua] Jones [Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General] (July 13, 2024).

²⁵E-mail from foia@vodolton.org to [Joshua Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General, Dannie Lee, Peggy Schultz, and Rosie Leftwich] (July 17, 2024).

²⁶E-mail from foia@vodolton.org to [Joshua Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General] (July 18, 2024).

²⁷E-mail from Joshua Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General, to [Dannie] Lee and [Rosie] Leftwich (July 19, 2024).

²⁸E-mail from Dannie Lee to [Joshua] Jones [Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General] (July 19, 2024).

²⁹E-mail from Rosie Leftwich to [Joshua] Jones [Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General] (July 20, 2024).

³⁰E-mail from Peggy Kelly Schultz to Joshua [Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General] (July 23, 2024).

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On August 2, 2024, the Public Access Bureau extended the time in which to issue a binding opinion by 21 business days, to September 3, 2024, pursuant to section 3.5(e) of OMA.³¹

ANALYSIS

Section 1 of OMA (5 ILCS 120/1 (West 2022)) declares:

It is the public policy of this State that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business. In order that the people shall be informed, the General Assembly finds and declares that it is the intent of this Act to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly.

To effectuate this public policy, section 2.01 of OMA (5 ILCS 120/2.01 (West 2022)) provides that "[a]ll meetings required by this Act to be public shall be held at specified times and places which are convenient and open to the public." "By its plain terms, section 2.01 requires a venue that is not only 'open,' but 'convenient,' to the public." *Gerwin v. Livingston County Board*, 345 Ill. App. 3d 352, 359 (2003). Thus, "an open meeting in an inconvenient place violates the Act." *Gerwin*, 345 Ill. App. 3d at 359.

In *Gerwin*, the plaintiffs alleged that a county board violated section 2.01 of OMA by holding a meeting in an inconvenient place. *Gerwin*, 345 Ill. App. 3d at 353. The board was on notice that there was heightened public interest in attending its meetings because of its consideration of a controversial landfill expansion plan, but the meeting was not moved to a larger location or reconfigured to provide additional capacity. *Gerwin*, 345 Ill. App. 3d at 355. Dozens of members of the public were relegated to the area outside the meeting room, which the plaintiffs alleged was "'close, hot, airless, and uncomfortable.'" *Gerwin*, 345 Ill. App. 3d at 356. The plaintiffs also alleged that despite several available alternatives, the board "made no arrangements to accommodate them." *Gerwin*, 345 Ill. App. 3d at 356.

Addressing the meaning of "convenient," the court stated that "[a] meeting can be open in the sense that no one is prohibited from attending it, but it can be held in such an ill-suited, unaccommodating, unadvantageous place that members of the public, as a practical matter, would be deterred from attending it." *Gerwin*, 345 Ill. App. 3d at 361. Still, the court found that "[i]t would be unreasonable to suppose the legislature intended * * * that public

³¹Letter from Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General, to Dannie Lee, Peggy Kelly Schultz, Rosie Leftwich, and The Honorable Tiffany A. Henyard, Mayor, Village of Dolton (August 2, 2024).

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bodies hold their meetings 'at such locations as are sufficient to accommodate *all* interested members of the public, such that they may see and hear all proceedings in reasonable comfort and safety.'" (Emphasis in original.) *Gerwin*, 345 Ill. App. 3d at 361. Accordingly, what section 2.01 requires instead is "'reasonable accessibility.'" [Citation.]."
Gerwin, 345 Ill. App. 3d at 362 ("Renting a football stadium for public meetings might be inconvenient, or unadvantageous, to the public as a whole because of the cost. By the same token, holding public meetings in a small room might be inconvenient to the public because persons wanting to attend would have difficulty gaining admittance."). Because the reasonableness of the meeting space was a question of fact that needed to be explored, the court held that the trial court had improperly dismissed the plaintiffs' claims. *Gerwin*, 345 Ill. App. 3d at 362.

Like the public body in *Gerwin*, the Board had ample advance notice that its regular meeting space would be insufficient to reasonably accommodate the public. In the days before the Board's June 3, 2024, meeting, it was publicly reported that the Board might take action to override Ms. Henyard's May 6, 2024, veto of the Board's vote to hire former Chicago Mayor Lori Lightfoot to investigate the Village administration for alleged misconduct.³² Previously, the Board had found it necessary to adjourn shortly after its April 1, 2024, meeting commenced because there was not enough space in Village Hall to accommodate the members of the public who arrived to attend the meeting.³³ Again at the May 6, 2024, Board meeting at Village Hall, the news media reported that "[m]any who wanted to speak were forced to wait outside, because the room was completely full."³⁴ The meeting agenda for the ensuing June 3, 2024, meeting at Village Hall, posted June 1, 2024, notified the public that the Board intended to consider, among other items of significant public interest: "Override of Mayoral Veto issued on May 6, 2024[.]"³⁵

In the Board's written answer, Acting Police Chief Lacey stated:

Since taking office, critics of Mayor Henyard have made it extremely difficult to maintain an orderly flow at Village of Dolton Board meetings and informative events held at Village Hall. These

³²Paris Schutz, *Lightfoot: Investigation into Dolton, Tiffany Henyard could be back on*, FOX 32 Chicago (May 31, 2024, 9:49 p.m.), <https://www.fox32chicago.com/news/lightfoot-investigation-dolton-tiffany-henyard-could-back>.

³³Regina Waldroup, *Tensions flare at Dolton village board meeting as residents plead for mayor to step down*, NBC 5 Chicago (April 1, 2024, 10:29 p.m.), <https://www.nbcchicago.com/news/local/tensions-flare-at-dolton-village-board-meeting-as-residents-plead-for-mayor-to-step-down/3398819/>.

³⁴Jermont Terry, *Woman accusing south suburban village trustee of sex assault speaks outside board meeting*, CBS News Chicago (May 6, 2024, 10:28 p.m.), <https://www.cbsnews.com/chicago/news/woman-accusing-south-suburban-village-trustee-sex-assault-board-meeting/>.

³⁵Village of Dolton Board of Trustees, Regular Meeting, Agenda Item 14 (June 3, 2024).

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disruptions have ranged from repetitive loud outbursts to personal insults toward the mayor to crowd chaos which occurred earlier in her term at events and at the end of board meetings held on June 3, 2024 and July 1, 2024. As a result, individuals have been removed, cited, arrested and meetings forced to end prematurely by law enforcement.

The disorderly conduct displayed at board meetings has been compounded by countless threats and racial and sexual derogatory [*sic*] communication Mayor Henyard has received through mail, phone calls and social media since taking office. In fact, Mayor Henyard received hate mail at her mother's residence on 7/7/24 (see attached police report #D24-16696 and mail). These actions have placed Mayor Henyard in reasonable fear for her safety. To address this substantiated fear, protocols were put in place for board meetings to prevent potential perpetrators of wrongdoing and ill-will towards the Mayor from having easy access to her.

Despite these safety precautions, members of law enforcement at the July 1, 2024 board meeting were diligent in providing a path for the elderly and disabled to enter the board meeting first and by ensuing [*sic*] their seating followed by members of the media and the general public. While the Dolton Police Department supports the 1st Amendment and the diversity of thought, those expressions must be communicated in a civil manner and must not interfere or disrupt public meetings or breach the peace.^[36]

The enclosed police report is from July 7, 2024—after both the June 3, 2024, and July 1, 2024, Board meetings—and it documents Ms. Henyard approaching police about alleged hate mail she received. The report states: "[T]he letter was received on Friday, July 5, 2024 and in the letter that was written in blue marker stated ' See you in prison your mother raised a Loser!! Your mother is a Loser!['] * * * [T]he envelope indicated that it was processed in Providence, RI on June 22, 2024."³⁷

³⁶Letter from Lewis Lacey, Acting Chief of Police, Village of Dolton Police Department, to Office of the Illinois Attorney General, Attention: [Joshua] M. Jones, Deputy Bureau Chief, Public Access Bureau (July 8, 2024).

³⁷Incident Report Supplement, Dolton Police Department, Lt. Harris, Dolton, Illinois, Case No. D24-16696, July 7, 2024, 6:32 p.m.

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Additionally, the Fire Chief's letter stated the following concerning the capacity of the meeting at Village Hall where the meetings in question were held:

[T]he occupancy number of "43" persons pertains to the assigned seating area designated inside the Village Hall meeting area located at 14122 S. Martin Luther King, Jr. Drive, Dolton, Illinois. The assigned seating area was created after the Dolton Police Department administration described as "credible threats" that were made toward representatives of the Village of Dolton.

The occupancy number of 43 of the assigned seating area is based on the square footage calculations of the area referencing NFPA 101, Life Safety Code Table 7.3.1.2

The occupancy number only reflects the designated assigned seating area, *excluding the remaining space of assembly located within the main floor inside the Village Hall meeting area.* (Emphasis added.)^[38]

This answer on behalf of the Board failed to furnish copies of the records this office requested and failed to address this office's specific and unambiguous questions concerning the size of the crowd that the Board anticipated would attend the meeting, the alleged improper blocking of streets and parking spaces, the alleged fostering of a hostile meeting environment, and any efforts the Board made to ensure the convenience and openness of the meeting (such as additional seating, overflow capacity with working audio, consideration of a larger meeting room, etc.). The answer did address the question about whether the Board ensured short and clear pathways for seniors and people with disabilities to enter the meeting, but only by claiming that it did so without providing evidence or explanatory details concerning the measures it took to accommodate those members of the public.

In reply, Mr. Lee argued as follows:

[T]he fire chiefs letter CLEARLY supports our claim that the current restrictions are completely inadequate and have been arbitrarily applied for the purpose of limiting dissent and/or discussion of village issues. A seating capacity of 43 people confirms the fact that a larger space is needed or a return to

³⁸Letter from Steven A. McCain, Fire Chief, Dolton Fire Department, to Administrator Freeman (undated).

standing room crowds as has been the case for decades needed.
(Emphasis in original.)^[39]

Ms. Leftwich replied by noting that the Board did not answer this office's questions concerning its June 3, 2024, meeting, and that it continued to use the same inadequate meeting room for its July 1, 2024, meeting.⁴⁰ Ms. Leftwich additionally asserted: "The letter from Chief of Police claims that residents were disruptive during Village of Dolton Board meetings. I disagree with this accusation. When residents clap in response to resident comment[s], he call[s] that disruptive and threatens to clear the room."⁴¹ Ms. Leftwich also argued that seating capacity of 43 people is insufficient for the Village's population of about 20,000 residents.⁴²

Ms. Schultz likewise replied to the Board's answer by noting that the Board did not answer this office's questions and by asserting that meeting arrangements are inadequate to accommodate the public.⁴³ She also similarly alleged that the silencing of dissent during the meeting, such as threats to clear the room in response to applause of criticism of the administration,⁴⁴ "ESCALATES the tension in the room, deliberately creates chaos, instills fear, and intimidates the residents." (Emphasis in original.)⁴⁵ Ms. Schultz argued that the video recording of the meeting "[d]emonstrates how a small room filled with members of the board, the administration, the police, and members of the public in conflict for several years,

³⁹E-mail from Dannie Lee to [Joshua] Jones [Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General] (July 19, 2024).

⁴⁰E-mail from Rosie Leftwich to [Joshua] Jones [Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General] (July 13, 2024).

⁴¹E-mail from Rosie Leftwich to [Joshua] Jones [Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General] (July 20, 2024).

⁴²E-mail from Rosie Leftwich to [Joshua] Jones [Deputy Bureau Chief, Public Access Bureau, Office of the Illinois Attorney General] (July 20, 2024).

⁴³Letter from Peggy Kelly Schultz [to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (dated July 9, 2024, transmitted via e-mail July 10, 2024), at [1].

⁴⁴Mr. Lee raised the same allegation: "Police Chief Lacey stalked the room and REPEATEDLY Threatens to Clear the room when he or his bosses perceive support such as applauding anything said that the administration doesn't approve of." (Emphasis in original.) E-mail from Dannie Lee to whom it may concern [Public Access Bureau, Office of the Attorney General] (June 5, 2024).

⁴⁵Letter from Peggy Kelly Schultz [to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (dated July 9, 2024, transmitted via e-mail July 10, 2024), at [4].

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CONTRIBUTES to and FOSTERS a hostile environment[.]”⁴⁶ and asserted that “[p]roviding a larger space and an overflow room with a video” would be “a wonderful way to ensure the Village is abiding by the Open Meetings Act[.]” (Emphasis in original.)⁴⁷

It is apparent from the available information that the Board did not make its June 3, 2024, and July 1, 2024, meetings convenient and open to the public. It was clearly foreseeable that large crowds would attend the Board's meetings due to the array of controversies and conflicts involving the Village administration and Board. Moreover, there were multiple reports of the inadequacy of the Village Hall meeting space at the preceding Board meetings in April and May. Yet, the Board again and again held meetings in the same space without taking measures to accommodate more than a maximum of 43 individuals who wished to attend. In addition, the Board created impediments to public attendance at the June 3, 2024, and July 1, 2024, meetings. News media reported on July 14, 2024: “It's become more difficult for residents of south suburban Dolton to attend village board meetings. They now face roadblocks, barricades, long lines, capacity limits, metal detectors and a heavy police presence that some say is being deployed to discourage opposition to Mayor Tiffany Henyard.”⁴⁸

The Board argued, in Chief Lacey's letter, that heightened security concerns justified such extensive restrictions. This assertion is unpersuasive. Although prior Board meetings had been contentious due to the division within the Board and public displeasure with the allegations of misconduct against Village officials, the letter mailed from Rhode Island was the only evidence that the Board provided in support of the manner in which it conducted the meetings in question. The letter was critical and insulting, but it did not implicitly or explicitly threaten violence. More importantly, the letter did not arrive until after the two meetings occurred. While it was not unreasonable for the Board to have a metal detector at the entrance to the meeting room as a standard security measure and to have a visible police presence in light of the emotionally-charged atmosphere at previous meetings, even assuming there were *bona fide* threats to Ms. Henyard's safety, the Board did not illustrate that security concerns justified so heavily curtailing public attendance at the meeting. This office received no facts suggesting that it was reasonable or appropriate to block off the parking lot and surrounding street parking spaces for the building, especially spots designated for people with disabilities. Moreover, it is uncontested that many interested members of the public were excluded from each meeting due to the tight restrictions on attendance, and the Board did not claim that those individuals acted in a

⁴⁶Letter from Peggy Kelly Schultz [to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (dated July 9, 2024, transmitted via e-mail July 10, 2024), at [4].

⁴⁷Letter from Peggy Kelly Schultz [to Joshua M. Jones, Deputy Bureau Chief, Public Access Bureau, Office of the Attorney General] (dated July 9, 2024, transmitted via e-mail July 10, 2024), at [3].

⁴⁸Ben Bradley, *Dolton meetings devolve into chaos while residents decry village hall lockdown*, WGN Chicago (July 14, 2024), <https://news.yahoo.com/news/dolton-meetings-devolve-chaos-while-211406030.html>.

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threatening or disruptive manner or that it had no options for accommodating them. Rather, the Fire Chief's letter to Mr. Freeman confirms that one possibility for accommodating additional members of the public was available space for assembly on the main floor of Village Hall.

The Board's failure to move the July 1, 2024, meeting to a larger meeting room, to offer standing room or overflow capacity (i.e. another room in the building for the attendees unable to fit into the main meeting room with a remote meeting set-up), or to otherwise attempt to make the meeting reasonably accessible to the public is exacerbated by the fact that the Board had clear notice from, among other things, (1) the three Requests for Review about the previous meeting, (2) public comments during that meeting, and (3) news media reporting that the meeting set-up was incommensurate with the ongoing public interest in attending and participating in Board meetings. Although the "reasonable accessibility" standard does not require the Board to ensure that every single person who wishes to attend a Board meeting is able to do so in full comfort, that standard did require the Board to implement measures to better accommodate the public. The Board's failure to do so violated section 2.01 of OMA.

FINDINGS AND CONCLUSIONS

After full examination and giving due consideration to the arguments presented, the Public Access Counselor's review, and the applicable law, the Attorney General finds that:

1) On June 5, 2024, Mr. Dannie Lee and Ms. Peggy Kelly Schultz each separately submitted a Request for Review to the Public Access Bureau alleging that the Board failed to make its June 3, 2024, meeting convenient and open to the public. On June 14, 2024, Ms. Rosie Leftwich submitted a Request for Review alleging the same violation. On July 3, 2024, Mr. Lee and Ms. Leftwich each separately submitted a new Request for Review alleging that the Board again violated OMA by failing to make its July 1, 2024, meeting convenient and open to the public. It is undisputed that the Requests for Review were timely filed and otherwise comply with the requirements of section 3.5(a) of OMA.

2) Within seven business days after receipt of each Request for Review, the Public Access Bureau forwarded a copy to the Board. The Public Access Bureau also sent the Board a letter in each matter concerning the June 3, 2024, meeting requesting a copy of the agenda, open session minutes (in draft form if necessary), any recording of the open session of the meeting that may have been made, and any safety or accessibility plan the Village/its police department created for the meeting. In those inquiry letters as well as the consolidated inquiry letter concerning the July 1, 2024, meeting, this office asked the Board to provide a detailed written answer to the allegation that it failed to make the meetings convenient and open to the public.

3) On July 8, 2024, the Board sent this office a written answer from the Acting Chief of Police of the Dolton Police Department, and a copy of the police report and alleged

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piece of hate mail referenced therein. The Board also sent this office a copy of a letter from the Fire Chief of the Dolton Fire Department to the Village Administrator about the occupancy of the meeting room.

4) The Public Access Bureau forwarded a copy of the Acting Police Chief's letter to Mr. Lee, Ms. Schultz, and Ms. Leftwich and notified them of their opportunity to reply. Between July 9, 2024, and July 13, 2024, they each submitted a reply. The Board then sent them its complete response on July 17, 2024, including a copy of the police report, a copy of the alleged piece of hate mail, and the Fire Chief's letter. The following day, the Board confirmed that these materials were intended to apply to the July 1, 2024, meeting as well. On July 19, 2024, the Public Access Bureau notified Mr. Lee and Ms. Leftwich of their right to reply about the July 1, 2024, meeting. On that same date, Mr. Lee submitted a reply, and the next day, Ms. Leftwich submitted a reply. On July 23, 2024, Ms. Schultz submitted a final reply.

5) On August 2, 2024, this office extended the time in which to issue a binding opinion by 21 business days, to September 3, 2024, pursuant to section 3.5(e) of OMA. Therefore, the Attorney General may properly issue a binding opinion with respect to this matter.

6) Section 2.01 of OMA (5 ILCS 120/2.01 (West 2022)) provides that "[a]ll meetings required by this Act to be public shall be held at specified times and places which are convenient and open to the public." Section 2.01 requires public bodies to take measures to ensure that they afford the public reasonable access to their meetings.

7) Despite having advance notice that the location and set-up of the Board's June 3, 2024, and July 1, 2024, meetings was insufficient to accommodate many interested members of the public, the Board made no adjustments to afford reasonable access to the meetings, and many members of the public were prohibited from entering the meeting space. The Board added restrictions such as parking barricades without justification, which further impeded public access to the meetings.

8) Accordingly, the Attorney General concludes that the Board violated section 2.01 of OMA by failing to make its June 3, 2024, and July 1, 2024, meetings convenient and open to the public.

In accordance with these findings of fact and conclusions of law, the Board is directed to take immediate and appropriate action to comply with this opinion by taking measures to make all future meetings convenient and open to the public, including holding meetings at a location with enough space to be reasonably accessible and configuring the meeting set-up to accommodate the public. Although the Board is permitted to take reasonable and appropriate measures to ensure the safety of members of the public and public officials, it is directed to refrain from unnecessary security measures such as street closures, parking barricades, and an excessive police presence that physically impedes members of the public from

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reaching Village Hall and/or creates a hostile atmosphere that may deter the public from attending meetings. As required by section 3.5(e) of OMA, the Board shall either take necessary action as soon as practical to comply with the directives of this opinion or shall initiate administrative review under section 7.5 of OMA. 5 ILCS 120/7.5 (West 2022).

This opinion shall be considered a final decision of an administrative agency for the purpose of administrative review under the Administrative Review Law. 735 ILCS 5/3-101 *et seq.* (West 2022). An aggrieved party may obtain judicial review of the decision by filing a complaint for administrative review in the Circuit Court of Cook County or Sangamon County within 35 days of the date of this decision, naming the Attorney General of Illinois and Mr. Dannie Lee, Ms. Peggy Kelly Schultz, and Ms. Rosie Leftwich as defendants. *See* 5 ILCS 120/7.5 (West 2022).

Very truly yours,

KWAME RAOUL
ATTORNEY GENERAL

By:


Brent Stratton
Chief Deputy Attorney General

CERTIFICATE OF SERVICE

Steve Silverman, Bureau Chief, Public Access Bureau, hereby certifies that he has served a copy of the foregoing Binding Opinion (Public Access Opinion 24-010) upon:

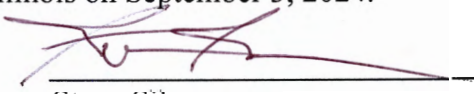
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The Honorable Tiffany A. Henyard
Mayor
Village of Dolton
14122 Martin Luther King Jr. Drive
Dolton, Illinois 60419
thenyard@vodolton.org

by causing a true copy thereof to be sent electronically to the addresses as listed above and by causing to be mailed a true copy thereof in correctly addressed, prepaid envelopes to be deposited in the United States mail at Chicago, Illinois on September 3, 2024.



Steve Silverman
Bureau Chief

Steve Silverman
Bureau Chief
Public Access Bureau
Office of the Attorney General
115 South LaSalle Street
Chicago, Illinois 60603
(312) 814-6756

Exhibit 3

VILLAGE OF DOLTON

Tiffany A. Henyard.....Mayor

Alison Key.....Village Clerk



TRUSTEES

Andrew Holmes

Stanley Brown

Kiana L. Belcher

Tammie Brown

Brittney Norwood

Jason House

SPECIAL BOARD OF TRUSTEES MEETING

DOLTON PARK DISTRICT

14700 EVERS, DOLTON, IL. 60419.

THURSDAY, SEPTEMBER 12, 2024

6:30 PM

NOTICE OF SPECIAL BOARD OF TRUSTEES MEETING

PUBLIC NOTICE IS HEREBY GIVEN TO ALL MEMBERS AND RESIDENTS OF THE VILLAGE OF DOLTON AND INTERESTED PARTIES THAT, AT THE CALL OF THE BOARD OF TRUSTEES OF THE VILLAGE OF DOLTON, A SPECIAL MEETING OF THE BOARD OF TRUSTEES WILL BE HELD AT THE HOUR OF 6:30 P.M. ON THURSDAY, SEPTEMBER 12, 2024. THE PUBLIC IS INVITED TO PRESENT PUBLIC COMMENT TO THE MATTERS TO BE DISCUSSED AND ACTED UPON. THE FOLLOWING MATTERS MAY BE DISCUSSED OR ACTED UPON AT THE SPECIAL BOARD MEETING:

AGENDA

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Prayer
4. Public Comment – General
5. General Announcements
6. Village Clerk's Report
 - A. August 05, 2024 Special
 - B. August 05, 2024 Regular
 - C. August 08, 2024 Special
7. Corporate Bills
 - A. Electronic Warrant Lists
 - B. AP Warrant Lists



VILLAGE OF DOLTON

Tiffany A. Henyard.....Mayor

Alison Key.....Village Clerk

TRUSTEES

Andrew Holmes

Stanley Brown

Kiana L. Belcher

Tammie Brown

Brittney Norwood

Jason House

8. Old Business – None

9. New Business

- A. Motion to Approve an Ordinance# 24-010 Establishing and Adopting a Policy Governing Reimbursement of Elected Official and Employee travel, meal, and lodging expenses, and necessary employee expenses;
- B. Motion to Approve an Ordinance# 24-012 Amending the Village Code Amending Check Signing Requirements;
- C. Motion to Approve an Ordinance#24-009 Imposing a Temporary Moratorium on Reimbursement of Elected Official and Employee travel, meal;
- D. Motion to Approve an Ordinance# 24-011 Establishing a Policy on Village Cell Phones and iPads;
- E. Motion to Approve an Ordinance Declaring a Village-Wide Hiring Freeze;
- F. Motion to Approve a Settlement Agreement for *Camielle Williams v. Dolton*; 1:23-cv-05670;
- G. Motion to Approve a Settlement Agreement for *Mashawn Murdock v. Dolton*; 2024 CH 02995;
- H. Motion to Approve a Settlement Agreement for *Parris Dawson v. Dolton*; 1:22-cv-00548;
- I. Motion to Approve a Settlement Agreement for *Dolton Park District v. Dolton*; 2023 CH 07493;
- J. Motion to Restore Keith Freeman as Village Administrator pursuant to 65 ILCS 5/3.1-35-10 and Dolton code 1-8-1B;
- K. Discussion of a Collective Bargaining Agreement between IAFF Local 3766 and Village of Dolton - (place holder)
- L. Ratification of the Termination of Former Deputy Chief Lewis Lacey
- M. Approval of 2024-2025 Business Licenses
- N. Approval of Transfers from MFT account to General Fund

10. Executive Session (to discuss legal matters)

11. Adjournment

Exhibit 4

Audio/Video File of September 3, 2024 Village Meeting

(Exhibit sent via flash drive)