

The City Council of the City of Mattoon held a Regular City Council meeting in the Council Chambers of City Hall on June 16, 2020.

Mayor Gover presided and called the meeting to order at 6:30 p.m.

The following members of the Council answered roll call physically present: Absent Commissioner Dave Cox , YEA Commissioner Sandra Graven, YEA Commissioner Rick Hall, YEA Commissioner Preston Owen, and YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Kyle Gill, City Attorney Daniel C. Jones, Finance Director/Treasurer Beth Wright, Arts & Tourism Director Angelia Burgett- Audio, Public Works Director Dean Barber – Audio, Police Chief Jason Taylor and City Clerk Susan O'Brien.

Virtually attended by Rob Stroud and Nathan Clark.

CONSENT AGENDA

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the special and regular meeting June 2, 2020; bills and payroll for the first half of June, 2020.

Bills & Payroll
first half of June, 2020

	<u>General Fund</u>		
Payroll		\$	258,976.15
Bills		\$	<u>178,374.50</u>
	Total	\$	437,350.65
	<u>Hotel Tax Administration</u>		
Payroll		\$	3,024.50
Bills		\$	<u>11,467.64</u>
	Total	\$	14,492.14
	<u>Festival Mgmt Fund</u>		
Bills		\$	<u>26.74</u>
	Total	\$	26.74
	<u>Insurance & Tort Jdgmnt</u>		
Bills		\$	<u>46,202.00</u>
		\$	46,202.00
	<u>Capital Project Fund</u>		
Bills		\$	<u>6,918.04</u>
	Total	\$	6,918.04
	<u>Midtown TIF Fund</u>		
Bills		\$	<u>5,274.80</u>
	Total	\$	5,274.80
	<u>Water Fund</u>		
Payroll		\$	47,130.42
Bills		\$	<u>110,694.13</u>
	Total	\$	157,824.55

	<u>Sewer Fund</u>		
Payroll		\$	44,630.32
Bills		\$	<u>43,914.00</u>
	Total	\$	88,544.32
	<u>Health Insurance Fund</u>		
Bills		\$	<u>187,587.07</u>
	Total	\$	187,587.07
	<u>Motor Fuel Tax Fund</u>		
Bills		\$	<u>5,501.80</u>
	Total	\$	5,501.80

Mayor Gover declared the motion to approve the consent agenda carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, and YEA Mayor Gover.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS

Mayor Gover opened the floor for Public comments or questions with no response from the Public.

Mayor Gover acknowledged the retirement of Troy Hooker with more than 34 years of service in the Public Works Department on June 12, 2020; and the retirement of David Spurgeon with more than 34 years of service in the Public Works Department on June 29, 2020. Commissioner Graven stated Mr. Hooker’s retirement plaque was presented at his luncheon and Mr. Spurgeon’s retirement plaque would be presented at his luncheon.

NEW BUSINESS

Mayor Gover seconded by Commissioner Owen moved to adopt Ordinance No. 2020-5432, amending Section 37.04 of Chapter 37 of the municipal code to update the Prohibiting of Sexual Harassment Policy to address allegations of sexual harassment against an elected official by another elected official of a government unit.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2020-5432

AN ORDINANCE UPDATING THE POLICY PROHIBITING SEXUAL HARASSMENT

WHEREAS, the Illinois General Assembly has recently enacted Public Act 100-0554, an Act concerning government, which became effective immediately, dated November 16, 2017; and,

WHEREAS, pursuant to the Act, the City of Mattoon adopted Ordinance No. 2017-5400, establishing a policy to prohibit sexual harassment; and,

WHEREAS, the Illinois General Assembly enacted Public Act 101-0221, an Act concerning employment which became effective immediately, dated August 9, 2019, requiring the amendment of sexual harassment policies; and,

WHEREAS, the City of Mattoon needs to update the Policy prohibiting sexual harassment accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The above recitals are incorporated into and made part of this Ordinance.

Section 2. Amendments. Section 37.04 of Chapter 37 of the Code of Ordinances of the City of Mattoon is hereby repealed. Section 37.04 of Chapter 37 is hereby reenacted as follows:

§ 37.04 POLICY PROHIBITING SEXUAL HARASSMENT.

(A) *Prohibition on sexual harassment.* It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the City of Mattoon to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or municipal office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or municipal offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

(B) *Definition of sexual harassment.* This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

(1) Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(c) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(2) Conduct which may constitute sexual harassment includes, but is not limited to:

(a) *Verbal Harassment.* Sexual innuendos, suggestive comments, Insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.

(b) *Non-verbal Harassment.* Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.

(c) *Visual.* Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.

(d) *Physical Harassment.* Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.

(e) *Textual/Electronic Harassment.* "Sexting" (electronically sending messages with sexual content, including pictures or video), the use of sexually explicit language, harassment; cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and posts on social network websites like Facebook and Twitter).

(3) The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person."

(C) *Procedure for reporting an allegation of sexual harassment.*

(1) An employee who either observes sexual harassment or believes herself or himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her or his position to the offending employee, and her or his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

(2) Any employee may report conduct which is believed to be sexual harassment, including the following:

(a) *Electronic/direct communication.* If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her or his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

(b) *Contact with supervisory personnel.* At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the City Manager or Administrator, or the chief executive officer of the city. The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the city will not be presumed to have knowledge of the harassment.

(c) *Resolution outside city.* The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the city. However, all city employees have the right to contact the Illinois Department of

Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 300 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

(3) *Allegations of Sexual Harassment made against an elected official of the governmental unit by another elected official of a governmental unit.* In addition to the methods of reporting included above, an elected official may request an independent review of a complaint of sexual harassment by another elected official. The request shall be made to the human resources director, the city manager or administrator or the chief elected official of the City. The official receiving the request shall take immediate action in keeping with the procurement process of the City to retain a qualified individual or entity for the independent review of the allegations of sexual harassment in violation of this policy. The outcome of the independent review shall be reported to the corporate authorities.

(4) Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the location), including, but not limited to, written records such as letters, notes, memos and telephone messages.

(5) All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the city. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

(D) *Prohibition on retaliation for reporting sexual harassment allegations.*

(1) No city official, city agency, city employee or city agency or office shall take any retaliatory action against any city employee due to a city employee's or official's:

(a) Disclosure or threatened disclosure of any violation of this policy,

(b) The provision of information related to an investigation or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or

(c) Assistance with or participation in a proceeding to enforce the provisions of this policy.

(2) For the purposes of this policy, **RETALIATORY ACTION** means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any city employee that is taken in retaliation for a city employee's or official's involvement in protected activity pursuant to this policy.

(3) No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

(4) Similar to the prohibition against retaliation contained herein, the State Officials

and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action, and this policy prohibits retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

(a) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, agency, or other employee that the employee reasonably believes is in violation of a law, rule, or regulation;

(b) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, agency or other employee; or

(c) Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act or this policy.

(5) Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation. (740 ILCS 174/15(b)).

(6) According to the Illinois Human Rights Act (775 ILCS 775/ 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he or she has opposed that which he or she reasonably and in good faith believes to be sexual harassment in employment, because he or she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

(7) An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge, either due within 300 days of the alleged retaliation.

(E) *Consequences of a violation of the prohibition on sexual harassment.* In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable disciplinary actions or discharge by the City and any applicable fines and penalties established pursuant to local ordinance, state law or federal law. Each violation may constitute a separate offense. Any discipline imposed by the City shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a state or federal agency.

(F) *Consequences for knowingly making a false report.*

(1) A false report is a report of sexual harassment made by an accuser to accomplish an outcome other than stopping sexual harassment or stopping retaliation for reporting sexual harassment. A false

report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to disciplinary action or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

(2) In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

Section 3. Any section or provision of this ordinance or the adopted Policy Prohibiting Sexual Harassment declared to be invalid, that decision shall not affect the validity of this ordinance or adopted Policy Prohibiting Sexual Harassment as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. All ordinances, resolutions, and regulations in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. This ordinance shall be in full force and effect upon its publication and approval as provided by law. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Mayor Gover, seconded by Commissioner Owen, adopted this 16th day of June 2020, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Graven, Commissioner Hall,</u> <u>Commissioner Owen, Mayor Gover</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>Commissioner Cox</u>

Approved this 16th day of June 2020.

/s/Timothy D. Gover
Timothy D. Gover, Mayor City of
Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/Daniel C. Jones
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on June 16, 2020.

Mayor Gover opened the floor for questions/comments/discussion. Administrator Gill noted the update was due to new requirements from the State of Illinois.

Mayor Gover declared the motion carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to adopt Ordinance No. 2020-5433, establishing Section 39.05 of Chapter 39 of the municipal code to adopt a Non-Discrimination Policy on the Basis of Disabilities in accordance with Section 504 of the Rehabilitation Act of 1973.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2020-5433

**AN ORDINANCE ADOPTING A NON-DISCRIMINATION POLICY
ON THE BASIS OF DISABILITIES**

WHEREAS, certain general policies for the City of Mattoon are contained in Chapter 39 of the City of Mattoon Code of Ordinances; and

WHEREAS, the City of Mattoon wishes to adopt a Non-Discrimination Policy on the Basis of Disabilities in accordance with Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS;

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Amendments. Chapter 39 of the City of Mattoon Code of Ordinances be amended by the establishment of the following:

§39.05 NON-DISCRIMINATION POLICY ON THE BASIS OF DISABILITIES

§39.05(A) PURPOSE

The City of Mattoon has established this policy in accordance with Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended.

§39.05(B) POLICY

The City of Mattoon resolves that no Otherwise Qualified Person shall, on the basis of a physical or mental disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity in which the City of Mattoon receives Federal financial assistance.

The City of Mattoon further resolves that no Otherwise Qualified Person shall, on the basis of physical or mental disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the City of Mattoon independent of the funding source.

§39.05(C) DEFINITIONS

City Services

The City of Mattoon provides a variety of public services including, but not limited to:

Police Protection
Fire Protection
Parks
Recreational Activities
Arts and Tourism
Streets
Sidewalks
Public Buildings and Grounds
Water and Sewer Service

Otherwise Qualified Person

1. With respect to employment, a person with a physical or mental disability who, with reasonable accommodation, can perform the essential functions of the job in question.
2. With respect to services, a person with a physical or mental disability who meets the essential eligibility requirements for the receipt of such services.

Reference Materials

Copies of 29 USC 794 and 29 USC 705 (Definitions) are available on-line and at the City Clerk's Office at 208 North 19th Street, Mattoon IL 61938.

Section 504 Coordinator

The Section 504 Coordinator for the City of Mattoon shall be the City Administrator, or a duly appointed designee. The contact information for the Section 504 Coordinator is:

City of Mattoon Section 504 Coordinator
Attn: City Administrators Office
208 North 19th Street
Mattoon, IL 61938
217-258-7931

§39.05(D) NOTICE OF NONDISCRIMINATION

A Notice of Nondiscrimination is attached as Exhibit 'X'. The Notice of Nondiscrimination shall be posted in a conspicuous location in City Hall.

§39.05(E) EMPLOYMENT PRACTICES

1. Employment Advertisements – Employment advertisements shall include the following closing “Equal Opportunity Employer: disability/veteran”.
2. Processing of Applications – Applications shall not include questions about mental or physical disabilities. Mental and physical disabilities shall not be considered during the review of applications for interview selection. Mental and physical disabilities shall only be taken into consideration at the time of selection of the final candidate. At that time, a review shall be performed to determine if “reasonable accommodation” can be implemented if/when the most qualified candidate is a person with disabilities.
3. Physical Requirements & Testing Criteria – Employment advertisements and position descriptions may include physical performance requirements and testing criteria. Physical or testing requirements shall be reviewed by the Department Director and the City Administrator to verify that all requirements are necessary for the position.
4. Interviews – All interviews shall be conducted in ADA accessible facilities. Interview questions shall be consistent from candidate to candidate, and shall not be discriminatory to persons with disabilities.
5. Confidentially – Disclosure of disabilities and/or requests for reasonable accommodations shall remain confidential within the interview and hiring team.
6. Promotions, Transfers, Demotions, Lay-Offs, and Reinstatements – The process for promotions, transfers, demotions, lay-offs, and reinstatements shall follow a similar process as described for hiring. Selection of the most qualified individual shall be made without consideration of physical or mental disabilities, then the appropriateness of reasonable accommodations shall be considered if/when the most qualified candidate is a person with disabilities.
7. Job Assignments – Existing accommodations for persons with disabilities shall be taken into account when making job assignments. Job assignments shall not be made in a manner which would result in embarrassment for a person with disabilities.
8. Leave Time and Benefits – Leave time and other benefits shall be uniform based on employee job classifications without disparity between persons with, and without, disabilities.
9. Training – Training opportunities shall be uniform based on employee job classifications without disparity between persons with, and without, disabilities.

§39.05(F) GRIEVANCE PROCEDURE

1. Grievances shall be submitted to the City of Mattoon Section 504 Coordinator at 208 N 19th Street, Mattoon IL 61938, within 30 days of the action to be investigated.
2. Grievances shall be submitted in writing, and shall include the following:
 - Grievant’s name and address.
 - Grievant’s preferred means of contact; email, mail, video, phone, or text.
 - Brief description of the grievance including the location, date, and item or action to be investigated.

3. Grievances shall be investigated by the Section 504 Coordinator, or a duly appointed designee, and a response returned to the Grievant within 30 days of receipt.

4. Responses shall include a determination as to whether further action by the City is warranted, a timeline for such action if deemed necessary, or a description of why further is not justified.

5. Person's with non-City related complaints, or unsatisfied grievants, may contact the following agencies:

State of Illinois, Office of the Attorney General
500 S. Second Street
Springfield, IL 62701
217-524-2660
877-844-5461 (TTY)

Or

State of Illinois, Secretary of State
213 State Capital
Springfield, IL 62756
800-252-8980
888-261-7864 (TTY)

Or

Chicago Regional Office/Fair Housing Enforcement Center
US Department of Housing and Urban Development
Robert Metcalf Federal Building
77 West Jackson Boulevard, Room 2101
Chicago, IL 60604-3507
312-353-6236
312-353-7143 (TTY)

Section 3. This ordinance shall be in full force and effect upon its publication and approval as provided by law. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 16th day of June, 2020, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Graven, Commissioner Hall,</u> <u>Commissioner Owen, Mayor Gover</u>
NAYS (Names):	<u>None</u>
ABSENT (Names):	<u>Commissioner Cox</u>

Approved this 16th day of June, 2020.

/s/Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/Daniel C. Jones
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on June 16, 2020.

Mayor Gover opened the floor for questions/comments/discussion with no response.

Mayor Gover declared the motion carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Graven seconded by Commissioner Hall moved to approve Council Decision Request 2020-2046, waiving the formal bidding requirement and approving payment in the amount of \$36,450 to R&R Services of Illinois for the grinding of landscape debris at the Yard Waste Facility.

Mayor Gover opened the floor for questions/comments/discussion. Council discussed the waiver due to the additional grinding of logs caused the expenditure to be greater than \$25,000.

Mayor Gover declared the motion carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Graven seconded by Commissioner Owen moved to approve Council Decision Request 2020-2047, approving the temporary employment of Larry Cole as Seasonal Construction Inspector at a pay rate of \$35/hour.

Mayor Gover opened the floor for questions/comments/discussion. Director Barber described Mr. Cole's previous inspection of the Waste Water Satellite Treatment Facility, and less of an expenditure than Upchurch would have charged. Council discussed the temporary employment with no benefits and Mr. Cole's retirement from IDOT.

Mayor Gover declared the motion carried by the following vote: Absent Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Cox joined the meeting by audio means at 6:37 p.m.

Commissioner Owen seconded by Commissioner Graven moved to approve Council Decision Request 2020-2048, approving the regular employment of Brett M. Baughman as a Meter Reader I position with the Finance Department, effective June 17, 2020.

Mayor Gover opened the floor for questions/comments/discussion. Commissioner Owen noted Mr. Baughman previously worked two summers with former meter readers.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Graven moved to approve Council Decision Request 2020-2049, approving a \$5,000 grant by the Tourism Advisory Committee from FY20/21 hotel/motel tax funds in support of the Mattoon CIL-Con (Central Illinois Conference) to be held on September 11-12, 2020; and authorizing the mayor to sign the agreement.

Council discussed the event and grant request with Director Burgett noting the event had several draws and brought many participants.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Owen moved to approve Council Decision Request 2020-2050, approving a \$2,500 grant by the Tourism Advisory Committee from FY20/21 hotel/motel tax funds in support of the Coles County Airport Authority Airshow 2020 to be held on August 29, 2020; and authorizing the mayor to sign the agreement.

Mayor Gover opened the floor for questions/comments/discussion. Commissioner Hall noted sixty percent of the attendees were from out of town; described the jets; and noted this event was on the same day as the rescheduled fireworks.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Owen moved to approve Council Decision Request 2020-2051, approving a \$2,500 grant by the Tourism Advisory Committee from FY20/21 hotel/motel tax funds in support of the Coles County Speedway USAC Summer Nationals 2020 to be held on August 7-8, 2020; and authorizing the mayor to sign the agreement.

Mayor Gover opened the floor for questions/comments/discussion. Commissioner Hall noted this event was the oldest race of its type in the United States.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to recess to closed session at 6:42 p.m. pursuant to the Illinois Open Meetings Act for the purpose of the discussion of the appointment, compensation, discipline, performance, or dismissal of specific employees of the City or legal counsel for the City. (5ILCS 120 (2)(C)(1).

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Council reconvened at 7:13 p.m. Commissioner Cox attended the meeting physically in person.

Commissioner Hall seconded by Commissioner Cox moved to adopt Special Ordinance No. 2020-1743, approving the appointment and employment contract of Jeffrey Hillgoss to Fire Chief effective June 27, 2020.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2020-1743

**AN ORDINANCE RATIFYING THE EMPLOYMENT AGREEMENT OF
JEFFREY HILLIGOSS FOR THE POSITION OF FIRE CHIEF**

WHEREAS, the Fire Chief position is currently vacant and the City wishes to fill the vacancy; and,

WHEREAS, the City of Mattoon enters into employment agreements with member of its managements team; and,

WHEREAS, the City is naming Jeffrey Hilligoss as the Mattoon Fire Chief, effective June 27, 2020; and,

WHEREAS, the parties wish to memorialize the terms of Fire Chief Hilligoss' employment with the City.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:

Section 1. Jeffrey Hilligoss is hereby named as the Mattoon Fire Chief, effective June 27, 2020.

Section 2. The City Council hereby approves an Employment Agreement with Jeffrey Hilligoss for the position of Fire Chief, a copy of which is attached hereto and incorporated herein by reference.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Hall, seconded by Commissioner Cox, adopted this 16th day of June, 2020, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,
Commissioner Hall, Commissioner Owen,
Mayor Gover
NAYS (Names): None
ABSENT (Names): None

Approved this 16th day of June, 2020.

/s/Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/Daniel C. Jones
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on 06-16, 2020.

Mayor Gover opened the floor for questions/comments/discussion with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Cox moved to approve Council Decision Request 2020-2052, approving the promotion of Engineer/Driver Robert “Bart” Owen to Captain, effective June 27, 2020, due to the promotion of Fire Chief Hilligoss.

Mayor Gover opened the floor for questions/comments/discussion with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, Abstain Commissioner Owen, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Cox moved to approve Council Decision Request 2020-2053, approving the promotion of Firefighter Tyler Johns to Engineer/Driver, effective June 27, 2020, due to the promotion of Driver (now Captain) Owen.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Graven moved to adopt Resolution No. 2020-3093, approving the continuance of a Local State of Emergency due to the virus (Coronavirus COVID-19).

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2020-3095

DECLARATION OF LOCAL STATE OF EMERGENCY

State of Illinois
County of Coles
City of Mattoon

Pursuant to the authority vested in the office of Mayor by the Illinois Municipal Code Section 5/11-1-6, the Illinois Emergency Management Agency Act Section 3305/11 and Ordinance No. 2020-5430 of the City of Mattoon, I, Timothy D. Gover, the Mayor of the City of Mattoon do hereby declare that a Local State of Emergency exists as of this date, June 18, 2020, and shall continue until such time as provided in Ordinance No. 2020-5430.

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of COVID-19 to be a public health emergency of international concern and on March 11, 2020 declared a worldwide pandemic; and

WHEREAS, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States; and

WHEREAS, the Governor of the State of Illinois has issued a disaster proclamation on March 9, 2020 due to the impact of the COVID-19 virus and has activated the State Emergency Operations Center; and

WHEREAS, the State Emergency Management Agency has declared a public health emergency due to the impact of the COVID-19 virus; and

WHEREAS, the City Administration has coordinated its response with other Coles County governmental entities.

The nature of the emergency is related to the COVID-19 virus which is causing or anticipated to cause widespread impacts on the health of members of the community.

During the existence of the Local State of Emergency, the Mayor shall execute such authority as provided under the Illinois Municipal Code, the Illinois Emergency Management Agency Act and Ordinance No. 2020-5430.

This Declaration of Local State of Emergency shall be filed with the City Clerk as soon as practicable.

I, Timothy D. Gover, whose name is signed to this instrument, being first duly sworn, signed and executed the instrument as the Declaration of Local State of Emergency, and that I signed willingly, and that I executed it as my free and voluntary act for the purposes therein expressed.

/s/Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

NOTARY ACKNOWLEDGMENT

On this 18th of June, 2020, personally appeared the above-named Timothy D. Gover and acknowledged the foregoing to be his free act and deed, before me.

/s/Susan J. O'Brien
Notary Public

My Commission Expires: 06-10-2023

(Seal)

Print Susan J. O'Brien

Mayor Gover opened the floor for questions/comments/discussion.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover explained it was necessary to approve the resolution at every meeting or 21 days from last passage.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR/COMMUNITY DEVELOPMENT noted negotiations with PBPA and AFSCME; announced the State's award of two of the first seven Small Business Grants with several other cities inquiring about the process of the grants; and described the opening of businesses and start-up businesses. Mayor Gover opened the floor for questions with no response.

CITY ATTORNEY explained the second version of City Court at the Burgess; Hotel/Motel taxes in arrears and lien on the property; and thanked Director & Treasurer Wright for her assistance with the hotel/motel taxes. Mayor Gover opened the floor for questions with no response.

CITY CLERK noted preparing for the audit; otherwise, business as usual. Mayor Gover opened the floor for questions with no response.

FINANCE distributed and reviewed the May's Monthly Council Financial Report including a slight increase in revenues due to receipt of tax monies and June's tracking of Income, Video Gaming, Use, Sales and Telecommunication Taxes with unrestricted cash at \$4.644 million; and announced the implementation of online signups for water service which is more efficient and convenient for customers. Mayor Gover opened the floor for questions with no response.

PUBLIC WORKS updated Council on the projects at Coles Centre Blue Cross/Blue Shield by Otto Baum, Marshall Avenue Reconstruction by Kinney Contractors, Bike Trail by NeCo Asphalt, and DeWitt Avenue. Mayor Gover opened the floor for questions with no response.

FIRE Captain Hilligoss updated Council on the three fires 1. North 28th, 2. 1301 Lafayette, 3. Baymont Hotel; and 2 accidents with fatalities on I-57, and stated the staff did a phenomenal job at all scenes. Administrator Gill also offered up accolades on their work. Mayor Gover opened the floor for questions with no response.

POLICE noted progress with City Court as \$750 judgement against Tim Quakenbush with another hearing at the County Courthouse; and requested additional employment of staff in September and October. Mayor Gover opened the floor for questions with no response.

ARTS AND TOURISM announced the help of Mike Kallis with the summer events at Heritage Park, Mural Artist to start the end of the month, and thank you to Council for approving the Coles County Airport Show which would also have the rescheduled fireworks. Mayor Gover opened the floor for questions with no response.

COMMENTS BY THE COUNCIL

Commissioner Hall noted the amount of time spent selecting the new fire chief. Commissioners Cox, Graven and Owen had no further comments.

Commissioner Hall seconded by Commissioner Cox moved to adjourn at 7:31 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, NAY Commissioner Owen, YEA Mayor Gover.

/s/Susan J. O'Brien
City Clerk

