

City of Olmsted Falls
Minutes of a Special Council Meeting
Tuesday, June 7, 2016, at Olmsted Falls City Hall
26100 Bagley Road – Council Chambers, 7:00 p.m.

The Pledge of Allegiance was recited. Mayor Ann Marie Donegan called the Special Meeting to order at 7:00 p.m. Roll call was conducted. Present: Councilmen Jay Linn, Linda Garrity, Bob Sculac, Paul Stibich, Terry Duncan, and Kyle Miller. Absent: Mr. Haviland was excused.

Also Present: Gregory Sponseller, Law Director, Mari Alice Zacharyasz, Esq., Shannon Patton, Esq., and Deputy Chief William Traine.

Mayor Donegan indicated that she would recuse herself and turn the chair over to Council President Linn. Moved by Mr. Linn; seconded by Ms. Garrity. Roll Call: 6 ayes; 0 nays. **Motion carried.** Mayor Donegan recused herself and left the meeting.

NEW BUSINESS:

Executive session for purpose of matters of personnel pursuant to O.R.C. 121.22(G)(1)

Mr. Linn moved to **adjourn into executive session** pursuant to O.R.C. 121.22(G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official; Mr. Sculac **seconded**. Roll Call Vote: 6 ayes; 0 nays. **Motion carried.**

Meeting adjourned into executive session at 7:05 p.m.

Ms. Duncan moved to **adjourn into regular session**; Ms. Garrity **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.** Meeting moved into public session at 8:07 p.m.

Such other business that may come before Council

Mayor Donegan rejoined the meeting.

Mr. Linn stated that Council needs to consider the confirmation of the suspension and removal of Police Chief Daniel Gilles per the Order of Removal. The motion to remove would need to garner a minimum of four affirmative votes.

Ms. Garrity moved to **confirm the removal** of Police Chief Daniel R. Gilles pursuant to the Order of Removal issued to Chief Gilles consistent with the Mayor's direction on June 7, 2016; Ms. Duncan **seconded**. Roll Call: 5 ayes; 1 nay (Stibich). **Motion carried.**

Mr. Linn stated that Council needs to entertain a motion to confirm the appointment of William Traine as interim police chief.

Ms. Garrity moved to **confirm the appointment** of William Traine as Interim Police Chief to take over the duties required of the Olmsted Falls Police Department immediately; Ms. Duncan **seconded**. Roll Call: 6 ayes; 0 nays. **Motion carried**.

Mr. Sponseller stated that these items will be placed on the next Council meeting agenda for formal ratification.

Mr. Stibich asked if the Order of Removal would be incorporated into tonight's meeting records. Mr. Linn replied yes.

Adjournment

Mr. Sculac moved to **adjourn**; Mr. Miller **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 8:11 p.m.

Jay Linn, Council President

Angela Mancini, Clerk of Council



CITY OF OLMSTED FALLS

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June 7, 2016

VIA HAND DELIVERY

Chief Daniel R. Gilles

Re: Order of Suspension and Removal

Dear Chief Gilles,

Pursuant to the *Charter of the City of Olmsted Falls* (Charter), Section 4.03 and the *Rules and Regulations of the Civil Service Commission of the City of Olmsted Falls*, Rule IX, you are being suspended and removed from the position of Chief of Police for the City of Olmsted Falls for incompetency, inefficiency, neglect of duty, insubordination, violation of the Uniform Standards of Conduct of the Police Department, and nonfeasance. Examples of these behaviors include, but are not limited to, the following:

- (1) Failure to be prepared for meetings with the Mayor/Safety Director and produce timely and consistent/cohesive project plans;
- (2) Failure to produce timely and/or accurate reports, including but not limited to, leave/sick time, resources, supervisory duty logs, tickets issued, railroad, hours worked by officers in 2015; prisoner cost report, need for clerical assistance in the Department;
- (3) Failure to produce timely and accurate policies, such as: finalizing Lexipol policies, flags at half-staff, distribution of police clerical tasks, supervisory duty logs, procedures for cases to be referred to the prosecutor, updated stray/lost animal policy, procedures for citing trains, policy regarding Safe Zone for Craigslist/Internet sales, and evidence room procedures;
- (4) Failure to adequately and effectively direct, control, supervise, manage department operations and subordinate personnel, and poor use of judgment and initiative such as: a) allowing Department employees to dictate absence requests for leave time; b) failure to monitor and prevent Department employees extensive use of internet/computer for personal reasons during work hours; c) continued lack of procedure and organization in the evidence room; d) continued lack of direction to refer cases to the Prosecutor; e) continued lack of knowing what subordinate personnel are doing, i.e., detective caseloads; f) failure to properly address road patrol concerns; g) failure to redraft hiring procedure protocol; h) failure to properly follow Animal Control Policy; i) allowing body cameras to sit unused for almost one year; j) failure to properly review and/or follow-through with clarifications on Supervisory Duty

- Reports; k) failure to accurately detail an employee's leave activity and issue appropriate discipline; and
- (5) Failure to review, investigate, resolve and/or follow-up on resident issues.

You have been counseled about these deficiencies since at least the beginning of 2015 and were given a formal warning about these and similar deficiencies on September 30, 2015. You were again warned about these and similar deficiencies when you were suspended in November 2015. Finally, you were given yet further opportunity to improve your work performance through the Last Chance Agreement provided to you on December 10 and December 22, 2015, and which was extended until May 23, 2016, to afford you still more time to attempt to improve and correct your work performance. Your continued failure to perform required duties in a timely and effective manner is unacceptable and does not signify the leadership required to effectively and efficiently supervise and manage the Police Department.

Effective immediately, pursuant to Civil Service Rule IX(3)(b) your employment is suspended, without pay, until the Order of Removal is confirmed and approved by Council consistent with the Charter, Section 4.03 and Civil Service Rule IX(3)(a). In accordance with Civil Service Rule IX(4), within ten days of this Order being filed with the Civil Service Commission, you may, at your discretion, file a written appeal to the Commission.

Sincerely,


Ann Marie Donegan
Mayor / Safety Director

cc: Civil Service Commission
Gregory Sponseller, Law Director
Shannon Patton, Esq.
Mari Alice Zacharyasz, Esq.
Personnel File

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This Order of Suspension and Removal was hand-delivered to Daniel R. Gilles by Mari Alice Zacharyasz, Human Resource Legal Consultant for the City and the Mayor's designee.

Date: June 7, 2016

Mari Alice Zacharyasz
Mari Alice Zacharyasz

I, Daniel R. Gilles, acknowledge receipt of this Order of Suspension and Removal.

Date: JUNE 7, 2016

Daniel R. Gilles
Daniel R. Gilles

Council formally approved this Order of Suspension and Removal on _____, 2016; a certified copy of Council's formal action is attached.

This Order of Suspension and Removal was filed with the Civil Service Commission's Secretary via hand delivery on _____, 2016.

Date: _____, 2016

Angela Mancini, Clerk of Council

Date: _____, 2016

Angela Mancini
Secretary of Civil Service Commission

The Order of Suspension and Removal evidencing Council's formal approval and Civil Service Commission filing was mailed to Daniel R. Gilles via regular mail on _____, 2016.

Date: _____, 2016

Angela Mancini, Clerk of Council and
Secretary of Civil Service Commission

