



City of Pekin

**CITY COUNCIL MEETING
WEDNESDAY, JANUARY 19, 2022
5:00 PM**

1.	Pledge of Allegiance
2.	Call to Order
3.	Approve Agenda
4.	Public Input
5.	Business
5.1.	Resolution No. 362-21/22 Public Censure of Councilmember Lloyd Orrick Regarding Ethics Ordinance Violations (Laid Over) ACTION REQUESTED: Approve and Adopt the Resolution.
5.2.	Resolution No. 365-21/22 Public Censure of Councilmember Lloyd Orrick Regarding Ethics Ordinance Violations (Revised) ACTION REQUESTED: Approve and Adopt the Resolution.
5.3.	Resolution No. 363-21/22 Mayor's Appointment Council Member Cloyd Mayor Pro Tem and Reaffirm Council Member Abel 1st Alternate (Laid Over) ACTION REQUESTED: Approve and Adopt the Resolution.
5.4.	Resolution No. 364-21/22 Mayor's Appointment of David Nutter to the Infrastructure Improvements Committee and as its Chairperson (Laid Over) ACTION REQUESTED: Approve and Adopt the Resolution.
6.	Any Other Business To Come Before The Council
7.	EXECUTIVE SESSION 5 ILCS 120/2 (c)
8.	Adjourn



REQUEST FOR COUNCIL ACTION

Agenda Date: January 19, 2022
To: Council Members
From: Mark Rothert, City Manager

AGENDA ITEM: Resolution No. 362-21/22 Public Censure of Councilmember Orrick Regarding Ethics Ordinance Violation

ACTION REQUESTED: Approve and Adopt the Resolution.

DESCRIPTION:

With the adoption of a revised Ethics Ordinance and a Code of Ethics and Conduct on August 9, 2021, the City Council established an Ethics Commission to accept and adjudicate complaints regarding ethics violations. The Ethics Commission received its first complaint on November 12, 2021. In that complaint, Councilmember Karen Hohimer accused Councilmember Lloyd Orrick of various instances of sexual harassment. Per the Ethics Ordinance, the Ethics Commission processed the complaint and commenced a public hearing on December 28, 2021. In that hearing, the Ethics Commission found that Councilmember Lloyd Orrick 1) engaged in conduct that violated Sections 2-8-2(a) and 2-8-5 of the City's Ethics Ordinance. Section 2-8-2(a) prohibits activities that violate the City's Code of Ethics and Conduct. In this case, part B.1.(c) of the Pekin Code of Ethics and Conduct was found to be violated. Section 2-8-5 of the Ethics Ordinance prohibits sexual harassment activities and conduct.

The Ethics Commission unanimously voted to issue a mandatory fine of \$500 to Councilmember Orrick and make a recommendation to the City Council that a formal censure vote be taken, as well as, a recommendation that Councilmember Orrick be removed from his position as Mayor Pro Tem. The City Council has authority to censure an individual Councilmember for illegal or improper conduct under the City's Code of Ethics and Conduct. A censure is generally understood to be "an official reprimand or condemnation; an authoritative expression of disapproval or blame." (Black's Law Dictionary (10th ed. 2014).)

While the above is a very brief summary of the Ethics Commission public hearing on this matter, attached are meeting minutes, a transcription of the hearing, and the formal findings from which the Commission made its final determination.

Based on the Commission's recommendations, the attached resolution seeks to formally censure Councilmember Lloyd Orrick for violations of the Ethics Ordinance and supports his removal as Mayor pro tem.

FINANCIAL IMPACT: N/A

Requested Amount:

Line Item:

Budgeted Amount:

Remaining Funds:

IMPACT IF APPROVED: N/A

IMPACT IF DENIED: N/A

ALTERNATIVES: N/A

RELATED TO THE 2019-2021 CITY COUNCIL GOALS:

5 Year CIP. The Five-Year Capital Improvement Plan reflects all current and future capital improvement needs of the City of Pekin. The Plan is designed to be updated annually by staff and submitted to the Council for review and approval prior to the annual budget process.

Enforce Code Enforcement Services. The Council understands the importance of a strong Code Enforcement Program in that it has an impact on many facets of living and doing business inside the City of Pekin.

Business Friendly Community. The Council strives to bring new businesses to Pekin while helping to maintain and expand all existing businesses. It is therefore essential to work cooperatively to make Pekin a “Business-Friendly” Community.

Efficient and Effective Municipal Operations. A fundamental responsibility of elected officials, City Staff and Employees is the exercise of good stewardship over public funds. Therefore, it is important that municipal services be delivered with maximum efficiency and effectiveness.

Employee Residency. It is the goal of the Council to develop a policy that encourages more full-time non-union employees who participate in a City funded pension program to reside within the city limits of Pekin.

REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Mark A. Rothert

Mark A. Rothert, City Manager

1/14/2022

Date:

WHEREAS, the City of Pekin adopted a revised Ethics Ordinance and a Code of Ethics and Conduct on August 9, 2021; and

WHEREAS, as part of this revised Ethics Ordinance, the City Council established an Ethics Commission to investigate and adjudicate complaints regarding ethics violations; and

WHEREAS, a complaint was filed with the Ethics Commission on November 12, 2021, against Councilmember Lloyd Orrick for violating the City's Ethics Ordinance; and

WHEREAS, the Ethics Commission processed the complaint and commenced a public hearing on December 28, 2021, during which the Commission heard testimony and received evidence from both the Complainant and the Respondent; and

WHEREAS, after hearing evidence, the Ethics Commission found that Councilmember Orrick engaged in conduct that violated Sections 2-8-2(a) and 2-8-5 of the City's Ethics Ordinance; and

WHEREAS, a copy of the meeting minutes and the written formal findings of the Commission are attached hereto as Exhibit A and Exhibit B, respectively; and

WHEREAS, the Ethics Commission unanimously voted to issue a monetary fine of \$500 to Councilmember Orrick and made a recommendation to the City Council that a formal censure vote be taken and that Councilmember Orrick be removed from his position as Mayor Pro Tem; and

WHEREAS, the City Council does not condone or approve of this type of conduct and behavior and finds it necessary and prudent to declare that this type of conduct will not be tolerated; and

WHEREAS, the City Council has authority to punish or censure an individual Councilmember for violation of the City's Code of Ethics and Conduct; and

WHEREAS, a censure is generally understood to be an official reprimand, condemnation, or an authoritative expression of disapproval; and

WHEREAS, the City Council of the City of Pekin has a duty to ensure that the the ordinances, regulations and policies of the City are followed by all members of the City Council, and that members of the City Council demonstrate the highest level of professionalism and respect while acting in the course and scope of their office.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS:

Section 1. The findings and recitations set forth above are found to be true and correct and are incorporated herein.

Section 2. The City Council adopts the Ethics Commission's findings that the aforementioned conduct of Councilmember Lloyd Orrick violated the City's Ethics Ordinance (Sections 2-8-2(a) and 2-8-5) and the City's Code of Ethics and Conduct.

Section 3. The City Council finds that the conduct of Councilmember Orrick was improper, unprofessional, unacceptable, and contrary to the legitimate interests of the City.

Section 4. The City Council hereby:

- a. Formally censures Councilmember Orrick for engaging in improper, unprofessional and unacceptable conduct.

Position as Mayor Pro Tem.

- c. Removes Councilmember Orrick from all committee assignments of the City Council for the remainder of Councilmember Orrick's term in office.
- d. Directs Councilmember Orrick to attend sexual harassment training within 60 days, at his own expense and in addition to any other annual requirement for sexual harassment training.
- e. Recommends Councilmember Orrick to partake in a minimum of six (6) counseling sessions, at his own expense, centered on harassment, diversity, equity, and inclusion.
- f. Warns Councilmember Orrick that any similar conduct in the future may:
 - i. Warrant an expulsion from future meetings, in accordance with Illinois Municipal Code 65 ILCS 5/3.1-40-15.
 - ii. Necessitate the City Council to pursue any and all legal remedies available by law to prohibit such conduct.
- g. Donates the fine paid by Councilmember Orrick to a nonprofit organization in the City that addresses sexual harassment or abuse.

Section 5. Any failure of Councilmember Orrick to comply with the above conditions may result in further censure(s) by the City Council or additional penalties for violation of the City Code or the City Code of Ethics and Conduct.

Section 6. This Resolution shall be in full force and effect upon its adoption and approval.

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this _____ day of _____, 20_____.

MAYOR

ATTEST:

CITY CLERK

ETHICS COMMISSION
MINUTES OF THE DECEMBER 28, 2021 MEETING

The December 28, 2021, meeting of the City of Pekin Ethics Commission was called to order at 5:30 with a roll call of all members. Commissioners Tom Ivey, Susan Stuart and Joe Privett were all present. City Manager Mark Rothert, City attorney Kate Swise, and Sarah Newcomb serving as clerk were also present for the meeting.

Privett made a motion to approve the agenda as presented with a second by Stuart. Motion carried

Stuart made a motion to approve the minutes of the November 18, 2021, meeting with a second by Privett. All present voted aye, motion carried.

Public Comment. John McNish stated that Mr. Orrick sent him a personal apology for his comment and there was no harm no foul. He is also willing to help the Ethics Commission dig deeper into ethics issues.

Amy Hasty stated she understood this is a new commission and notes the scheduled date of the meeting and asks that the meeting be closed to the public and also asks that the camera crew leave.

Kate Swise addressed Ms. Hasty's request and stated the Open Meetings Act does not allow for the closure of the meeting for the hearing of evidence, only for the deliberations of evidence, which may be held in closed session.

New Business

A Hearing on Ethics Complaint No. FY22-001 was called to order at 5:39 p.m. December 28, 2021, by Commissioner Ivey pursuant to Section 2-6-3-5 of the Pekin City Code and explains the hearing will be conducted in parts. In the first, the Commission will hear evidence and make a determination as to any violation of City Code section 2-8-2 and/or 2-8-5. The Complainant will be given the opportunity to present her case and the Respondent will be given the opportunity to cross exam any Complainant witnesses. Then the Respondent will be allowed to present testimony and the Complainant will be given the opportunity to cross exam and Respondent witnesses. Commission members will be allowed to ask clarifying questions. The parties will also be allowed to make closing statements and the Commission will recess to closed session to deliberate the matter. The Commission will return to open session to make known its findings for Part One. If the Commission finds the Respondent violated the Code, then part Two will convene and both parties will have an opportunity to make a statement and recommendation as to the penalties or sanctions to be imposed. The Commission may again deliberate in closed session and the Commission's final decision as to sanctions and penalties will be made in open session.

Julie Galassi is present representing Mr. Orrick and requests any witnesses be dismissed during the submission of evidence. The Commissioner dismisses any called witnesses from the Council Chambers prior to the presentation of the case. Both parties confirm they received a copy of the complaint and

the written notice of the Commission's finding of probable cause. The participants, Karen Hohimer and Lloyd Orrick are both sworn in.

Ms. Hohimer, Complainant, reads a letter into record stating Mr. Orrick made comments about a citizen being her boyfriend on an open microphone in a public meeting. She also states that Mr. Orrick made comments and gestures before other meetings after the 2020 election and the comments were usually not on hot mics and she would try to disengage and try to talk to Mr. Abel. Mr. Orrick would try to drink my tea and try to look at my phone. In July he asked if my tan went all the way down. Attorney Julie Galassi cross exams Ms. Hohimer and asks if she sought out the HR Director or anyone else. Hohimer indicated she talked to Becky Cloyd. Hohimer said she did tell Mr. Orrick she was offended, but it was not documented. When asked if she made complaints to anyone else, she said she told the Mayor.

Ms. Hohimer calls John Abel as her witness. He is sworn in at 5:57 p.m. by Commissioner Ivey. Mr. Abel states that he sits next to Ms. Hohimer and observed things he did not think were appropriate. He made comments about her clothing, her tan line and sometimes referred to her as his girlfriend. His comments were beyond what should have been said. Galassi cross exams Mr. Abel and asks if they discussed the complaint and Abel states just in general. On cross he also states she (Ms. Hohimer) was glad to have Lloyd moved. Mr. Abel also indicates he did not discuss what his testimony would be.

Hohimer did not have any other witnesses. Stuart and Privett indicate they did not have any questions at this time and Ivey asks if the incident where he was called her boyfriend was recorded live and Hohimer indicates yes. Attorney Swise asks Hohimer if she wanted to be moved away and Hohimer says she discussed that with Luft probably in June. Swise asks about the video in complaint. Hohimer indicated that Mr. Orrick took her phone while the Mayor was making a proclamation and looked through her pictures and saw the video.

Mr. Orrick presents his testimony. Galassi asks him where he worked, how many years he has served the public, more than 20 years. He indicates he never had a sexual harassment complaint made against him. When asked if Hohimer ever said that he offended her he indicates no. Mr. Orrick admits he made the comment about McNish being her boyfriend and he was just teasing. Galassi asks if the board banters and he says yes and gives example. Galassi asked if he was referring to them being in a sexual relationship, Orrick states no, far from it. Galassi asks question about when he was told about the complaint. Orrick states November 11th by Mr. Luft. Orrick then called Kate (Swise) and told her his logic and Kate thought a public apology was appropriate. He also sent Mr. McNish and Karen individual apologies. He made a public apology at the 11/15 infrastructure meeting. Mr. Abel told him his apology was appropriate and he should also make it at the council meeting. Mr. Abel did not state he need to apologize for anything else and didn't say there were any other inappropriate comments. Galassi asks again about the conversation with the Mayor and Orrick indicates that he asked Orrick to resign and that it might be turned over to the States attorney. He also indicated that Mr. Luft asked him to share the public apology with the City Clerk and told him he couldn't make the apology at the council meeting. Orrick indicated he did not ask to see pictures on her phone. He did say he liked when she wore a dress. Galassi asks about Hohimer showing pictures to him. Orrick indicates Hohimer showed him 5-8 pictures at IML of her and Becky Cloyd at the IML conference, one included her dress blowing up. Galassi presents Exhibit 1, which is the public apology at the infrastructure meeting.

Hohimer begins her cross and Galassi asks for a recess, which is granted at 6:40. The Commission reconvenes at 6:46. Ivey asks questions about Orrick's professional career and harassment training. Galassi presets copies of the letters sent to Hohimer and McNish to the Commission and Hohimer. Swise asks about allegation number 6 and Orrick indicates he did not make those comments.

Hohimer asks Mr. Abel if he saw Orrick poke her thigh, he indicates Yes, I was sitting right there. Abel tells Swise he doesn't remember when that was.

Mr. Ivey asks for a motion to move to executive session: Privett makes a motion to go to executive session: I move to consider testimony and evidence presented in an open hearing pursuant to 5ILCS 120/2 (c) 4. second by Stuart, motion carries unanimously.

Commission retires to Exec session at 7:02

Ivey reconvenes open session at 7:58

Privett moves that Respondent violated the code of ethics and the City Code. On a second by Stuart, all present vote in favor of motion.

The Respondent has been found in violation of the City Code. We will now hear recommendations from the parties as to penalties and/or sanctions. Penalties and Sanctions may include, but are not limited to:

- a. A fine of not less than \$250 nor more than \$750
- b. Recommendation to the Mayor that the Respondent be removed from committee or other appointments
- c. Recommendation to the Council that the Respondent be subject to any of the sanctions set forth in Part C of the City Code of Ethics and Conduct

Ms. Hohimer, is not present so Mr. Orrick do you wish to make a recommendation as to penalties or sanctions?

Orrick states nothing was done intentional, and no one ever spoke to me or saying anything. I respect Karen and I have listened to her at meetings and changed my vote based on what she says. I didn't intend to and if she had said anything at all I would have stopped. Galassi asks if she can make a comment. While we disagree with the findings, we respect your decisions. I would like to point out that 1. In all of his years of public service there have never been allegations against him. While you didn't make comments of the specific violations, I would point out the Pekin policy points out that they should make an attempt to register how offensive something was. With a lack of any type of intervention I would recommend that he go through remedial training as recommended by the HR director and maybe some mediation between the complainant and Mr. Orrick I'm not sure why some of these things are so offensive. The harassment policy is to provide a good working environment. Given his long years of service and lack of any other evidence that is what should be assessed.

Ivey asks for a motion to exec session to consider penalties Stuart makes the motion with a 2nd from Privett all in favor voting aye at 8:03 p.m.

At 8:32 p.m. Ivey brings the Commission back into open session. Privett makes

a motion that the following penalties are recommended of a monetary fine of \$500.00, 2, a formal censure and 3, the Council remove Mr. Orrick as Mayor Pro-Tem. Stuart makes the second. Galassi asks they site the ordinance and Swise responds subsection 5 of 2-3-5, may dismiss or recommend discipline to the council. Swise indicates her intention to prepare the finding and the Commission will approve them at their next meeting. On roll call, all member vote Aye.

The Commission will issue a written statement of its finding and conclusions within 30 days of today's date.

Motion to adjourn is made by Stuart and a second by Privett, all present voting aye at 8:37 p.m.

Respectfully submitted,

Sarah Newcomb

**BEFORE THE ETHICS COMMISSION
CITY OF PEKIN, ILLINOIS**

In RE: Ethics Complaint No. FY22-001

Complainant: Karen Hohimer

Respondent: Lloyd Orrick

FINDINGS, ORDER, AND RECOMMENDATIONS

This matter is before the Commission for hearing on the above-referenced Complaint. The hearing commenced at 5:39pm on Tuesday, December 28, 2021. After hearing evidence from both the Complainant and the Respondent, as well as hearing witness testimony from John Abel, the Commission makes the following findings:

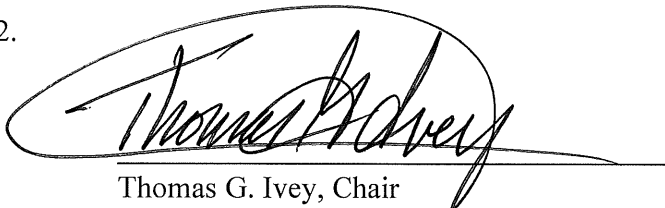
1. It is undisputed that Respondent said “Here comes your boyfriend” to Complainant as a member of the public came up to speak during the public comment period of a Council meeting. Respondent testified that he knew Complainant does not like the individual about whom the comment was made and that it was meant as a joke.
2. Respondent made more than one comment about Complaint’s appearance when she was wearing a dress and expressed his preference that she wear a dress. This was testified to by the Complainant and corroborated by witness John Abel. Respondent further admitted that he “compliments women” and that he had told Complainant she looked nice when she had a dress on.
3. Respondent commented to Complainant “I see you wore a dress for me tonight” and poked Complainant’s thigh. This was corroborated by the testimony of John Abel who witnessed the physical poking.
4. During a public presentation by the Mayor at the September 27, 2021, Council meeting, Respondent took Complainant’s phone and scrolled through it looking at photos and a video of Complainant. The Commission closely reviewed the video recording of the September 27, 2021, Council meeting which was played during the hearing and entered into evidence. The video clearly shows Respondent reaching over and grabbing what appears to be a cell phone from the desk in front of Respondent. The video further shows Complainant looking down at what Respondent is viewing and gasping in surprise. John Abel further testified that he had seen Respondent take Complainant’s phone and was “poking at it” though he couldn’t see what was on the screen.
5. Respondent commented on Complainant’s tan and asked her if it went “all the way down...”. This was testified to by the Complainant and corroborated by the testimony of John Abel.

6. Respondent told Complainant that she smelled good. This was admitted by the Respondent.
7. These comments were made beginning in May of 2021 when Complaint and Respondent were first seated next to each other at Council meetings and culminated with the statement “here comes your boyfriend” at the October 13, 2021, Council meeting. Respondent made inappropriate comments to Complainant before or during most, if not all, Council meetings during that period.
8. Complainant felt disrespected and embarrassed by Respondent’s conduct. It was evident from Complainant’s testimony and appearance that she was distressed by Respondent’s conduct toward her.
9. Respondent had participated in sexual harassment training on several occasions, and so he knew or should have known that his conduct was inappropriate and likely to cause offense. Further, Respondent admitted his weakness is that he is a “teaser.”
10. Respondent’s conduct constituted sexual harassment in violation of Section 2-8-5 of the Pekin City Code in that it created an intimidating, hostile, or offensive working environment for the Complainant.
11. Respondent’s conduct violated Section B.1(c) of the City Code of Ethics and Conduct in that constituted personal comments that could—and did—offend another Council member, and therefore violated Section 2-8-2(a) of the City Code.

Based on the above findings, the Commission makes the following Order and Recommendation:

- A. Respondent is ordered to pay a monetary fine in the amount of \$500 within 30 days of the date of this Order. Payment shall be made to the City Clerk.
- B. The Commission makes a recommendation that the City Council issue a formal censure of Respondent’s conduct and remove Respondent from his position as Mayor Pro Tem.

Dated this 6th Day of January, 2022.



Thomas G. Ivey, Chair
City of Pekin Ethics Commission

**REQUEST FOR COUNCIL ACTION**

Agenda Date: January 19, 2022
To: Council Members
From: Mark Rothert, City Manager

AGENDA ITEM: Resolution No. 365-21/22 Public Censure of Councilmember Orrick Regarding Ethics Violations(revised)

ACTION REQUESTED: Approve and Adopt the Resolution.

REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):
Date:

City Manager:

Mark A. Rothert
Mark A. Rothert, City Manager 1/14/2022

Date:

Ordinance Violations (Revised)

WHEREAS, the City of Pekin adopted a revised Ethics Ordinance and a Code of Ethics and Conduct on August 9, 2021; and

WHEREAS, as part of this revised Ethics Ordinance, the City Council established an Ethics Commission to investigate and adjudicate complaints regarding ethics violations; and

WHEREAS, a complaint was filed with the Ethics Commission on November 12, 2021, against Councilmember Lloyd Orrick for violating the City's Ethics Ordinance; and

WHEREAS, the Ethics Commission processed the complaint and commenced a public hearing on December 28, 2021, during which the Commission heard testimony and received evidence from both the Complainant and the Respondent; and

WHEREAS, after hearing evidence, the Ethics Commission found that Councilmember Orrick engaged in conduct that violated Sections 2-8-2(a) and 2-8-5 of the City's Ethics Ordinance; and

WHEREAS, a copy of the meeting minutes and the written formal findings of the Commission are attached hereto as Exhibit A and Exhibit B, respectively; and

WHEREAS, the Ethics Commission unanimously voted to issue a monetary fine of \$500 to Councilmember Orrick and made a recommendation to the City Council that a formal censure vote be taken and that Councilmember Orrick be removed from his position as Mayor Pro Tem; and

WHEREAS, the City Council does not condone or approve of this type of conduct and behavior and finds it necessary and prudent to declare that this type of conduct will not be tolerated; and

WHEREAS, the City Council has authority to punish or censure an individual Councilmember for violation of the City's Code of Ethics and Conduct; and

WHEREAS, a censure is generally understood to be an official reprimand, condemnation, or an authoritative expression of disapproval; and

WHEREAS, the City Council of the City of Pekin has a duty to ensure that the ordinances, regulations and policies of the City are followed by all members of the City Council, and that members of the City Council demonstrate the highest level of professionalism and respect while acting in the course and scope of their office.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PEKIN, TAZEWELL COUNTY, ILLINOIS:

Section 1. The findings and recitations set forth above are found to be true and correct and are incorporated herein.

Section 2. The City Council adopts the Ethics Commission's findings that the aforementioned conduct of Councilmember Lloyd Orrick violated the City's Ethics Ordinance (Sections 2-8-2(a) and 2-8-5) and the City's Code of Ethics and Conduct.

Section 3. The City Council finds that the conduct of Councilmember Orrick was improper, unprofessional, unacceptable, and contrary to the legitimate interests of the City.

Section 4. The City Council hereby:

- a. Formally censures Councilmember Orrick for engaging in improper, unprofessional and unacceptable conduct.

- c. Accepts Councilmember Orrick's voluntary resignation as chair of the City Council's Infrastructure Committee.
- d. Allows that the fine paid by Councilmember Orrick may be made to a nonprofit organization of his choosing.

Section 5. Any failure of Councilmember Orrick to comply with the above conditions may result in further censure(s) by the City Council or additional penalties for violation of the City Code or the City Code of Ethics and Conduct.

Section 6. This Resolution shall be in full force and effect upon its adoption and approval.

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this _____ day of _____, 20_____.

MAYOR

ATTEST:

CITY CLERK

ETHICS COMMISSION
MINUTES OF THE DECEMBER 28, 2021 MEETING

The December 28, 2021, meeting of the City of Pekin Ethics Commission was called to order at 5:30 with a roll call of all members. Commissioners Tom Ivey, Susan Stuart and Joe Privett were all present. City Manager Mark Rothert, City attorney Kate Swise, and Sarah Newcomb serving as clerk were also present for the meeting.

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Public Comment. John McNish stated that Mr. Orrick sent him a personal apology for his comment and there was no harm no foul. He is also willing to help the Ethics Commission dig deeper into ethics issues.

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the written notice of the Commission's finding of probable cause. The participants, Karen Hohimer and Lloyd Orrick are both sworn in.

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Ms. Hohimer calls John Abel as her witness. He is sworn in at 5:57 p.m. by Commissioner Ivey. Mr. Abel states that he sits next to Ms. Hohimer and observed things he did not think were appropriate. He made comments about her clothing, her tan line and sometimes referred to her as his girlfriend. His comments were beyond what should have been said. Galassi cross exams Mr. Abel and asks if they discussed the complaint and Abel states just in general. On cross he also states she (Ms. Hohimer) was glad to have Lloyd moved. Mr. Abel also indicates he did not discuss what his testimony would be.

Hohimer did not have any other witnesses. Stuart and Privett indicate they did not have any questions at this time and Ivey asks if the incident where he was called her boyfriend was recorded live and Hohimer indicates yes. Attorney Swise asks Hohimer if she wanted to be moved away and Hohimer says she discussed that with Luft probably in June. Swise asks about the video in complaint. Hohimer indicated that Mr. Orrick took her phone while the Mayor was making a proclamation and looked through her pictures and saw the video.

Mr. Orrick presents his testimony. Galassi asks him where he worked, how many years he has served the public, more than 20 years. He indicates he never had a sexual harassment complaint made against him. When asked if Hohimer ever said that he offended her he indicates no. Mr. Orrick admits he made the comment about McNish being her boyfriend and he was just teasing. Galassi asks if the board banters and he says yes and gives example. Galassi asked if he was referring to them being in a sexual relationship, Orrick states no, far from it. Galassi asks question about when he was told about the complaint. Orrick states November 11th by Mr. Luft. Orrick then called Kate (Swise) and told her his logic and Kate thought a public apology was appropriate. He also sent Mr. McNish and Karen individual apologies. He made a public apology at the 11/15 infrastructure meeting. Mr. Abel told him his apology was appropriate and he should also make it at the council meeting. Mr. Abel did not state he need to apologize for anything else and didn't say there were any other inappropriate comments. Galassi asks again about the conversation with the Mayor and Orrick indicates that he asked Orrick to resign and that it might be turned over to the States attorney. He also indicated that Mr. Luft asked him to share the public apology with the City Clerk and told him he couldn't make the apology at the council meeting. Orrick indicated he did not ask to see pictures on her phone. He did say he liked when she wore a dress. Galassi asks about Hohimer showing pictures to him. Orrick indicates Hohimer showed him 5-8 pictures at IML of her and Becky Cloyd at the IML conference, one included her dress blowing up. Galassi presents Exhibit 1, which is the public apology at the infrastructure meeting.

Hohimer begins her cross and Galassi asks for a recess, which is granted at 6:40. The Commission reconvenes at 6:46. Ivey asks questions about Orrick's professional career and harassment training. Galassi presets copies of the letters sent to Hohimer and McNish to the Commission and Hohimer. Swise asks about allegation number 6 and Orrick indicates he did not make those comments.

Hohimer asks Mr. Abel if he saw Orrick poke her thigh, he indicates Yes, I was sitting right there. Abel tells Swise he doesn't remember when that was.

Mr. Ivey asks for a motion to move to executive session: Privett makes a motion to go to executive session: I move to consider testimony and evidence presented in an open hearing pursuant to 5ILCS 120/2 (c) 4. second by Stuart, motion carries unanimously.

Commission retires to Exec session at 7:02

Ivey reconvenes open session at 7:58

Privett moves that Respondent violated the code of ethics and the City Code. On a second by Stuart, all present vote in favor of motion.

The Respondent has been found in violation of the City Code. We will now hear recommendations from the parties as to penalties and/or sanctions. Penalties and Sanctions may include, but are not limited to:

- a. A fine of not less than \$250 nor more than \$750
- b. Recommendation to the Mayor that the Respondent be removed from committee or other appointments
- c. Recommendation to the Council that the Respondent be subject to any of the sanctions set forth in Part C of the City Code of Ethics and Conduct

Ms. Hohimer, is not present so Mr. Orrick do you wish to make a recommendation as to penalties or sanctions?

Orrick states nothing was done intentional, and no one ever spoke to me or saying anything. I respect Karen and I have listened to her at meetings and changed my vote based on what she says. I didn't intend to and if she had said anything at all I would have stopped. Galassi asks if she can make a comment. While we disagree with the findings, we respect your decisions. I would like to point out that 1. In all of his years of public service there have never been allegations against him. While you didn't make comments of the specific violations, I would point out the Pekin policy points out that they should make an attempt to register how offensive something was. With a lack of any type of intervention I would recommend that he go through remedial training as recommended by the HR director and maybe some mediation between the complainant and Mr. Orrick I'm not sure why some of these things are so offensive. The harassment policy is to provide a good working environment. Given his long years of service and lack of any other evidence that is what should be assessed.

Ivey asks for a motion to exec session to consider penalties Stuart makes the motion with a 2nd from Privett all in favor voting aye at 8:03 p.m.

At 8:32 p.m. Ivey brings the Commission back into open session. Privett makes

a motion that the following penalties are recommended of a monetary fine of \$500.00, 2, a formal censure and 3, the Council remove Mr. Orrick as Mayor Pro-Tem. Stuart makes the second. Galassi asks they site the ordinance and Swise responds subsection 5 of 2-3-5, may dismiss or recommend discipline to the council. Swise indicates her intention to prepare the finding and the Commission will approve them at their next meeting. On roll call, all member vote Aye.

The Commission will issue a written statement of its finding and conclusions within 30 days of today's date.

Motion to adjourn is made by Stuart and a second by Privett, all present voting aye at 8:37 p.m.

Respectfully submitted,

Sarah Newcomb

**BEFORE THE ETHICS COMMISSION
CITY OF PEKIN, ILLINOIS**

In RE: Ethics Complaint No. FY22-001

Complainant: Karen Hohimer

Respondent: Lloyd Orrick

FINDINGS, ORDER, AND RECOMMENDATIONS

This matter is before the Commission for hearing on the above-referenced Complaint. The hearing commenced at 5:39pm on Tuesday, December 28, 2021. After hearing evidence from both the Complainant and the Respondent, as well as hearing witness testimony from John Abel, the Commission makes the following findings:

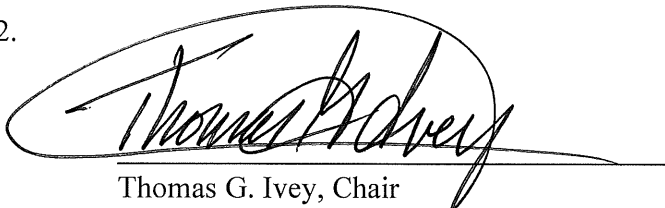
1. It is undisputed that Respondent said “Here comes your boyfriend” to Complainant as a member of the public came up to speak during the public comment period of a Council meeting. Respondent testified that he knew Complainant does not like the individual about whom the comment was made and that it was meant as a joke.
2. Respondent made more than one comment about Complaint’s appearance when she was wearing a dress and expressed his preference that she wear a dress. This was testified to by the Complainant and corroborated by witness John Abel. Respondent further admitted that he “compliments women” and that he had told Complainant she looked nice when she had a dress on.
3. Respondent commented to Complainant “I see you wore a dress for me tonight” and poked Complainant’s thigh. This was corroborated by the testimony of John Abel who witnessed the physical poking.
4. During a public presentation by the Mayor at the September 27, 2021, Council meeting, Respondent took Complainant’s phone and scrolled through it looking at photos and a video of Complainant. The Commission closely reviewed the video recording of the September 27, 2021, Council meeting which was played during the hearing and entered into evidence. The video clearly shows Respondent reaching over and grabbing what appears to be a cell phone from the desk in front of Respondent. The video further shows Complainant looking down at what Respondent is viewing and gasping in surprise. John Abel further testified that he had seen Respondent take Complainant’s phone and was “poking at it” though he couldn’t see what was on the screen.
5. Respondent commented on Complainant’s tan and asked her if it went “all the way down...”. This was testified to by the Complainant and corroborated by the testimony of John Abel.

6. Respondent told Complainant that she smelled good. This was admitted by the Respondent.
7. These comments were made beginning in May of 2021 when Complaint and Respondent were first seated next to each other at Council meetings and culminated with the statement “here comes your boyfriend” at the October 13, 2021, Council meeting. Respondent made inappropriate comments to Complainant before or during most, if not all, Council meetings during that period.
8. Complainant felt disrespected and embarrassed by Respondent’s conduct. It was evident from Complainant’s testimony and appearance that she was distressed by Respondent’s conduct toward her.
9. Respondent had participated in sexual harassment training on several occasions, and so he knew or should have known that his conduct was inappropriate and likely to cause offense. Further, Respondent admitted his weakness is that he is a “teaser.”
10. Respondent’s conduct constituted sexual harassment in violation of Section 2-8-5 of the Pekin City Code in that it created an intimidating, hostile, or offensive working environment for the Complainant.
11. Respondent’s conduct violated Section B.1(c) of the City Code of Ethics and Conduct in that constituted personal comments that could—and did—offend another Council member, and therefore violated Section 2-8-2(a) of the City Code.

Based on the above findings, the Commission makes the following Order and Recommendation:

- A. Respondent is ordered to pay a monetary fine in the amount of \$500 within 30 days of the date of this Order. Payment shall be made to the City Clerk.
- B. The Commission makes a recommendation that the City Council issue a formal censure of Respondent’s conduct and remove Respondent from his position as Mayor Pro Tem.

Dated this 6th Day of January, 2022.



Thomas G. Ivey, Chair
City of Pekin Ethics Commission

**REQUEST FOR COUNCIL ACTION**

Agenda Date: January 19, 2022
To: Council Members
From: Mark Rothert, City Manager

AGENDA ITEM: Resolution No. 363-21/22 Appointment Mayor Pro Tem and 1st Alternate

ACTION REQUESTED: Approve and Adopt the Resolution.

REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):

Date:

City Manager:

Mark A. Rothert

Mark A. Rothert, City Manager

1/14/2022

Date:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PEKIN, ILLINOIS that the Mayor's appointment of Council Member Becky Cloyd as Mayor Pro Tem to the City Council for a term until April 30, 2022, is hereby approved.

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF PEKIN, ILLINOIS that the appointment of John P. Abel as 1st Alternate Mayor Pro Tem to the City Council for a term until April 30, 2022, is hereby approved.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this 10th day of January, 2022.

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this _____ day of _____, 20____.

MAYOR

ATTEST:

CITY CLERK

**REQUEST FOR COUNCIL ACTION**

Agenda Date: January 19, 2022
To: Council Members
From: Mark Rothert, City Manager

AGENDA ITEM: Resolution No. 364-21/22 Mayor's Appointment of David Nutter to the Infrastructure Improvements Comm

ACTION REQUESTED: Approve and Adopt the Resolution.

REQUIRED SIGNATURES

Finance Department (Certification of Availability of Funds):
Date:

City Manager:

Mark A. Rothert

Mark A. Rothert, City Manager

1/14/2022

Date:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PEKIN, ILLINOIS that the Mayor's appointment of David Nutter to the Infrastructure Improvements Committee and as its Chairperson is hereby approved until such time as his successor shall be named.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this 10th day of January 2022.

ADOPTED AND APPROVED at a regular meeting of the City Council of the City of Pekin this _____ day of _____, 20____.

MAYOR

ATTEST:

CITY CLERK