



ROGER W. HOLMES
Inspector General for the City of Springfield

Phone: 217.391.1630
email: spfldoig@gmail.com

P.O. Box 2459
Springfield, IL 62705

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INSPECTOR GENERAL'S REPORT TO THE CITY COUNCIL
2019-OIG-2

While it is the practice of the Inspector General to not disclose the names of any Complainant and not disclose the name of any Respondent unless Respondent is referred for prosecution, due to the fact that the subject matter of this investigation has already been fully presented in the local media and because the circumstances which gave rise to the matter in question occurred during an open meeting of the Springfield City Council, I will deviate from my standard procedure in this matter.

On February 13, 2019, a Special Meeting of the City Council of Springfield, Illinois was duly convened and after discussion of the Ordinance which was the primary topic of the Special Session, an Ordinance was presented to be placed on the following week's Agenda of the regular meeting of the City Council.

The discussion in question involved whether or not MacArthur Boulevard from Wabash South to its Southern terminus should be transferred from the jurisdiction of the Illinois Department of Transportation to the City of Springfield. Alderman Joe McMenamin whose Ward includes MacArthur North of Wabash Avenue and Alderman Kristin DiCenso, whose Ward includes the portion of MacArthur South of Wabash, engaged in a discussion with Alderman McMenamin speaking in opposition to transferring jurisdiction of the portion of MacArthur South of Wabash from IDOT to the City. The meeting was recorded by video with audio and a partial transcription of the relevant exchanges appears below. The time references are to where on the video of the meeting the exchanges occurred.

SPECIAL CITY COUNCIL MEETING OF FEBRUARY 13, 2019
(Transcribed from Video Tape)

14:56	McMenamin	(Begins a discussion regarding putting a motion before the Council to transfer jurisdiction of that portion of MacArthur Boulevard from Wabash to its southern terminus.)
15:15	McMenamin	I attended the MBA Board meeting roughly 2 weeks ago and the MBA Board would ultimately like to have a comprehensive jurisdictional transfer of MacArthur Boulevard so we wouldn't

		piece-meal it. . . .
17:52	McMenamin	The Wanless Trust beneficiaries all reside outside of the City of Springfield.
17:59	DiCenso	(Interrupting) What does that have to do with anything? They want development.
18:02	McMenamin	What I am trying to say. . . excuse me, you are interrupting. . . I think what we want to say is the local residents want to have a say in what happens here and so I would encourage Mr. Wilke to meet with the MBA Board and see what can be worked out. And I think this will be highly controversial, um, in our area. You are encouraged to meet with the MBA Board Alderman DiCenso.
18:30	DiCenso	(Interrupting) You barged in on their meeting. You were not invited,
18:31	McMenamin	(Interrupting) I absolutely was invited.
18:33	DiCenso	(Interrupting) That's not what the President told me twice today.
18:40	Thielen	Point of Order – is this discussion better heard during the actual part where this in committee? This is just to place it on the Agenda.
18:48	McMenamin	I still have the floor because I was interrupted by a false statement.
18:54	DiCenso	(Interrupts) Call him right now.
18:56	McMenamin	He is at an event right now.
18:58	DiCenso	I talked to him twice today.
19:02	McMenamin	I talked to him and asked him to text the Mayor with these comments, which I did. He asked me to say what I informed the Mayor of. At the Board meeting that I attended, Michael Higgins, the President, was there, Loretta Durbin was there, Chris Hanken was there, a representative of Town & Country Bank was there, Doug Dougherty was there and there was a consensus of opinion.
19:33	DiCenso	(Interrupts) (corrects pronunciation of Dougherty).
19:44	McMenamin	There was consensus that there would be a comprehensive jurisdictional transfer of MacArthur Boulevard and not a piece meal jurisdictional transfer.
19:51	DiCenso	(Interrupting) Because you were the only one there.
19:53	McMenamin	Excuse me, Ma'am, you are interrupting again.
19:57		Mayor recognizes Alderman DiCenso who states the Wanless Trust has been invested in this project for 20 years, as the City well knows. And, comparing the Scheels' portion of MacArthur Boulevard to the portion of MacArthur Boulevard that the Alderman is talking about is comparing apples to oranges. That's a brand new road so IDOT doesn't have to go in there and fix everything.
20:25	DiCenso	Mr., Alderman McMenamin, does not know or have other information going on behind the scenes, as he thinks he does. I spoke to MBA President, Michael Higgins, today, um, I was not at that meeting because I was not invited to that meeting. Nor was Alderman McMenamin.
20:41	McMenamin	(Interrupting) That's a false statement.
20:42	DiCenso	He made an end run around, not only with them, but with you, Mayor, and with you, Mr. Zerkle, to avoid this to stop development.

		Now this is insane. This is completely ludicrous. We are not piece mealing anything. We are trying to encourage growth in an area that has been struggling. Scheels has kept that open. And Engrained has kept that open. So, we are not going to help these other businesses when something else wants to come in? All we sit around this horseshoe and do is complain about the lack of economic development in the City. Are you kidding me? It's a joke.
21:20		(Matter put on Agenda)

On February 14, 2019 at 11:15 a.m. on the day following the Special Meeting, Alderman McMenamain sent an email to City Council Coordinator Tim Griffin with the subject, "False Statements last night at City Council Special Meeting re Jurisdictional Transfer of South MacArthur." Alderman McMenamain directs the City Council Coordinator to distribute the subject email to the City Council, the Mayor, the City Clerk, the City Treasurer, Bonnie Drew, Corporation Counsel Zerkle and Julia Frevert.

The text of the email from Alderman McMenamain to City Council Coordinator Griffin states:

"Tim – Here below is the email reminder I received from Jess Weitzel, Secy. Of MBA, reminding me of the Feb. 1, 2019 MBA Board Meeting and the topic is 'JT (Jurisdictional Transfer)'.

Last night, W6 Alderperson DiCenso in a public Special Meeting of the City Council said I 'barged into an MBA meeting uninvited' and discussed a topic that was 'not on the agenda.' Those statements were false and untrue.

Michael Higgins was also mentioned last night. Below is a letter of endorsement he gave me at the MacArthur Boulevard General Membership Meeting this morning, 7:30 a.m. Please distribute this email with attachments to the City Council, the Mayor, the City Clerk, the City Treasurer, Bonnie Drew, Corporation Counsel Zerkle and Julia Frevert. Thank you, Joe McMenamain.
Ald W7."

Attached to this email was an email dated January 30, 2019 from Jess Weitzel to Alderman McMenamain regarding "Reminder about MBA Board Meeting this Friday". The body of the email was a reminder about the MBA Board Meeting the following Friday and states "The Board knows you will be coming to discuss the proposed JT of South MacArthur." Also attached is a letter of endorsement from Michael F. Higgins, Resident of Ward 7 on Maldaner's Restaurant letterhead dated February 13, 2019.

At 1:12 p.m. on February 14, 2019, Aldermanic Coordinator Griffin distributed the McMenamain email as directed by the Alderman. Thereafter, 8 minutes later at 1:20 p.m. Alderman DiCenso emailed Coordinator Griffin,

"Tim, please let the Council know that (1) Chef Higgins, President of MBA, told me the exact opposite, and (2) MBA doesn't endorse candidates. Anything written by Chef Higgins is his own personal endorsement. Best, Kristin."

Seven minutes later at 1:27 p.m., the Council Coordinator distributed Alderman DiCenso's email to the City Council Members and other recipients as were copied on the McMEnamin email.

At 3:11 p.m. on February 14, 2019, another Alderman sent an email which began with the words "Good Afternoon All", but does not disclose the recipient list. That email ends with a request that the Mayor and Corporation Counsel initiate an Inspector General inquiry regarding the endorsement letter attached to Alderman McMEnamin's initial email.

At 3:29 p.m., yet another Alderman emailed all of the City Council Members and the same parties who received the initial email concurring with first Alderman.

Finally, at 5:15 p.m. on February 14, I received a request from the first Alderman asking me to investigate the McMEnamin attachment of a political endorsement as engaging in political activity on City time utilizing City resources.

Section 36.07 of the Springfield Code of Ordinances deals with political activity and states at (a)(3) "No City officer or employee shall engage in any political activity while performing official duties or during work hours."

As can be seen by the partial transcript above, on at least 4 occasions, Alderman McMEnamin stated that he had been invited to and did attend the MacArthur Boulevard Association Board Meeting wherein the Jurisdictional Transfer was discussed. On at least 4 occasions, Alderman DiCenso states that Alderman McMEnamin's statements are false and that he was not invited to the meeting and barged in and goes on to say that he was the only one at the meeting.

There was also a heated exchange as to the position MBA President, Michael Higgins.

Under the City Code Ordinance creating the office of Inspector General, there is a provision that a Respondent, in this case, Alderman McMEnamin, be afforded the opportunity to state his defense to any matter being investigated by the Inspector General. I afforded Alderman McMEnamin this opportunity by way of a telephone conversation. Alderman McMEnamin indicated that he sent the email of February 14 to City Council Coordinator Griffin to be distributed to all of the Alderman and the other named recipients to refute Alderman DiCenso's false accusations that he was not invited to the meeting by attaching a copy of the email invitation which he received specifically inviting him to the meeting to discuss the topic of Jurisdictional Transfer. Additionally, Alderman McMEnamin attached the endorsement letter from Michael Higgins on Maldaner's Restaurant letterhead to refute Alderman DiCenso's statements that she had been in communication with Michael Higgins who told her positions which were contrary to what Alderman McMEnamin stated at the Special City Council Meeting.

To the extent that the McMEnamin email attached to the MBA Board invitation extended to him, the email was a proper defensive response to the allegations that were levied against him that he had barged into the meeting uninvited. Alderman McMEnamin is certainly entitled to the opportunity to prove that the accusations against him were false.

Where the email becomes problematic is the point at which Alderman McMenammin attached a political endorsement to the email circulated by the City Coordinator.

First, statements appearing in the press indicated that the City Council Coordinator may have had a duty to review and censor any email he is requested to send. To the contrary, the City Council Coordinator is obligated to forward anything that he is directed to distribute to the City Council members. The City Council Coordinator is a conduit and neither the censor nor conscience of emails that he is directed to distribute and, therefore, has no fault in this matter.

The culpability of Alderman McMenammin depends upon the interpretation of the words "political activity" appearing in Section 36.07 of the City Code. Historically, countless governmental bodies have had issues with improper political activity such as a manager demanding that employees sell fundraising tickets, make contributions to a particular candidate, campaign on behalf of the candidate, use government resources to campaign on behalf of a candidate or use paid governmental time for campaign activities, all of which seek to influence the outcome of a pending election. To curb these former abuses, governmental bodies have enacted statutes and ordinances much like the Springfield Code to eliminate political activity from the workplace while granting employees the ability to engage in political activities on their own time.

The applicability of the term "political activity" to this case turns upon the intent of the sender, Alderman McMenammin. If the intent of political activity is to influence a person to vote for a particular candidate, then this action falls short since none of the Aldermanic recipients could vote in a Ward 7 election. As well, all but one of the other recipients live outside of Ward 7. The lone recipient who votes in Ward 7 indicates that the recipient would not be swayed one way or the other by the attached endorsement letter.

While I do not view the attachment of the Higgins endorsement to be political activity, but instead, was sent to refute claims made against Alderman McMenammin at the previous night's meeting, I do find that the inclusion of the endorsement should have been given much greater thought by Alderman McMenammin and deleted prior to forwarding his email to the City Council Coordinator so that the ensuing controversy would not have occurred.

This unfortunate incident is the product of current society's reliance upon instantaneous communications by email and other electronic media. Such communications are often regretted when made in the heat of passion such as defending oneself from false accusations. This entire controversy moved from start to finish in less than 6 hours and should be a reminder to all to leave time to reflect upon what one has written or attached before hitting the Send button.

Based upon my investigation of this matter and my finding that the endorsement was not attached as political activity, this matter is closed as unfounded with the following recommendations":

1. In the heart of this election season, and at all times, Aldermen are expected to zealously represent their constituents but such zealous representation should not occur at the expense of courtesy to fellow Aldermen. Measured and thoughtful debate of matters before this body will not only enhance its efficiency, it can also enhance the image of this body in the eyes of the citizens you represent.

2. The Aldermanic Coordinator is the proper channel to distribute emails to all of the Aldermen rather than an Alderman sending a blast email to all of the other Aldermen.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Holmes', with a long horizontal flourish extending to the right.

Roger W. Holmes, Inspector General