

LAW OFFICES

STORINO, RAMELLO & DURKIN

9501 WEST DEVON AVENUE
ROSEMONT, ILLINOIS 60018

(847) 318-9500

FACSIMILE (847) 318-9509

July 26, 2021

JOSEPH G. KUSPER
BRYAN J. BERRY
ANN M. WILLIAMS
LEONARD P. DIORIO
RICHARD F. PELLEGRINO
DONALD J. STORINO II
BRIAN R. KUSPER
MARK R. STEPHENS
OF COUNSEL

IN REPLY REFER TO FILE NO.

DONALD J. STORINO
MICHAEL K. DURKIN
RICHARD J. RAMELLO
NICHOLAS S. PEPPERS
THOMAS M. BASTIAN
MELISSA M. WOLF
ANDREW Y. ACKER
JAMES E. MACHOLL
BRIAN W. BAUGH
ANTHONY J. CASALE
PETER A. PACIONE
MATTHEW G. HOLMES
MICHAEL R. DURKIN
THOMAS J. HALLERAN
ADAM R. DURKIN

Christopher Placek
cplacek@dailyherald.com

RM-1

Re: Freedom of Information Act Request

Dear Mr. Placek:

On July 19, 2021, the City of Rolling Meadows received your Freedom of Information Act (5 ILCS 140/1 *et seq.*) ("FOIA") request for the following records:

"Notice of termination sent to Barry Krumstok, as approved by the city council July 13, 2021, including any and all reasons for termination as communicated to Mr. Krumstok; and/or any other written communications or notifications sent by the city to Mr. Krumstok since July 13."

Your request has been granted in part and denied in part. Enclosed are records responsive to your FOIA request. However, please be advised that certain information in the records being provided has been determined to be exempt from disclosure under FOIA, and that information has been redacted from the records being provided.

Section 7 (1) (b) of FOIA provides that "private information" is exempt from disclosure. "Private information" is defined in FOIA as, "unique identifiers, including a person's social security number, driver's license number, VIN, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/2(c-5). Consequently, certain unique identifiers including signatures have been redacted from the records being provided.

STORINO, RAMELLO & DURKIN

Christopher Placek

July 26, 2021

Page 2

The person responsible for the decision to deny a portion of your FOIA request is the City of Rolling Meadows Freedom of Information Officer, Judith Brose. In accordance with Section 9(a) of FOIA, you are hereby notified that you have the right to file a Request for Review regarding the decision made by the City of Rolling Meadows Freedom of Information Officer with the Public Access Counselor at the Illinois Attorney General's Office. You can file your Request for Review with the Public Access Counselor by writing to:

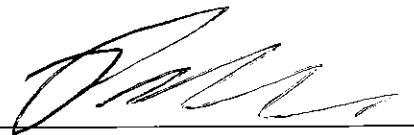
Sarah Pratt
Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

If you choose to file a Request for Review with the Public Access Counselor, you must do so within 60 calendar days of the date of this letter. Please note that you must include a copy of your original FOIA request and this letter when filing a Request for Review with the Public Access Counselor.

You are also notified that you have the right to judicial review regarding the decision made by the City of Rolling Meadows Freedom of Information Officer pursuant to Section 11 of FOIA.

Sincerely,

STORINO, RAMELLO & DURKIN
Attorneys for the City of Rolling Meadows



Peter A. Pacione

Enclosures

LAW OFFICES

STORINO, RAMELLO & DURKIN

9501 WEST DEVON AVENUE
ROSEMONT, ILLINOIS 60018

DONALD J. STORINO
MICHAEL K. DURKIN
RICHARD J. RAMELLO
NICHOLAS S. PEPPERS
THOMAS M. BASTIAN
MELISSA M. WOLF
ANDREW Y. ACKER
JAMES E. MACHOLL
BRIAN W. BAUGH
ANTHONY J. CASALE
PETER A. PACIONE
MATTHEW G. HOLMES
MICHAEL R. DURKIN
THOMAS J. HALLERAN
ADAM R. DURKIN

(847) 318-9500

FACSIMILE (847) 318-9509

July 20, 2021

JOSEPH G. KUSPER
BRYAN J. BERRY
ANN M. WILLIAMS
LEONARD P. DIORIO
RICHARD F. PELLEGRINO
DONALD J. STORINO II
BRIAN R. KUSPER
MARK R. STEPHENS

OF COUNSEL

IN REPLY REFER TO FILE NO.

Via Regular Mail and E-Mail

Mr. Barry Krumstok
c/o Attorney Keith L. Hunt
Hunt & Associates, P.C.
Bannockburn Atrium
2275 Half Day Road, Suite 126
Bannockburn, IL 60015
E-Mail: khunt@huntassoclaw.com

Re: Notice of Removal from Office and Termination of Employment as City Manager
for the City of Rolling Meadows

Dear Mr. Krumstok:

You are hereby notified that on July 13, 2021, at the Special Meeting of the City Council, the City Council, by a majority vote of its members (5-2), voted to remove you from office and to terminate your employment as the City Manager for the City of Rolling Meadows, effective on the date of this written notice, and directed that I prepare this written notice of removal and termination.

After careful consideration, the City Council has determined to remove you from office and to terminate your employment as City Manager for the City of Rolling Meadows based upon the City Council's perception that your performance was deficient for the following reasons.

- You have failed to implement the goals established for the City Manager position established by the City Council that the City Council has deemed beneficial and necessary for the effective operation of the City and/or to improve the operation of the City as documented in the City Council's written reviews of your performance on your annual goals.

STORINO, RAMELLO & DURKIN

Mr. Barry Krumstok
c/o Attorney Keith L. Hunt
July 20, 2021
Page 2 of 3

- You have failed to timely and effectively communicate your efforts and progress toward meeting the City Council's goals for you, despite the City Council's written direction for you to communicate with the City Council on the status of your efforts and progress with respect to meeting your goals. In addition, it appeared to members of the City Council that you intentionally delayed your effort to address the specific goal for the creation of the Assistant Manager position and that you delayed your communication to the City Council regarding the status of that goal until after the outcome of the 2021 election.
- Your apparent failure to recognize the City Council's authority to determine policy.
- Your apparent lack of accountability to the City Council.
- Your statements made in a perceived attempt to create division among the members of the City Council, including your insinuation that certain alleged closed session leaks were caused by specific currently-seated members of the City Council.
- Your lack of alignment with the City Council's vision and forward direction for the City and your resistance to change.
- Your lack of effort to improve business and/or economic development within the City, including your manner of working with the Economic Development Committee.
- Your perceived lack of willingness to assist City Council members to establish a location for a vaccine clinic in the City of Rolling Meadows to address the COVID-19 pandemic.
- Your failure to provide the City Council with information sufficiently in advance of the meetings of the City Council, despite the City Council's repeated direction that you provide materials necessary for the City Council's consideration of matters sufficiently in advance of the meetings.

The Council has thoroughly evaluated your claims of retaliation and discrimination and finds that your claims are without merit and lack a good faith basis. The Council has determined that its decision regarding your removal from office and termination from employment is in no way based upon retaliatory or discriminatory reasons, but is based upon the reasons set forth above, which reasons had been made known to you on many different occasions. Further, the Council confirms that the purpose of the Mayor's meeting with you on July 8, 2021, was done as a courtesy, in an effort to inform you of the impending meeting of the City Council where it was to consider your removal from office and to allow you the opportunity to select voluntary resignation, whereby you would receive the same amount of contractual severance pay, as an alternative method of separation from the City.

STORINO, RAMELLO & DURKIN

Mr. Barry Krumstok
c/o Attorney Keith L. Hunt
July 20, 2021
Page 3 of 3

For the reasons stated herein, the City Council hereby removes you from the office of City Manager and hereby terminates your employment as City Manager for the City of Rolling Meadows. Pursuant to Section 2-223 of the City Code, you are afforded the option of a post-removal process regarding the City Council's decision to remove you as City Manager. Specifically, Section 2-223 provides that "[w]ithin five days of the date the city council removes the city manager, the city manager may request a hearing thereon by the city council. Within 15 days of receipt by the city clerk of the city manager's written request for a hearing, the city council shall conduct a hearing. Following the hearing, the city council may affirm the removal or reinstate the city manager. During the interim, the city council may suspend the city manager from duty but shall continue only his salary for 90 days from the date of removal."

You will be afforded the severance benefits set forth in your Agreement for employment with the City of Rolling Meadows, dated December 18, 2018, along with any other final compensation and health insurance continuation coverage benefits provided by law or the policies of the City of Rolling Meadows.

Respectfully,

A large black rectangular redaction box covers the signature of Melissa M. Wolf.

Melissa M. Wolf
One of the City Attorneys
Issued on behalf of and at the direction of the
City Council of the City of Rolling Meadows