

EXECUTIVE SESSION
Claims Settlement
Purchase or Lease of Real Estate
Litigation
October 10, 2011

Council Present: Aldermen Judy Stearns, David Sage, Bernie Anderson, Steven Purcell, David Sage, Robert Fazzini, Jennifer McDade, Jim Fruin, Mboka Mwilambwe, Karen Schmidt and Mayor Stephen F. Stockton.

Staff Present: David A. Hales, City Manager; Barb Adkins, Deputy City Manager; Todd Greenburg, Corporation Counsel, Randy McKinley Police Chief, Emily Bell Human Resources Director, Craig Cumming, Director of Water, Betty McCain SCLA, Alternative Service Concepts (ACS), and Renee Gooderham, Chief Deputy City Clerk.

Staff Absent: Tracey Covert, City Clerk.

The Executive Session was called to order at 5:02 p.m. Mayor Stockton cited the Executive Session topic, CLAIMS SETTLEMENT – SECTION 2 (c) (8).

David Hales, City Manager requested an agenda change. The order would be Claims Settlement, Litigation and Purchase or Lease of Real Estate. He requested each topic be limited to ten (10) minutes.

Todd Greenburg, Corporation Counsel, explained that there were two (2) workers compensation claims. He provided background on William Boyd backhoe operator for the Water Department injury. Mr. Boyd was not represented by legal counsel and has been release to return to full duties. Betty McCain SCLA, ASC recommended settlement of .

Alderman Anderson questioned how often there is no legal representation. Ms. McCain stated that it depends.

Mr. Hales recommended concurrence. He reminded Council that Ms. McCain would begin the negotiation process at the lowest amount.

Mr. Greenburg, provided background on Gary Gentry, Patrol Officer injury. Mr. Gentry's injury originated in 1998. He has retained legal counsel and is unable to return to full work duties as a police officer. Ms. McCain is requesting authority to negotiate with Mr. Gentry's legal counsel for settlement of .

Ms. McCain explained that he was previously awarded . She was trying to negotiate a "credit".

Alderman Purcell questioned total disability. Ms. McCain responded affirmatively. Mr. Gentry was unable to return to his police duties, the case was switched to man as whole.

Mr. Hales stated the City was also represented by Jennifer Morris, Quinn, Johnston, Henderson & Pretorius.

Ms. McCain stated that she was requesting a settlement of .

Mr. Hales recommend concurrence. ASC has been proactive to close older workman compensation claims.

Mayor Stockton cited the Executive Session topic, LITIGATION – SECTION 2 (c) (11).

Todd Greenburg, Corporation Counsel provided an update on Paul Williams' Illinois Supreme Court case. The Administrative Law Judge ruled that Mr. Williams' claims were proven. The City did not appeal. Joel D'Alba, attorney for Mr. Williams, filed for payment of fees. Linda Doyle, attorney with McDermott, Will and Emery, claimed the notice was never received. The Labor Board ruled in favor of Mr. Williams. The decision was based the Administrative Law Judge written ruling. The Illinois Supreme Court denied the City's request for an appeal. The attorney fees total \$258,800.

David Hales, City Manager, stated the amount is not in the budget. It would come from the general fund reserves.

Mr. Greenburg believed the only other option was to request an accounting of the amount. The City could file a Common Law Action if the accounting did not look correct. He had previously estimated attorney fees at \$200,000.

Mr. Hales questioned attorney fees for the Federal lawsuit which the City was successful. Mr. Greenburg stated that those should not be included. Mr. Hales questioned if those fees would be easy to identify. Mr. Greenburg explained there were a lot of common issues within the cases.

Mr. Hales requested authorization to obtain an accounting of said fees. Mr. Greenburg stated that before a lawsuit for accounting is filed it first has to be requested.

Mayor Stockton stated the budget would be amended after the amount due was finalized.

Alderman Fruin requested a copy of the bill, that it be paid and to move on to promote peace within the department. Randy McKinley, Police Chief, stated the original opinion to promote Mr. Williams was to increase peace. He believed that more money would be spent and there would be more moral issues.

Mr. Hales reminded Council that this was for attorney fees for the Police Union.

Alderman Fruin believed the fees should be paid. Mr. Hales questioned the savings possibility with a formal accounting process.

Alderman Streans questioned the cost of filing the lawsuit. Mr. Greenburg stated \$1500 - \$2500. Alderman Streans stated the amount owed needed to be verified.

Mr. Hales stated that should there be resistance staff would inform Council.

There being no further business the meeting adjourned at 5:40 p.m.

Respectfully submitted,

Renee Gooderham
Chief Deputy Clerk