

COUNTY BOARD EXECUTIVE SESSION  
February 8, 2010

Member Krajewski moved, seconded by Member Larsen, that pursuant to Open Meetings Act Sec. 2(c)(2) and (c)(11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Krajewski, Larsen, McBride, Michelassi, O'Shea, Puchalski, Redick, Sheahan, Zay and Zediker voted "aye." Members Gonzalez, Healy, McMahon and Olson were ~~not~~ present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Frederick Backfield, Chief Financial Officer  
Tom Cuculich, Chief of Staff  
Tom Downing, Assistant State's Attorney

Attorney David Lefkow stated that there is a 30 day front end point. There is still an non-economic issue dealing with the Sheriff's Merit Commission. They wish to get rid of the Sheriff's Merit Commission and the County will add more steps.

Member Curran stated that the Committee is against the union proposal that would place a cap on the employee contribution amount paid for Health care cost.

Mr. Lefkow said that is a 1% wage increase across the board. It is feasible to propose a CPI or 2% increase if it goes to arbitration.

Member Curran stated that there is a 10 step wage system at the Sheriff's Office. After the 10th step, the Sheriff awards a merit increase. The union wants more steps.

Member Enger said that the County should check with the collar counties on staffing numbers.

Member Zay remarked that if the County increases their pay, would the Board get any credit. Currently patrol and court security are paid the same, as a uni-deputy. Should the Board be looking at two pay scales.

Member Curran stated that that was not part of the negotiation.

Member O'Shea said that the uni-deputy classification allows the Sheriff to put a jailer on patrol.

Member Zay remarked that he was against putting a cap on benefit costs.

Mr. Lefkow stated that there are still two issues that need to be addressed: 1. Health care cost cap and 2. Wage/Merit not to exceed 2%.

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Assistant State's Attorney Francis Cermak updated the Board regarding a lawsuit involving James and Chris Hendi.

The Department of Transportation filed a hole in the road with a hot patch that had a 2 inch depression. A cement truck driver hit the hole and hurt his back. The claim is the hole was 6 to 8 inches deep. He is seeking a settlement of \$475,000.

The County offered \$35,000, the plaintiff counter-offered \$175,000 and Judge Elsner set the settlement at \$54,000.

Member Healy moved, seconded by Member Zay, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Krajewski, Larsen, McBride, Michelassi, O'Shea, Puchalski, Redick, Sheahan, Zay and Zediker voted "aye." Members Gonzalez, Healy, McMahon and Olson were not present at the time of roll call. Motion carried.

Respectfully submitted,



Gary A. King  
DuPage County Clerk

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COUNTY BOARD EXECUTIVE SESSION  
August 10, 2010

Member McMahon moved, seconded by Member Redick, that pursuant to Open Meetings Act Sections 2(c)(2), the Board go into Executive Session for the purpose of discussing Collective Negotiating Matters. On roll call, Members Bennington, Curran, Eckhoff, Enger, Fichtner, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan, Zay and Zediker voted "aye." Member Gonzalez was not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Bob Schillerstrom  
Secretary Gary A. King  
Frederick Backfield, Chief Financial Officer  
Tom Cuculich, Chief of Staff  
Cara Perrone, Director of Human Resources  
Paul Bruckner, Assistant State's Attorney  
Tom Downing, Assistant State's Attorney

After a short recess, Members Bennington and Healy left the meeting.

Chairman Schillerstrom announced that he would add an Executive Session motion on the agenda of every meeting so the Board can be updated in the union negotiations.

Attorney Downing stated that a mediation meeting will be held on August 17th to review MAP's proposal. Any outstanding issues should be discussed before arbitration.

Chairman Schillerstrom questioned when arbitration would start. Attorney Downing replied that his guess was in November.

Member O'Shea stated that the County has received the revised demands and they will be given to the Committee to discuss. There will be a committee meeting next week.

Ms. Perrone said that she would attend the meeting on August 17th and will hear from Joe Mazzone, Attorney for MAP, what the union is demanding.

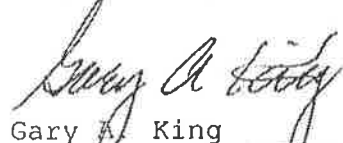
Member Puchalski stated that there were other non-economic issues and questioned what they were. Attorney Downing replied that there were grievances procedures and discipline and the option to opt out of the Merit Commission.

Member Fichtner questioned if the Board should assume that the Sheriff's department pay would increase. Attorney Downing replied that he didn't know.

Member Enger asked about granting overtime pay to some deputies and commanders. Attorney Downing remarked that they would follow the Fair Labor Standard Act, while the union will try to get higher compensation.

Member Eckhoff moved, seconded by Member Kurzawa, that that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Bennington, Curran, Eckhoff, Enger, Fichtner, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan, Zay and Zediker voted "aye." Member Gonzalez was not present at the time of roll call. Motion carried.

Respectfully submitted,



Gary A. King  
DuPage County Clerk

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COUNTY BOARD EXECUTIVE SESSION  
October 26, 2010

Member O'Shea moved, seconded by Member Healy, that pursuant to Open Meetings Act Sec. 2(c)(2), the Board go into Executive Session for the purpose of discussing collective negotiating matters. On roll call, Members Bennington, Curran, Eckhoff, Enger, Fichtner, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Redick, Sheahan, Zay and Zediker voted "aye." Members Gonzalez and Puchalski were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Bob Schillerstrom  
Secretary Gary A. King  
Fred Backfield, Chief Financial Officer  
Tom Cuculich, Chief of Staff  
Cara Perrone, Director of Human Resources  
Nancy Wolfe, Assistant State's Attorney  
Tom Downing, Assistant State's Attorney

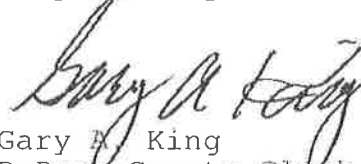
Ms. Perrone stated that they met with the union attorney on October 20th.

The non-economic issues were agreed to. There are 30 items that still are not agreed to. They presented an economic package ranging from a 0% to 1% increase. The next meeting will be on November 1st. Arbitration is scheduled to start on November 7th.

Chairman Schillerstrom stated that this issue will be discussed during Executive Session at the next meeting on November 9th. It is a night meeting.

Member O'Shea moved, seconded by Member Michelassi, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Bennington, Curran, Eckhoff, Enger, Fichtner, Healy, Kurzawa, McBride, McMahon, Michelassi, Olson, O'Shea, Redick, Sheahan, Zay and Zediker voted "aye." Members Gonzalez and Puchalski were not present at the time of roll call. Motion carried.

Respectfully submitted,



Gary A. King  
DuPage County Clerk

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COUNTY BOARD EXECUTIVE SESSION  
November 9, 2010

Member O'Shea moved, seconded by Member Healy, that pursuant to Open Meetings Act Sec. 2(c)(2), the Board go into Executive Session for the purpose of discussing collective negotiating matters. On roll call, Members Bennington, Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, O'Shea, Puchalski, Redick, Zay and Zediker voted "aye." Member McMahon and Sheahan was not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Bob Schillerstrom  
Secretary Gary A. King  
Fred Backfield, Chief Financial Officer  
Tom Cuculich, Chief of Staff  
Cara Perrone, Director of Human Resources  
Paul Bruckner, Assistant State's Attorney  
Tom Downing, Assistant State's Attorney

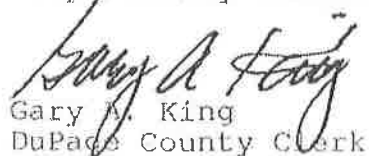
Member O'Shea stated that the County has hired David M. Lefkow of Ancel Glink Diamond Bush DiCianni and Krafthefer. The Committee believed the Board needed a representative to discuss economic issues. Mr. Lefkow asked for a continuance of the arbitration. The arbitrator agreed with the County. It will be rescheduled to late February or early March. Mr. Lefkow will do the negotiating for the County during the arbitration.

Chairman Schillerstrom stated that the Public Works employees are seeking to unionize. They have signed cards with Local 150.

Member Olson asked if there was any recourse for employees signing cards but not realizing what they signed. Chairman Schillerstrom replied that there was not.

Member Zay moved, seconded by Member Michelassi, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Bennington, Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Kurzawa, McBride, Michelassi, Olson, O'Shea, Puchalski, Redick, Zay and Zediker voted "aye." Member McMahon and Sheahan was not present at the time of roll call. Motion carried.

Respectfully submitted,

  
Gary A. King  
DuPage County Clerk

COUNTY BOARD EXECUTIVE SESSION  
April 12, 2011

Member Puchalski moved, seconded by Member Healy, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Krajewski, Larsen, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan, Zay and Zediker voted "aye." Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Frederick Backfield, Chief Financial Officer  
Tom Cuculich, Chief of Staff  
Paul Bruckner, Assistant State's Attorney  
Francis Cermak, Assistant State's Attorney  
Katy Yee, Acting Director of Human Resources

Chairman Cronin asked Assistant State's Attorney Paul Bruckner to give a report on the collective bargaining. Mr. Bruckner stated that the County submitted its final offer and received MAP's final offer.

Member Zay asked what the final totals were. Assistant State's Attorney Francis Cermak answered that the final County offer, which included social security and SLEP, was \$1.6 million over the 3 year contract.

Member Curran said that the offer represents an increase of 2.75% per year. The MAP proposal is for a 4% increase per year. He reported that the draft was shown to the Sheriff and that he was fine with it.

Member Zay asked if the bifurcation was included. Member Curran said that it was not included.

Chairman Cronin asked Member Curran if he would explain the bifurcation issue. Member Curran reported that at the advice of the advisor, the bifurcation issue was dropped. The advisor said that if the County went to arbitration with three separate proposals: one from the Sheriff; one from the County and one from the union, he believed the County would not be in a good position if either side was against any issue. Member Curran said that the Sheriff made it clear that he was not in favor of bifurcation, therefore it was dropped.

Member O'Shea expressed his belief that the final offer would come to the full Board before filing. Member Curran answered by saying the 2.75% was discussed in Committee. The

County Board gave the Committee authority to go to 2.75% in the previous Executive Session.

Member Enger questioned how many people would get a 5% increase. Ms. Yee replied that there would be 2% to 10% raises by the union in the first year.

Member Healy stated that the City of Naperville had to lay off six employees because of money. The union sued. He questioned if the union would sue the County if we lay off people.

Member O'Shea remarked that there is a case in Cook County which states that the government that approved the contract has to fund the contract.

Chairman Cronin thanked Member Curran for his hard work on this difficult issue.

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Assistant State's Attorney Cermak spoke regarding the settlement of a personal injury case. In 2008, a 77 year old woman was walking on a sidewalk at 55th and Torrence Avenue in Downers Grove and tripped and fell. She had to have a full hip replacement. A prior demand of \$220,000 was denied. A new settlement offer of \$75,000 has been made, which includes \$68,000 in medical costs.

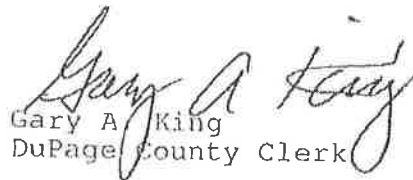
Member Enger questioned if there were any witnesses. Attorney Cermak replied that she was walking with family members.

The consensus of the Board was to agree to the settlement of \$75,000.

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Member Healy moved, seconded by Member Zay, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Krajewski, Larsen, McBride, McMahon, Michelassi, Olson, O'Shea, Puchalski, Redick, Sheahan, Zay and Zediker voted "aye." Motion carried.

Respectfully submitted,

  
Gary A. King  
DuPage County Clerk

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COUNTY BOARD EXECUTIVE SESSION  
July 26, 2011

Member Puchalski moved, seconded by Member Curran, that pursuant to Open Meetings Act Sec. 2(c)(2), the Board go into Executive Session for the purpose of discussing collective negotiating matters. On roll call, Members Curran, Eckhoff, Enger, Gonzalez, Healy, Krajewski, Larsen, Michelassi, Olson, O'Shea, Puchalski, Redick and Zediker voted "aye." Members Fichtner, McBride, McMahon, Sheahan and Zay were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Frederick Backfield, Chief Financial Officer  
Tom Cuculich, Chief of Staff  
Jim Kruse, Sheriff's office  
Margaret Ewing, Director of Human Resources  
Nancy Wolfe, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney  
Tom Downing, Assistant State's Attorney  
Paul Bruckner, Assistant State's Attorney  
Mary Becker, Administrative Assistant

Nancy Wolfe introduced Jim Kruse, a representative of the Sheriff's office, who spoke regarding the union agreement. The contract is due June 1st. The majority of the employees are being put into a new step. Several employees are getting a \$500 adjustment.

Member Curran asked if all sworn deputies will be paid the same. Ms. Wolfe replied that the jail correction officers are not included in this contract. A petition is pending for these workers. A 3/5 vote of the Board, or 11 members, will be needed for a rejection of the contract.

Member Curran stated that he believed the deputies received a good deal. It consists of a 2% increase for the next five years. It also includes health insurance which is most important.

Member Enger questioned if overtime was brought up. Member Curran replied that it was, but it is still in dispute.

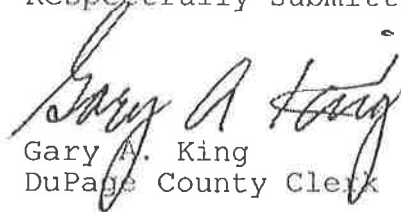
Member Puchalski asked about raises for the rest of the County employees. Chairman Cronin replied that they are working on it. He is hoping to give a \$500 raise this year and a 2% increase next year.

Member Curran remarked that the current Sheriff deputies have 10 steps. Under this agreement, it is going to a 14 step program. The majority of the current deputies are now in step 10 due to prior merit increases. Under the new agreement, merit pay is eliminated.

Jim Kruse stated that the merit max is \$82,000. Merit raises were based on performance.

Member Eckhoff moved, seconded by Member Healy, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Curran, Eckhoff, Enger, Gonzalez, Healy, Krajewski, Larsen, Michelassi, Olson, O'Shea, Puchalski, Redick and Zediker voted "aye." Members Fichtner, McBride, McMahon, Sheahan and Zay were not present at the time of roll call. Motion carried.

Respectfully submitted,



Gary A. King  
DuPage County Clerk

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COUNTY BOARD EXECUTIVE SESSION  
March 13, 2012

Member O'Shea moved, seconded by Member Zay, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Bedrossian, Curran, Eckhoff, Enger, Fichtner, Krajewski, Larsen, Ledonne, McBride, Michelassi, Redick and Zediker voted "aye." Members Gonzalez, Healy, McMahon, O'Shea, Puchalski and Zay were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Frederick Backfield, Chief Financial Officer  
Tom Cuculich, Chief Financial Officer  
John Kos, Director of Transportation and Operations  
Margaret Ewing, Director of Human Resources  
Kathy MacLennan, Deputy Director of Public Works  
Tom Downing, Assistant State's Attorney  
Mary Becker, Administrative Assistant

Margaret Ewing introduced Mark Spinardy, who is negotiating with Local 399, Operating Engineers. There are 62 employees who want a 2% wage increase and a job classification review. They do not like the Merit Increase payment option. 20 of the 62 employees want to be brought up to \$81,000. This would cost the County \$353,000.

Member Curran felt there were three options that needed to be addressed: 1) Collective bargaining to incorporate the changes to the County Personnel Policy; 2) No STEP plan and 3) Insurance. He felt the Board should be flexible on the pay to get the policy changes. This would include vacation and sick days.

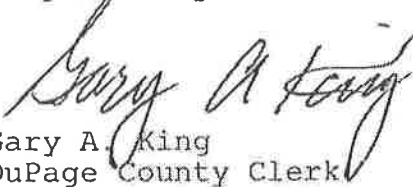
Paul O'Grady spoke regarding Local 150, Operating Engineers. The initial contract was for 27 Public Works employees. They have agreed to four things: 1) Sick time goes into a bank, 5 days per year, vacation stays the same; 2) Double time on Sundays and holidays, but conceded to double time on four holidays and time and a half on Sundays; 3) Accrue vacation time in January and 4) Throw cap out on health costs.

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Tom Downing and Fred Backfield spoke regarding the Lehman Brothers Special Financing, Inc. settlement. The amount is \$1.378 million with distribution on April 17th. The question remains of should the County sell their claim rights. There are five interested parties who are banks.

Member McBride moved, seconded by Member Larsen, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Bedrossian, Curran, Eckhoff, Enger, Fichtner, Krajewski, Larsen, Ledonne, McBride, Michelassi, Redick and Zediker voted "aye." Members Gonzalez, Healy, McMahon, O'Shea, Puchalski and Zay were not present at the time of roll call. Motion carried.

Respectfully submitted,

  
Gary A. King  
DuPage County Clerk

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COUNTY BOARD EXECUTIVE SESSION  
July 24, 2012

Member Healy moved, seconded by Member Zay, that pursuant to Open Meetings Act Sec. 2(c)(2), the Board go into Executive Session for the purpose of discussing collective negotiating matters. On roll call, Members Bedrossian, Curran, Eckhoff, Enger, Gonzalez, Ledonne, McBride, Michelassi, Redick, Zay and Zediker voted "aye." Members Fichtner, Healy, Krajewski, Larsen, McMahon, O'Shea and Puchalski were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Frederick Backfield, Chief Financial Officer  
John Kos, Director of Transportation and Operations  
Margaret Ewing, Director of Human Resources  
Heather Hudson, Human Resources  
Chad Shaffer, Policy and Program Administrator  
Nick Kottmeyer, Deputy Director of Public Works  
Tom Cuculich, Chief of Staff  
Nancy Wolfe, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney  
Mary Becker, Administrative Assistant

Member Curran reported that a tentative agreement has been reached in the Local 399 union negotiations. If it is ratified by the members, it will be brought to the County Board on August 8th.

Margaret Ewing stated that the County focused on sick and vacation time. The union has agreed to six sick days instead of eight. They have capped vacation days at twenty-five days. Longer serving employees will receive an extra 3 days. The union accepted the County's provision for severance pay.

Member Curran stated that this was the first contract that has been agreed upon without confrontation.

John Kos reported that they took a three pronged approach to wages. We held the line on a maximum increase per year of 2% for the first two fiscal years. In the 3rd year of the contract, we denied their step program and instituted a merit component of 1½% cost of living increase plus a ½% merit component in May 2014. He stated that the County was losing staff to other government entities, therefore they raised starting salaries and brought the lower people up to the new standards. They have created different levels within the classifications to handle promotional increases. If vacancies cannot be filled from within, the County has the right to hire from the outside. Mr. Kos said that all hiring will be based on

knowledge, skills and ability. There are 63 members in the local.

Member Curran stated that the agreement will be voted on in Open Session once the members ratify the agreement.

Member Curran moved, seconded by Member Zediker, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Bedrossian, Curran, Eckhoff, Enger, Gonzalez, Ledonne, McBride, Michelassi, Redick, Zay and Zediker voted "aye." Members Fichtner, Healy, Krajewski, Larsen, McMahon, O'Shea and Puchalski were not present at the time of roll call. Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

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COUNTY BOARD EXECUTIVE SESSION  
August 14, 2012

Member McBride moved, seconded by Member Fichtner, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Bedrossian, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Krajewski, Ledonne, McBride, McMahon, Michelassi, O'Shea, Puchalski, Redick and Zediker voted "aye." Members Curran, Larsen and Zay were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Frederick Backfield, Chief Financial Officer  
Tom Cuculich, Chief Financial Officer  
Margaret Ewing, Director of Human Resources  
Beth Welch, Director of Convalescent Center  
Nancy Wolfe, Assistant State's Attorney  
Mary Becker, Administrative Assistant

Assistant State's Attorney Nancy Wolfe addressed the Board regarding a motor vehicle accident involving a DuPage Convalescent Center transport van. On October 5, 2009, the van driven by a Convalescent Center employee was involved in an accident in Cook County. The van was carrying a resident in a wheelchair that was secured. The resident was returning from a doctor's visit in Chicago. The accident caused the van to flip over. The driver was not injured. The passenger sustained severe injuries. The driver was issued a ticket which has since been dismissed.

Ms. Wolfe said that the plaintiffs were demanding \$525,000 for settlement. Since the case is in Cook County, if the case proceeds to trial, the award could reach \$1 million.

The State's Attorney is seeking authority from the Board to make a settlement offer of \$375,000.

The consensus of the Board was to direct the State's Attorney to make the settlement offer.

Member Ledonne moved, seconded by Member Michelassi, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Bedrossian, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Krajewski, Ledonne, McBride, McMahon, Michelassi, O'Shea, Puchalski, Redick and Zediker voted "aye." Members Curran, Larsen and Zay were not present at the time of roll call. Motion carried.

Respectfully submitted,



Gary A. King  
DuPage County Clerk

hhp



COUNTY BOARD EXECUTIVE SESSION  
August 28, 2012

Member Ledonne moved, seconded by Member Zay, that pursuant to Open Meetings Act Sec. 2(c)(1), the Board go into Executive Session for the purpose of discussing personnel matters. On roll call, Members Bedrossian, Curran, Eckhoff, Enger, Fichtner, Healy, Krajewski, Larsen, Ledonne, McBride, Michelassi, O'Shea, Puchalski, Redick, Zay and Zediker voted "aye." Members Gonzalez and McMahon were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Frederick Backfield, Chief Financial Officer  
Tom Cuculich, Chief Financial Officer  
Margaret Ewing, Director of Human Resources  
Johnna Kelly, Public Information Officer  
Chad Shaffer, Policy and Program Administrator  
Nancy Wolfe, Assistant State's Attorney  
Mary Becker, Administrative Assistant

Assistant State's Attorney Nancy Wolfe reported that there was a discussion concerning an application a Sheriff's deputy has made for the Public Safety Employee Benefits Act (PSEBA) benefit. She stated that it was time for the County Board to decide if they agree to the benefits or object. There is a Hearing Officer and panel in place that would be able to convene within the 30 day time limit.

Member Zay asked who appoints the panel. Ms. Wolfe replied that one member is recommended by the Sheriff and two are appointed by the Chairman.

Chairman Cronin stated that we have people who are knowledgeable about PSEBA and worker's compensation issues.

Member Larsen asked what the advantage was of having a hearing. Ms. Wolfe answered that it is about objecting or agreeing to the benefits. It is a legitimate issue to have a neutral panel to make this decision.

Chairman Cronin remarked that this is a new law. The benefits that could be given are very generous. This could cost the County a large sum of money. He believed the County should be aggressive and find the truth before we hand over this benefit.

Ms. Wolfe stated that there is disparity between the medical doctors treating the deputy and the independent medical examiner which have opposite views. She stated that the injury claimed would not have been caused by the automobile accident.

The consensus of the Board was to go to hearing.

Member Larsen moved, seconded by Member Puchalski, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Bedrossian, Curran, Eckhoff, Enger, Fichtner, Healy, Krajewski, Larsen, Ledonne, McBride, Michelassi, O'Shea, Puchalski, Redick, Zay and Zediker voted "aye." Members Gonzalez and McMahon were not present at the time of roll call. Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

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COUNTY BOARD EXECUTIVE SESSION  
September 11, 2012

Member Ledonne moved, seconded by Member Zay, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Bedrossian, Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Krajewski, Larsen, Ledonne, McBride, Michelassi, O'Shea, Puchalski, Redick, Zay and Zediker voted "aye." Member McMahon was not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Frederick Backfield, Chief Financial Officer  
Margaret Ewing, Director of Human Resources  
Beth Welch, Convalescent Center Administrator  
Francis Cermak, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney

Member Curran stated that Union 150 was still negotiating and will proceed to mediation. Since there are two groups Public Works and Transportation, once mediation is concluded, if there is no positive result, the County may have to take a divergent path for the two groups. Since Public Works is a newly formed unit with less than 35 members, it has arbitration rights. Transportation has more than 35 in their group and does not have arbitration rights. He believed we may have to split them off separately.

Member Puchalski said that he was disappointed that the union has not responded to what has been presented. He thanked Member Curran for his hard work.

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Assistant State's Attorney Wolfe reported that our settlement offer of \$350,000 was not accepted in the Convalescent Center transport van case. She said that they are demanding \$525,000.

Member Puchalski questioned what happened to change their demand and asked if it was the plaintiff's insurance company. Attorney Wolfe replied that it was not the insurance company. They originally demanded that amount. \$350,000 was estimated as our portion. Ms. Wolfe stated that the new strategy was to settle with the plaintiff at \$525,000 and seek a trial for contribution with the driver of the other car. She expressed her belief that 10% or more would be assessed to the other driver.

Member Fichtner believed we should offer something in the middle and negotiate.

Member Larsen stated that by doing that, it could cause the plaintiff's attorney to say no and go higher than \$525,000 or go to trial.

Assistant State's Attorney Cermak stated that the County will get some money back from the co-defendant for reimbursement of a percentage of the settlement amount.

The consensus of the Board was to direct the State's Attorney to make a settlement offer of \$525,000.

Member McBride moved, seconded by Member Zay, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Bedrossian, Curran, Eckhoff, Enger, Fichtner, Gonzalez, Healy, Krajewski, Larsen, Ledonne, McBride, Michelassi, O'Shea, Puchalski, Redick, Zay and Zediker voted "aye." Member McMahon was not present at the time of roll call. Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
December 11, 2012

Member Curran moved, seconded by Member Larsen, that pursuant to Open Meetings Act Sec. 2(c)(2), the Board go into Executive Session for the purpose of discussing collective negotiating matters. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Frederick Backfield, Chief Financial Officer  
Tom Cuculich, Chief Financial Officer  
Margaret Ewing, Director of Human Resources  
John Kos, Director of Transportation and Operations  
Nick Kottmeyer, Deputy Director of Public Works  
Nancy Wolfe, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney  
Mary Becker, Administrative Assistant

Chairman Cronin addressed the Board. Because of this being the first Executive Session of the new Board, he explained the Executive Session laws and the duties of the County Board members. He reported that what happens and what is said in Executive Session is confidential and must not be repeated. The legal purpose of an Executive Session is to allow members to collaborate and speak candidly about legal subjects regarding matters important to the taxpayers of DuPage County. He urged their cooperation in this vital duty.

Member Curran presented the background information regarding the collective negotiating matters. He reported that they have been in bargaining sessions for over a year concerning two groups, the Public Works department's 27 employees and the Division of Transportation's 65 employees. The sessions for both groups have been with the Local 150 union. This matter will soon enter into arbitration with a neutral arbitrator who will decide the final offers.

Member Curran stated that County employees received a 2% adjustment this year. In the past the adjustment was 0% for several years. He believed that policy has caused the union movement in DuPage County.

The current proposal for these two groups is a 4 year contract. The first year will be retroactive to December of 2011. In the next three years forward there would be a 2% increase per year. There will also be a 10 year performance adjustment given, which will raise the base salary \$1,000.00.

These union employees would have the same insurance as all other employees and would include vacation, sick time and personal days. There would be the same changes to these union employees as we did for the Local 399 union.

Member Puchalski stated that he attended several meetings and thought the negotiations were going very well.

Member Healy asked what was required from the Board.

Member Curran asked for the authority to proceed with mediation.

Member Grasso remarked that he did not want to do something the prior Board decided not to do. Member Curran answered that this is not the same proposal made in the past.

Member Chaplin asked if we were close to the union demands. Member Curran replied that they are in numbers, but not in philosophy. He reported that the union was very interested in a 5 step system, which he believed would have affected contracts in the future. He said the County didn't want to do anything in this contract that would jeopardize future contracts.

Member DiCianni asked if this will be sustainable in the future. Member Fichtner replied that it would be.

Chairman Cronin stated his belief that merit based increases have been better than automatic step increases in the past.

The consensus of the Board by a show of hands, granted authority to prepare for mediation.

Member Zay moved, seconded by Member DiCianni, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
February 12, 2013

Member Zay moved, seconded by Member Fichtner, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective bargaining matters and pending litigation. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Frederick Backfield, Chief Financial Officer  
Tom Cuculich, Chief Financial Officer  
Jim Kruse, Sheriff's Department  
Nancy Wolfe, Assistant State's Attorney  
Mary Becker, Administrative Assistant

Member Curran announced that on Monday, February 11th, a jury at the Dirksen Federal Building in Chicago returned a verdict against the Sheriff's office and DuPage County in the amount of \$1 million plus attorney's fees on the basis of a political retaliation claim.

Member Puchalski stated that this has happened before. He expressed his belief that he should not have to see the story in the newspaper. He asked for a regular report of all outstanding cases. Assistant State's Attorney Nancy Wolfe answered by saying there will be some personnel changes implemented in the Civil division of their office. It will be the number one priority to keep the County Board informed of all cases and assure them that this will not happen again. She remarked that no one ever imagined that any verdict would be \$1 million.

Tom Downing and Paul Bruckner were the attorneys on the case. The trial started on a Monday. On the prior Thursday the judge granted the plaintiff's request to amend their complaint against the Sheriff in his individual capacity. This change brought up the question of whether or not the Sheriff would bring in his own attorney. The decision was to continue as is. She related that this issue will be brought up to the Appellate Court during appeal. There was never any settlement requests made anywhere near \$1 million.

Member Grasso remarked that some of the County Board members are attorneys and know how the process works. He said the reason for the verdict is what concerned him more than the money. He expressed his belief that there should have been an earlier settlement offer made to avoid the bad publicity that

will certainly occur. Ms. Wolfe answered that the political matters were brought up at the last minute.

Member Grasso remarked that the Plaintiff had a very good lawyer who knew exactly when to pull the trigger.

Chairman Cronin stated that the nature of the claim and the judgment is disturbing to the Board.

Member Fichtner asked for the background of the case.

Ms. Wolfe reported that this person was married to the former Mayor of West Chicago. The Sheriff needed zoning relief on some property in West Chicago for a Youth Work Camp. They claimed that the Sheriff did not promote her because the City delayed the zoning. In 2006, she took the sergeant exam and was rated at a certain level by the Merit Commission. The Sheriff later promoted someone rated lower. She sued on the basis of gender discrimination. She did not prove either theory, but it was put in the jury's minds. At the last minute, the charge was changed to a "paid to play" charge regarding politics.

The verdict under this charge means the Sheriff's guilty of not promoting people because they did not do work for his campaign. The complaint alleged first amendment violations in discrimination because she did not support him or she was treated wrongly because of family matters.

Ms. Wolfe said that all punitive damages were thrown out.

Member Michelassi stated that now a jury in Cook County is saying that a person in DuPage County can't get a job because of politics.

Member Larsen said that the Board should receive a monthly report on each lawsuit so we know when it is going to trial and when a settlement offer occurs.

Member Curran also felt the members should be made aware of all lawsuits so they can give input on whether or not to settle.

Member Fichtner asked if there were any other outstanding cases regarding the Sheriff's office like this. Ms. Wolfe replied there is the Susan Kuttner case. She filed after being discharged by the Merit Commission. We are in the pretrial litigation stage. She will claim lost wages.

Member Zay questioned who this was filed against. Ms. Wolfe replied that she believed it was against the Sheriff's office and changed to against the Sheriff in his individual capacity.



Member Fichtner expressed his fear that about people "jumping out of the woodwork" in an attempt to get money out of the County.

Member Curran asked if the Sheriff will look into changing his policy of fundraising. He expressed his belief that politicians are guilty until they prove themselves innocent in this area.

Ms. Wolfe suggested looking into the Sheriff's Policies and the Ethics Ordinance and see if any changes could be suggested.

Member Nowak questioned what the Board can do to the Sheriff. Chairman Cronin replied that he is an independent Elected Official voted on by the public and not under the County Board.

Member Larsen moved, seconded by Member McBride, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
February 26, 2013

Member Puchalski moved, seconded by Member Zay, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Chaplin, Curran, Eckhoff, Fichtner, Grant, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Members DiCianni and Grasso were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Frederick Backfield, Chief Financial Officer  
Robert Berlin, State's Attorney  
Nancy Wolfe, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney  
Paul Bruckner, Assistant State's Attorney  
Tom Downing, Assistant State's Attorney  
Mary Becker, Administrative Assistant

Chairman Cronin called the meeting to order. He reminded the Board that this is a very sensitive matter and according to their Oath of Office, they have a duty to the County and their taxpayers to keep everything said in Executive Session private. He reported that because of the concern of the Board regarding the litigation against the Sheriff's office, he asked State's Attorney Bob Berlin to address the Board.

Mr. Berlin addressed the Board saying the old system of notification is not working. He assured the Board that changes would be made to keep them informed of court cases in the future.

In regard to the Lakic's case, Mr. Berlin reported that the case was originally filed on November 4, 2009. It included four counts: Title VII Sexual discrimination, Hostile Work Environment, Retaliation and Violation of the Right of Freedom of Association. We filed a motion for summary judgment. They demanded \$185,000. We offered \$5,000, which was rejected. Two of their counts were dismissed. The other counts were set for trial on April 10, 2012. Three days before the start of the trial, there was a jury instruction conference where Judge Lefkow told the Plaintiff to amend his complaint.

The Sheriff had been sued in his official capacity, which meant they had to prove that there was an office policy that allowed her injury to take place. Mr. Berlin said the County defended the case knowing there was no policy.

At the suggestion of the Judge, the Plaintiff filed a motion to amend the complaint against the Sheriff as an individual. We filed a motion to deny, or in the alternative, asked for a continuance since it would change the theory of the case. The judge denied our motions and allowed their change which meant they didn't have to prove the existence of any office policy in place.

Mr. Berlin stated that in the course of the trial, there were two significant developments that occurred that we felt not only resulted in the verdict, but gave us good ground to appeal. There was a double hearsay statement that we objected to that was admitted in court. The statement was attributed to employee John Smith who was not an employee at the time the statement was made. The judge later admitted that she erred in allowing the statement, but did not tell the jury to disregard it.

The State's Attorney reported that they had determined that our risk of liability under an official capacity was \$25,000. By allowing the plaintiff to change her complaint, they asked for \$1.5 million. The jury found the Sheriff guilty on the Freedom of Association case for \$1 million, and not guilty on the Sexual discrimination case. He reported that the Judge commented twice to the attorney that the case should be settled and remarked that the verdict was rather generous.

Member Larsen asked if the County was still liable since the Sheriff was sued in his individual capacity. Mr. Berlin answered that the County is still responsible except for any punitive damages which were not allowed by the Judge.

The State's Attorney reported that once we file our motions identifying the error made, we will ask the Judge to reduce the jury's findings. If all else fails, he believed that there was a good chance to get a new trial.

Member Puchalski asked what the case was valued at, at this time. Mr. Berlin answered \$500,000.

Member Fichtner asked Mr. Backfield how much money is in the budget for these losses. He answered that \$500,000 is budgeted. Extra funds come for contingencies or budget transfers.

Member Chaplin asked if insurance could cover any of these losses. Member Fichtner stated that the County has a \$2 million deductible policy. Any money will have to come out of the General fund.

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The State's Attorney referred to other pending cases:

Irshad Learning Center Case - Our demand of a Special Use Permit. We are currently waiting for a ruling from Judge Pallmeyer on summary judgment. Mr. Berlin believed the County is in a good position in this case.

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Islamic Center of the Western Suburbs - In the discovery phase. The Judge wants it completed by the end of July. The pre-trial conference is set for July 20, 2013.

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Burchardt vs. Health Department - No lawsuit has been filed. Plaintiff asking for \$300,000 and their job back. County offer of job back plus expenses was rejected.

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Susan Kuttner vs. Sheriff - Case filed under Title VII, gender discrimination. She has demanded over \$3 million. County has filed for summary judgment. She was terminated. She claims that she was disciplined differently than others. The cap on this case is \$300,000.

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Mallony vs. DuPage County - This is a wrongful death and negligence case. Now in discovery.

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Miller vs. Zaruba - 1983 case regarding a fight in the jail. Suing for failure to protect. Waiting for ruling on summary judgment.

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Miller vs. Reid - Arrested for drug offence. Officer used a taser. Miller is currently serving in the penitentiary. Suing Deputy Reid for excessive force.

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Moy vs. Health Department - Defendant claims that he was prevented from speaking Spanish in the work place. Currently in a Human Rights Commission hearing. We are waiting for post hearing briefs.

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Member Puchalski moved, seconded by Member Krajewski, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, Eckhoff, Fichtner, Grant, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Members DiCianni and Grasso were not present at the time of roll call. Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
April 23, 2013

Member Zay moved, seconded by Member McBride, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Member Grasso was not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Frederick Backfield, Chief Financial Officer  
Tom Cuculich, Chief Financial Officer  
Nancy Wolfe, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney  
Mary Becker, Administrative Assistant

Assistant State's Attorney Nancy Wolfe updated the Board regarding the Lakics case. She reported that the case was in court this morning and a settlement offer was made.

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The Ishrad Learning Center case is up on Monday. A demand from their attorneys totals \$500,000. Ms. Wolfe will keep the Board advised.

Tony Hayman believed that their attorney's fees are high, charging \$150.00 per hour for using law students. Mark Daniel confirmed that his damage demand was \$160,000 plus an additional charge for Joe Abel and expenses for the Zoning hearing.

Ms. Wolfe believed that it was in the best interest to get this case over as soon as possible.

The consensus of the Board was to offer \$200,000 in compensatory damages and legal fees.

Member DiCianni moved, seconded by Member Zay, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Member Grasso was not present at the time of roll call. Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
August 13, 2013

Member Puchalski moved, seconded by Member Larsen, that pursuant to Open Meetings Act Sec. 2(c)(2), (11) and (21), the Board go into Executive Session for the purpose of discussing collective negotiating matters, pending litigation and the review of Executive Session minutes. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Member Healy was not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Frederick Backfield, Chief Financial Officer  
Tom Cuculich, Chief of Staff  
Greg Vaci, Assistant State's Attorney  
Nancy Wolfe, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney  
Judi Pardonnet, Public Information Officer  
Mary Becker, Administrative Assistant

Assistant State's Attorney Nancy Wolfe stated that the Executive Session minutes under review that discuss cases that are completed, can be released with the names redacted. All other minutes will be held until the cases are settled. She reported that a roll call vote will be made regarding the release in the regular meeting.

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Assistant State's Attorney Greg Vaci spoke regarding the Lakics case. There will be a court ordered settlement conference tomorrow. The State's Attorney is seeking Board permission to settle the case for up to \$750,000. Their original demand was \$1.6 million.

Member Eckhoff stated that he thought they had received a lower figure from them. Ms. Wolfe replied that several things are still pending under Judge Lefko including our request that the amount be reduced.

Member Larsen asked what her best estimate was of the verdict be reduced. Ms. Wolfe replied that it is always hard to change a jury verdict. If it is not reduced, we will appeal the case.

Member Puchalski believed the Judge would allow a change. If we get a new trial, we will start from the beginning.



Member Curran questioned if the Sheriff was in favor of a settlement of \$750,000. Ms. Wolfe remarked that she met with the Sheriff and he has no objection to this settlement. She stated if they are successful in court, it will be brought back to the Sheriff for approval.

Member Tornatore asked what the cost of attorney fees was. Mr. Vaci answered that their petition for fees was \$350.00 per hour for 4 attorneys, approaching \$500,000.

Chairman Cronin stated that the Sheriff must endorse whatever the Board agrees to.

Ms. Wolfe expressed her belief that they will not accept anything less than \$1 million since they got that in the original verdict.

Member Tornatore moved, seconded by Member Grasso, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Member Healy was not present at the time of roll call. Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
October 8, 2013

Member Larsen moved, seconded by Member Zay, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Nowak, Tornatore and Zay voted "aye." Members McBride and Puchalski were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
State's Attorney Bob Berlin  
Frederick Backfield, Chief Financial Officer  
Greg Vaci, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney  
Mary Becker, Administrative Assistant

Assistant State's Attorney Greg Vaci spoke regarding the Lakic's case. A settlement agreement of \$750,000 has been submitted to the Court. The Judge recommended \$800,000 for the complete resolution of the case. If accepted, there is no judgment against the County or the Sheriff.

Mr. Backfield asked what the earliest date was that the County would have to have the money available. Mr. Vaci replied that there is a risk of a new trial which would cost much more even if the County wins a smaller amount because of the increase in attorney's fees.

The consensus of the Board was to accept the recommendation of the Judge and settle the case for \$800,000.

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Assistant State's Attorney Greg Vaci reported that a Sheriff's employee, Susan Kuttner was fired two years ago. She filed a Federal Case against the Sheriff alleging that she was terminated because of her gender. She was terminated by the Sheriff's Merit Commission for acts of misconduct. The County filed a summary judgment on her claim that the policies within the offices assignment based on gender were discriminatory. The court ruled in our favor.

The practice of using female personnel in the women's jail and male personnel in the men's jail is being studied. There are not as many women as men. Women guards cannot switch days with their counterparts or use sick and vacation days.

Mr. Berlin stated that the County's exposure has been significantly reduced because of the ruling.

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Under collective bargaining, Greg Vaci reported that the MAP will withdraw their petition for unionization of the Sergeants and Lieutenants in the Sheriff's office.

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Member Curran moved, seconded by Member Healy, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Nowak, Tornatore and Zay voted "aye." Members McBride and Puchalski were not present at the time of roll call. Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
November 12, 2013

Member DiCianni moved, seconded by Member Healy, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Nowak, Puchalski and Tornatore voted "aye." Members McBride and Zay were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Frederick Backfield, Chief Financial Officer  
Tom Cuculich, Chief of Staff  
Margaret Ewing, Director of Human Resources  
Joanne Uitto, Manager of Benefits and Payroll  
Bob Berlin, State's Attorney  
Nancy Wolfe, Assistant State's Attorney  
Mary Becker, Administrative Assistant

Chairman Cronin introduced Nancy Wolfe, Assistant State's Attorney, who updated the Board regarding several pending cases.

Ms. Wolfe reported that four months ago, there was a discussion about the Public Safety Employee Benefits Act (PSEBA) application, which obligates the County to provide health care benefits as a result of catastrophic injuries incurred in the line of duty for policeman and fireman, to a Deputy sheriff who asked for benefits. A resolution of the County Board established a Hearing Board which held a hearing in July. A Supreme Court case indicated that the line of duty disability and PSEBA go hand in hand. IMRF does not have a line of duty disability but does have disability. The hearing was continued to December 9th. The applicant applied for benefits under IMRF and was denied in October. The applicant has filed a motion to reconsider which will occur in December. The application for PSEBA remains pending.

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Ms. Wolfe stated that there was another case pending concerning a Sheriff's deputy who was injured in a car accident and has filed an application with IMRF for disability. No hearing date has been set.

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Another pending case involves a Federal claim made by a former inmate in the DuPage County jail. All claims were resolved by the court except one. Two inmates got into an altercation in the jail. One was pushed to the ground and chipped a tooth. He is now claiming that he has a seizure disorder. There is no medical evidence of anything wrong with him other than the tooth. In order to win this case, the inmate must prove that the deputies were deliberately indifferent to recognize that the two inmates might get into an altercation. The case is scheduled for a jury trial.

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In the Kuttner case, there is a motion for summary judgment pending. The Deputy was terminated for cause by the Merit Commission. Settlement discussions are occurring.

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Ms. Wolfe reported that they received a letter from an attorney representing six deputy Sheriffs asking to settle possible claims against the County. This is the same attorney that represented Susan Lakics. The State's Attorney has written to the attorney and asked for the issues. He has not received an answer.

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Under terms of the union agreement, if you transfer and it doesn't work out, you can't go back to the first position. A Deputy working in the jail asked for a transfer to patrol. He went through the probationary period. He asked to be put back in corrections. An arbitrator ruled that the agreement was not ratified, therefore the deputy is still under the old practice and should be allowed to go back to work at corrections with back pay.

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State's Attorney Bob Berlin addressed the Board. He reminded the members that when the Board enters into Executive Session, the members must keep comments made to themselves. He remarked that recently he read an article that quoted a Board member on what was discussed.

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Member DiCianni moved, seconded by Member Puchalski, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Nowak, Puchalski and Tornatore voted "aye." Members McBride and Zay were not present at the time of roll call. Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
May 13, 2014

Member Curran moved, seconded by Member DiCianni, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Paul Rafic, Chief Financial Officer  
Tom Cuculich, Chief of Staff  
Margaret Ewing, Director of Human Resources  
Greg Vaci, Assistant State's Attorney  
Patrick Genovese, Risk Management Coordinator  
David Lefkow, Attorney  
Mary Becker, Administrative Assistant

Assistant State's Attorney Greg Vaci introduced Catherine Levine, outside counsel, who spoke regarding Workman's compensation cases. Sheriff Deputy Tracey Reed, a 45 year old, narcotics detective was driving to a briefing and was rear-ended. He was taken to Central DuPage Hospital. He weighs over 430 pounds and suffered a herniated disc. Back surgery was performed. He was released to return to work at full duty. His attorney is demanding \$121,751.50.

The consensus of the Board was to pay the settlement offer.

Attorney Vaci said that they are also representing him in a Federal case, where he is being accused of excessive force. The case is four years old. He is accused of throwing a punch during an arrest. There have been no settlement discussions to date. He stated that the State's Attorney's Office will support him in court.

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Attorney Vaci spoke regarding the case of Bucky's vs. DuPage County. The service station/food store is questioning the ruling of the Building and Zoning Department. The County is filing a motion to dismiss, but the plaintiff keeps asking for extensions. The Butterfield Park District and the Conservation Foundation have submitted a request to purchase the property. If the sale goes through, the case is mute.  
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Farmers Insurance Company has filed suit against all counties and municipalities for last year's flooding. Mr. Vaci stated that the office is working with the municipalities to determine a strategy. He expressed his belief that there is no basis in the suit.

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David Lefkow, outside attorney, spoke regarding Collective Bargaining. There are 180 employees in the Corrections department. There are 24 economic issues to negotiate. The proposal is a contract of two years at a 2% increase. The union wants the same insurance package as the MAP members. An arbitration meeting is scheduled for Wednesday, May 10th. The Labor Board has ruled that we can't force them to settle.

Tom Cuculich stated that the County is in the third year of a five year plan. They have had meetings focusing on non-economic items. Wages, healthcare and sick leave are still unsettled. These discussions are difficult between the union, the Sheriff and the County.

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Member Zay moved, seconded by Member Puchalski, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hhp



COUNTY BOARD EXECUTIVE SESSION  
May 27, 2014

Member Puchalski moved, seconded by Member Curran, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Paul Rafic, Chief Financial Officer  
Tom Cuculich, Chief of Staff  
Margaret Ewing, Director of Human Resources  
Greg Vaci, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney  
David Lefkow, Attorney  
Mary Becker, Administrative Assistant

David Lefkow, Attorney, gave an update regarding Collective Bargaining. He reported that the interest arbitration date is tomorrow. It is the final step in the negotiation. The process took five years. This will be the first contract between the Sheriff and the union for correction officers. That contract is \$1.6 million higher than our contract over the 10 year period.

Member Curran questioned if there was an average increase. Mr. Lefkow replied that it includes an annual 2% Cost of Living. In the public sector, people cannot strike, which includes police and fire. The union's proposal included step increases. After the 10 year period, the top pay will be over \$100,000 per year which is for above surrounding counties.

Member DiCianni asked if he thinks the County could win. Mr. Lefkow replied that he does. Our total figure is 6%, while theirs is 8%. Sick leave and vacation time have to be added which has not been talked about yet. The economic package exceeds the other comparable counties.

Member Puchalski asked if the Sheriff has its own attorney. Mr. Lefkow answered that he is a consultant for the County and not hired as an attorney. The Sheriff also has a consultant. He reported that the Sheriff handles operational issues like work shifts and overtime, while the County handles economic issues like sick leave and vacation time.

Member Zay questioned how many economic issues have been settled and how many are left to settle. Mr. Lefkow answered that of the 40 bargaining issues, all but 2 or 3 are remaining.

Member Zay asked about non-economic issues. Mr. Lefkow replied that five are outstanding out of twelve. He stated that now it's about the money.

Ms. Ewing stated that their wage scale was built on the contract for Sheriff's deputies. They are now starting to move on the issues because they finally gave the County a proposal in writing.

Mr. Lefkow stated that the Supreme Court ruled that Corrections officers are not the same as Deputies.

Mr. Cuculich said that the County and Sheriff will have a unified demand given by the State's Attorney.

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Member Healy moved, seconded by Member Curran, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
June 3, 2014

Member Curran moved, seconded by Member Michelassi, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Member Chaplin was not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Tom Cuculich, Chief of Staff  
Jim Kruse, Sheriff's Department  
Margaret Ewing, Director of Human Resources  
Greg Vaci, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney  
David Lefkow, Attorney  
Mary Becker, Administrative Assistant

David Lefkow, Attorney, gave an update regarding Collective Bargaining. He reported that the non-economic issues have been resolved including healthcare. Mr. Lefkow stated that we have agreed with three days of bereavement leave plus an extra day if out of state.

He stated that the employees working in the jails are not the same as those working on patrol. There is no basis of comparison for the two different units.

The four economic issues that remain are wages, employee retention, vacation and sick time will be decided in July.

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Member Healy moved, seconded by Member Curran, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Member Chaplin was not present at the time of roll call. Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
June 24, 2014

Member Healy moved, seconded by Member Eckhoff, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Chaplin, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Tornatore and Zay voted "aye." Members Curran, McBride and Nowak were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Tom Cuculich, Chief of Staff  
Robert Berlin, State's Attorney  
Paul Rafic, Chief Financial Officer  
Margaret Ewing, Director of Human Resources  
Nancy Wolfe, Assistant State's Attorney  
Greg Vaci, Assistant State's Attorney  
David Lefkow, Attorney  
Mary Becker, Administrative Assistant

Greg Vaci, Assistant State's Attorney, reported that there was no changes in the status of the collective bargaining negotiations. A hearing set for July 9th was changed to September 4th.

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Mr. Vaci updated the Board regarding the following pending litigation:

1. Tracey Reed, a narcotics detective at the Sheriff's department, was accused of excessive force. The case is four years old. It went to trial and the Judge granted the County's motion of a directed verdict of not guilty.
2. Bucky's service station/food store is challenging the ruling of the Building and Zoning Department. The case has been dismissed by the Federal Court since there is a sale of the property pending.
3. Farmers Insurance case against all counties and municipalities for last year's flooding has been voluntarily dismissed by them.
4. Kerry Vinkler, former employee of Animal Control, was fired when she applied for family leave. State's Attorney Bob Berlin stated that in his opinion, denying our summary judgment, Judge Darrah acknowledged the compelling case the County has.

5. Susan Kutter, a female deputy, was accused of collecting her boyfriend's debts as an officer. The Merit Commission fired her. She has filed a lawsuit alleging wrongful discharge. She is accusing the Sheriff police in corrections of discrimination based on gender. Mr. Vaci believed they will not settle.

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Member Larsen moved, seconded by Member Zay, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Tornatore and Zay voted "aye." Members Curran, McBride and Nowak were not present at the time of roll call. Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
July 8, 2014

Member Tornatore moved, seconded by Member Noonan, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Curran, DiCianni, Eckhoff, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Members Chaplin and Fichtner were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Tom Cuculich, Chief of Staff  
Robert Berlin, State's Attorney  
Nancy Wolfe, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney  
Janet Pallardy, Weidner & McAuliffe  
Mary Becker, Administrative Assistant

Nancy Wolfe, Assistant State's Attorney introduced Attorney Janet Pallardy who spoke regarding a workman's compensation case involving an employee of the Division of Transportation department. He was involved in an accident and underwent three surgeries. He is incapable of returning to work. He was terminated by the County since he was not able to do the work after exhausting his leave time. Medical bills have been paid. A settlement has been proposed to pay him \$10.00/hour for a total of \$140,000. The State's Attorney has agreed to this settlement.

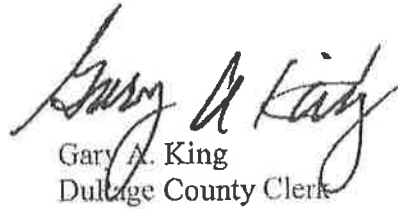
Member Puchalski questioned if future medical bills would be included. Ms. Pallardy replied that they would not.

The consensus of the Board was to approve a settlement of up to \$140,000.

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Member Grasso moved, seconded by Member Zay, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Curran, DiCianni, Eckhoff, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Members Chaplin and Fichtner were not present at the time of roll call. Motion carried.

Respectfully submitted,



Gary A. King  
Dulles County Clerk

hhp



COUNTY BOARD EXECUTIVE SESSION  
October 28, 2014

Member Puchalski moved, seconded by Member DiCianni, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." One vacancy. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Pat Genovese, Risk Management Coordinator  
Paul Bruckner, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney  
Mary Becker, Administrative Assistant

Mr. Genovese spoke regarding a case where a Public Health Department employee was told to not speak Spanish at work. She filed a lawsuit. The concurrence of the State's Attorney was to settle the case for \$82,000. It was a case trial from 2012 and took this long for the decision. No appeal is needed since \$75,000 is the maximum allowed by law. Attorney fees must be paid. The fine plus the attorney fees is \$82,000.

The consensus of the Board was to settle the case and pay the attorney's fees.

Member Michelassi moved, seconded by Member Zay, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." One vacancy. Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
January 13, 2015

Member Zay moved, seconded by Member Healy, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Chaplin, Curran, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Romano, Tornatore, Wiley and Zay voted "aye." Members DiCianni, Eckhoff and Puchalski were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Robert Berlin, State's Attorney  
Nancy Wolfe, Assistant State's Attorney  
Greg Vaci, Assistant State's Attorney  
Mary Becker, Administrative Assistant

Mr. Cuculich stated that at the end of the fiscal year, we had a conversation on reserve funding for tort liability cases and workman's compensation. Today we will get an update on the tort cases.

Assistant State's Attorney Vaci presented a handout to Board members detailing all the non-workman's compensation cases. The State's Attorney has determined the likelihood of each case being settled in 2015.

Member Krajewski questioned if the amount includes the cost for the outside counsel. Mr. Vaci replied that it does. Mr. Vaci stated that the reserve amount is included on the handout. This handout is a snapshot of the cases as of today. None of the cases listed have a trial date set.

Member Fichtner questioned the Eric Johnston v. Gwen Henry case on the last page of the handout and wondered how not paying your property taxes and losing the property involves the County. Mr. Vaci replied that it is an indemnity case.

Mr. Berlin stated that the statute is liberally construed and it could be an award of equity. The burden of proof is on the homeowner, but it is up to the Judge to rule.

Ms. Wolfe remarked that if the Board would like to change the statute, they should be talking to their legislators.

Member Krajewski said if the County would lose all the cases listed, it would cost the County \$1.2 million.

## COUNTY BOARD EXECUTIVE SESSION

March 24, 2015

Member Michelassi moved, seconded by Member Romano, that pursuant to Open Meetings Act Sec. 2(c)(1), (2) and (11), the Board go into Executive Session for the purpose of discussing personnel matters, collective negotiating matters and pending litigation. On roll call, Members Chaplin, Curran, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Romano, Tornatore, Wiley and Zay voted "aye." Member DiCianni was not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Margaret Ewing, Director of Human Resources  
Heather Hudson, Human Resources  
Brandi Charlie-Lee, Human Resources  
Chief Alan Angus, Sheriff's Department  
Chief Shawana Davis, Sheriff's Department  
James Kruse, Sheriff's Department  
Rick Veenstra, Assistant State's Attorney

Member Curran spoke regarding the Sheriff and Corrections Officers' collective bargaining. There is still a dispute on Section 18.1 which deals with seniority. It is evident that the arbitrator was going to rule against the County. They want to grandfather in the new employees. There is also an increase in the Health insurance cost. The union wanted the increase cost refunded until the contract starts.

Member Zay questioned how many employees are affected and the cost to the County. Ms. Ewing replied 19 employees. It equates to about \$250,000.

Member Puchalski asked what they are seeking. Member Curran replied that they are getting what they want but not for the new employees.

Member Puchalski questioned if they are talking about dispatchers and receiving and discharging personnel. Chief Davis replied that a dispatcher was promoted to a sworn officer.

Member Larsen asked when the health insurance was retroactive until. Ms. Ewing replied that it is retroactive back to 2012.

Member Noonan questioned when this contract ends. Mr. Curran answered November 30, 2015.

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Member Curran moved, seconded by Member Zay, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Romano, Tornatore, Wiley and Zay voted "aye." Member DiCianni was not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION

June 9, 2015

Member Curran moved, seconded by Member Tornatore, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Chaplin, Curran, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Puchalski, Romano, Tornatore, Wiley and Zay voted "aye." Members DiCianni and Noonan were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Greg Vaci, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney

Assistant State's Attorney Vaci spoke regarding a case involving Trisha Burkhard who was a mental health worker. In 2009, she was terminated when she ran out of FMLA time. She suffered from depression and her psychologist wrote a letter seeking an additional month off without pay. The Health Department administration took no further action after receiving the letter. On August 10, 2009, she informed the Health Department she could return to work. She was informed that she was terminated. She filed suit under the American with Disabilities Act. She is seeking six years of back pay. Her attorney is arguing that the psychologist letter was the request for the County to make accommodations for her to return to work. The judge will let this case go to trial. The Health Department should have had the employee come in to discuss the time off. The State's Attorney is hoping to settle the case for \$75,000 to \$80,000.

Member Puchalski questioned how a psychologist can ask for more time and how can out insurance company not be informed. Mr. Vaci replied that the law is very flexible on what the accommodations should be and this will be decided by a jury.

Member Curran asked if Risk Management could go back to the old insurance company. Mr. Vaci replied that in 2009, the policy expired and the new provider would challenge the claim.

Member Fichtner questioned what they are asking for. Mr. Vaci replied \$79,500 and our latest offer is \$74,000.

Member Puchalski stated that he felt once they go the psychologist's letter, we should have had a hearing to give her due process. Mr. Vaci answered that it would not have been a hearing, but under the ADA, to explore accommodations.

The consensus of the Board is to add an additional \$5,000 to the offer with a not to exceed \$80,000 settlement.

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Member Romano moved, seconded by Member Chaplin, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Puchalski, Romano, Tornatore, Wiley and Zay voted "aye." Members DiCianni and Noonan were not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
June 23, 2015

Member Puchalski moved, seconded by Member Curran, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Romano, Tornatore, Wiley and Zay voted "aye." Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Greg Vaci, Assistant State's Attorney  
Paul Weidner, Weidner & McAuliffe

Mr. Weidner spoke regarding a case involving Maria Becerra, a 56 year old food preparer at the Convalescent Center. She has claimed upper extremities disorders on the job in February of 2009 and August of 2010. After the second time, it was suspected that the upper extremities disorder could be related to her diabetes. An outside doctor confirmed it could be a possibility. The County denied her second claim. She has had four hand surgeries and one right shoulder surgery. She was awarded Federal Social Security disability. She has submitted \$84,000 in medical bills to Blue Cross/Blue Shield and they have paid \$60,000. She has not worked since August of 2010. Her medical insurance lapsed and now there is \$190,000 of unpaid medical bills. She is now a Medicare recipient. She is requesting \$300.00 per week for the rest of her life and to be placed on permanent disability. Mr. Weidner felt that \$212,500 would be the settlement amount and will be going to trial in 2-3 months.

Member Larsen questioned if any portion was covered by the insurance. Mr. Weidner replied that the County is self-insured and would pay the entire \$190,000.

Member Larsen asked why the State's Attorney is not handling this case. Mr. Vaci replied that it is the policy to have all workmen's compensation cases to be handled by an outside firm. They pay \$140.00 per hour legal fees.

Member Puchalski questioned if he believed it was compensable. Mr. Weidner replied that yes, carpal tunnel is, but the shoulder surgery may not be.

Member Puchalski asked how we know the amount that she will settle for. Mr. Weidner answered that he believes she would accept \$125,000.

Member DiCianni stated that he felt this could be a good deal.

Mr. Weidner said that if she could prove that she can't work, then the County would have to pay her for the rest of her life.

The consensus of the Commission was to authorize a settlement of up to \$212,500.

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Member DiCianni moved, seconded by Member Curran, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Romano, Tornatore, Wiley and Zay voted "aye." Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

hhp



COUNTY BOARD EXECUTIVE SESSION  
October 13, 2015

Member Michelassi moved, seconded by Member Romano, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Romano, Tornatore, Wiley and Zay voted "aye." Member Puchalski was not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Greg Vaci, Assistant State's Attorney  
Janet Pallardy, Weidner and McAuliffe

Ms. Pallardy spoke regarding a workman's compensation claim involving a Deputy Sheriff who fell. He has torn his shoulder and injured his spine. He will settle for \$81,186.75.

Chairman Cronin asked how the injury happened. Ms. Pallardy replied that he tripped over a small robot.

Member Zay stated that because he is clumsy, we owe him \$81,186.75?

Member Larsen questioned if there was any third party action. Ms. Pallardy replied that there is not. The case will be in court on October 20th.

Member Larsen asked if this settlement will close all future medical claims. Mr. Pallardy replied that it would.

Member Puchalski questioned if the shoulder qualifies for percent of a man. Ms. Pallardy answered that yes, he is getting shoulder and spine injury for \$81,186.75.

Chairman Cronin asked how this happened and how do we prevent this in the future. Ms. Pallardy remarked that she would find out and inform the Board at a later date.

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Member DiCianni moved, seconded by Member Michelassi, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Romano, Tornatore, Wiley and Zay voted "aye." Member Puchalski was not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
March 8, 2016

Member Healy moved, seconded by Member Wiley, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Chaplin, Curran, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Romano, Tornatore, Wiley and Zay voted "aye." Members DiCianni and Puchalski were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Chad Shaffer, Policy and Program Administrator  
Rick Veenstra, Assistant State's Attorney  
Greg Vaci, Assistant State's Attorney

Assistant State's Attorney Vaci spoke regarding a lawsuit involving five Deputy Sheriffs. They have agreed to a settlement of \$7,000 each for a total of \$35,000.

Chairman Cronin asked what terms the Sheriff offered these deputies to settle. Mr. Vaci replied that the original demand was \$100,000 and through negotiations and the insurance company, the County has reached their \$100,000 retention and the rest of the cost will be paid by AIG.

Chairman Cronin asked if there were any accommodations made by the Sheriff. Mr. Vaci stated that there was one sergeant, Sergeant Williams who was transferred from Court Security to Patrol.

Chairman Cronin asked if the settlement took place before Sheriff Zaruba testified. Mr. Vaci replied that it did. He hopes the court will rule on the agreement in 2 to 3 weeks.

Member Larsen asked if Sergeant Williams wanted to be transferred from Court Security to Patrol. Mr. Vaci replied that he did.

Member Curran stated that the Sheriff agreed to settle the day before his deposition.

Member Krajewski stated that we are at \$450,000. We spent \$100,000 in the first 4 months. Insurance will pay the rest.



Member Zay moved, seconded by Member Healy, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Romano, Tornatore, Wiley and Zay voted "aye." Members DiCianni and Puchalski were not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

hnp

COUNTY BOARD EXECUTIVE SESSION  
April 26, 2016

Member DiCianni moved, seconded by Member Chaplin, that pursuant to Open Meetings Act Sec. 2(c)(2) and (21), the Board go into Executive Session for the purpose of discussing collective negotiating matters and review of Executive Session minutes. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Romano, Wiley and Zay voted "aye." Member Tornatore was not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
John Lapinski, Court Administrator  
Rick Veenstra, Assistant State's Attorney

Member Curran updated the Board on the Chief Judge -Probation Officers negotiation. A 2% Cost of Living Adjustment has been offered, but AFSME is asking for more. An example is that the job title market analysis showed that they are below average. More was given to some job titles. The COLA is different from market equality.

Member Krajewski questioned what they have asked for. Mr. Lapinski replied a 2% COLA along with Step increases.

Mr. Cuculich stated that the Convalescent Center is in negotiations. The unions are trying to organize employees. Many employees are annoyed with the unions contacting them at home. The Managers have been briefed on what the unions can do.

Member Puchalski asked what specific unit they are trying to unionize at the Convalescent Center. Mr. Cuculich replied that they are targeting Dining Services and Nursing.


Member Larsen stated that he heard that there are misrepresentations being made to the employees.

Member Khouri questioned how many times they have tried, Mr. Cuculich replied that this is their third attempt. It has never been close.

Member Larsen said that they need to be cautious addressing the issue. He felt "No Comment" was best.

Mr. Lapinski left the meeting.


1



Assistant State's Attorney Veenstra stated that the review of Executive Session minutes are consistent with the Finance Committee actions this morning. There are seven new sets of minutes that contain recent and current litigation along with Collective Bargaining matters. He recommends that August 11, 2015 be declassified and that all others should remain confidential.

RELEASED

The consensus of the Board was to follow the recommendation of the State's Attorney.



Member Healy moved, seconded by Member Chaplin, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Romano, Wiley and Zay voted "aye." Members DiCianni and Tornatore were not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
May 10, 2016

Member Tornatore moved, seconded by Member Wiley, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Chaplin, Curran, Eckhoff, Fichtner, Grant, Healy, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Tornatore, Wiley and Zay voted "aye." Members DiCianni, Grasso, Khouri and Romano were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Greg Vaci, Assistant State's Attorney  
Rick Vecnstra, Assistant State's Attorney  
Catherine Levine, Wiedner & McAuliffe

Attorney Catherine Levine, Wiedner & McAuliffe, informed the Board of a Workman's Compensation case of Renaldo Romero, a former Division of Transportation employee. He is a 50 year old groundskeeper who fell onto his back while pushing a wheel barrow of mulch in July, 2011. He has had spinal fusion surgery and was approved to perform sedentary-light duties, limiting physical work. The County does not have a job for him with the physical restrictions. He has a 3rd grade education in Spanish and does not speak English. Ms. Levine is recommending a settlement of \$275,000 for wage loss.

Member Puchalski stated that he felt it was a good settlement.

Member Wiley said that a family member filled out his application. He asked if anything was illegal. Ms. Levin replied that there wasn't.

Member Tornatore asked if he could get paid wages for the rest of his life without having to work the rest of his life. Ms. Levin stated that yes he could and that all medical rights could be in effect. This settlement will remove that option.

Member Puchalski questioned if the County should offer light duty work in the future. Ms. Levine replied that it is hard to have that type of work in that department.

Member Wiley said that he felt that if an employee is hired, they should be able to do light duty.

Member Fichtner questioned who will pay his legal fees. Mr. Levin replied that his attorney will get a percentage of the settlement.



Member Larsen moved, seconded by Member Zay, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, Eckhoff, Fichtner, Grant, Healy, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Tornatore, Wiley and Zay voted "aye." Members DiCianni, Grasso, Khouri and Romano were not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

hhp



COUNTY BOARD EXECUTIVE SESSION  
June 28, 2016

Member DiCianni moved, seconded by Member Puchalski, that pursuant to Open Meetings Act Sec. 2(c)(2) and (6), the Board go into Executive Session for the purpose of discussing collective negotiating matters and the setting of a price for sale or lease of property owned by the public body. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Romano, Tornatore, Wiley and Zay voted "aye." Member Khouri was not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Tim Harbaugh, Director of Facilities Management  
Tony Charlton, Stormwater Division Director  
Linda Zerwin, ETSB Executive Director  
Nick Kottmeyer, Director of Public Works and Operations  
Margaret Ewing, Director of Human Resources  
Rick Veenstra, Assistant State's Attorney  
Greg Vaci, Assistant State's Attorney  
Jason Dwyer, Wight & Company

Member Curran stated that the stationarys engineer voted down the contract.

Member DiCianni asked if this was economic. Mr. Kottmeyer replied that the County adjusted some salaries to be competitive with the surrounding counties and then added 2%.



Member Grasso spoke regarding the ETSB CAD and RMS programs. There were 22 PSAPs that are consolidating down to 3. DU COMM has 40 of the 60 agencies. DU COMM is in need of a new location and ETSB and DU COMM are proposing to use the Youth Home.

Mr. Kottmeyer stated that ETSB has hired Wight & Company to look at the location to see if we can move forward. There is 25,000 square feet available. They will determine if we can make this happen and at what cost.

Mr. Dwyer presented a conceptual plan. DU COMM needs an administration area and communication center with 30 consoles. There will be two more in a training room. He recommends building a new building for the communication center because it needs to be of a higher structural standard.

Mr. Kottmeyer said that it would cost approximately \$14.1 million. Base cost is \$12.6 million and \$1.5 million in contingencies. He listed some funding sources including \$2.5 million from ETSB. DU COMM has \$3 million in reserve funds. The County would finance at most \$8.5 million. If the County took out a \$7 million loan, the payment structure would be around \$515,000 per year.

Member Curran questioned how long the loan would be. Mr. Kottmeyer replied 20 years. We may be able to get a 10 year loan. A concern was raised if DU COMM will be around in 20 years. Over 20 years, the County will need to maintain the building, for example, replace the roof. He questioned how much money the County wants to make from this deal. It is up to the Board.

Member Grasso stated that he thought they could repurpose this building. \$2.5 million is budgeted from ETSB and \$3 million from DU COMM. The loan payment from DU COMM rental of the building would be \$500,000 per year. ETSB owns the equipment that DU COMM uses. DU COMM has been around for 40 years.

Member DiCianni questioned if this was the best site. He asked if we could use the Sheriff's PSAP. Member Grasso replied that it is not large enough. They need 32 positions.

Member Grasso said that this is a good time to get a low interest rate.

Member Healy remarked that we have backup generators and felt it was a good deal for the County.

Member Zay stated that this is the second large project for ETSB. He questioned where it fits within the County. Other projects need funds too.

Chairman Grasso replied that this is a public safety issue. The Youth Home is not being used and this will create a revenue stream.

Member Krajewski questioned if the loan comes in at 2%, the rent will pay off the loan sooner. The only risk is fronting the money.

Member Curran stated that he felt they needed a shorter loan if possible.

Member Larsen asked if DU COMM is willing to pay rent. Member Grasso replied that DU COMM has seen the numbers and seems to be okay with them.

Member Michelassi said that he had no problem with the concept. He felt the County's debt obligation should be lowered to \$8 to \$8.5 million. Is this a Cadillac plan. Mr. Kottmeyer replied that this is not a Cadillac plan, the County is only paying for walls and roofs.

The consensus of the Board was to proceed with the conceptual plan.



Member Curran moved, seconded by Member Romano, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Romano, Tornatore, Wiley and Zay voted "aye." Member Khouri was not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

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COUNTY BOARD EXECUTIVE SESSION  
July 12, 2016

Member Romano moved, seconded by Member Noonan, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Chaplin, Curran, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Romano, Tornatore and Wiley voted "aye." Members DiCianni, Puchalski and Zay were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Margaret Ewing, Director of Human Resources  
Heather Hudson, Human Resources Generalist II  
Rick Veenstra, Assistant State's Attorney  
Greg Vaci, Assistant State's Attorney  
Janet Pallardy, Weidner and McAuliffe

Assistant State's Attorney Veenstra introduced Janet Pallardy who spoke regarding a workman's compensation case. A heavy equipment crew leader who worked for the Division of Transportation sustained an ankle injury in June of 2003. He has undergone six surgeries between 2009 and 2014. He is unable to return to work full duty and was released from the County in June of 2012. He is seeking a settlement of \$279,000 of which \$55,470.98 would be paid by the County.

Member Puchalski questioned if the County would have to cover future medical expenses. Ms. Pallardy replied that a lump sum settlement would include funding \$29,000 of the Medicare Set-Aside (MSA) resulting in a closure of the petitioner's medical rights.



Member Romano moved, seconded by Member Chaplin, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Romano, Tornatore and Wiley voted "aye." Members DiCianni, Puchalski and Zay were not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

COUNTY BOARD EXECUTIVE SESSION  
October 25, 2016

Member Chaplin moved, seconded by Member Michelassi, that pursuant to Open Meetings Act Sec. 2(c)(2) and (21), the Board go into Executive Session for the purpose of discussing collective negotiating matters and review of Executive Session minutes. On roll call, Members Chaplin, Curran, DiCianni, Fichtner, Grant, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Romano, Tornatore and Wiley voted "aye." Members Eckhoff, Grasso and Zay were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Greg Vaci, Chief of Civil Bureau, State's Attorney  
Brian Gorka, Assistant State's Attorney  
Conor McCarthy, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney

Member Curran stated that everyone received in their mailboxes something from AFSCME concerning the Probation Department. He has been in contact with the Chief Judge and will be bringing the issue up in the Litigation sub-committee.



Greg Vaci, Chief of Civil Bureau in the State's Attorney's office, passed out a synopsis of a case going to trial on November 14th.

Member Puchalski questioned if there were no pre-trial hearings or testimony, does Mr. Vaci feel this case has any value close to \$225,000. Mr. Vaci replied that one of the plaintiffs' medical is around half of that figure.



Assistant State's Attorney Veenstra stated that after review of the Executive Session minutes, they all touch on litigation or collective bargaining. He recommended to keep the minutes sealed.

} released



Member DiCianni moved, seconded by Member Romano, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Fichtner, Grant, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Romano, Tornatore and Wiley voted "aye." Members Eckhoff, Grasso and Zay were not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

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## COUNTY BOARD EXECUTIVE SESSION

January 24, 2017

Member DiCianni moved, seconded by Member Zay, that pursuant to Open Meetings Act Sec. 2(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Anderson, Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Healy, Khouri, Krajewski, Larsen, Tornatore, Wiley and Zay voted "aye." Members Elliott, Grasso, Noonan and Puchalski were not present at the time of roll call. Motion carried.

Others present at the meeting:

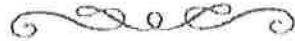
Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Margaret Ewing, Director of Human Resources  
JoAnne Uitto, Manager of Benefits and Payroll  
Brandi Charlie-Lee, Generalist I  
Conor McCarthy, Assistant State's Attorney  
Greg Vaci, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney  
Janet Pallardy, Wiedner & McAuliffe

Assistant State's Attorney Vaci spoke regarding Michael Tunis, a Corrections Deputy, is seeking to secure health insurance under the PSEBA Act. There is no issue that prevents him from collecting it. The PSEBA Act provides lifetime benefits to an officer who is injured in the line of duty. It has a financial impact as he and his family will receive health benefits for life.

Member Larsen questioned what happens when Medicare kicks in. Mr. Vaci replied that the County insurance would become secondary insurance.

Member DiCianni asked if there was any job we could offer him. Mr. Vaci answered that Mr. Tunis is already gone.

Member Fichtner questioned why not go to the PSEBA Board. Mr. Vaci replied that they do not believe there is a reason to deny this request.

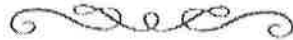


Mr. Vaci updated the Board regarding a lawsuit involving a snowplow accident. Desmond Henry and Jalon Purchas are seeking a settlement. Mr. Henry seeks \$55,000 and Mr. Purchas seeks \$45,000. The court is recommending a settlement.

Member Curran stated that he feels the amount is low.



Mr. Vaci stated that the Joyce Walters vs. Sergeant Brian Thompson case is going to trial on February 22, 2017.



Member Healy moved, seconded by Member Larsen, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Anderson, Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Healy, Khouri, Krajewski, Larsen, Tornatore, Wiley and Zay voted "aye." Members Elliott, Grasso, Noonan and Puchalski were not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

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COUNTY BOARD EXECUTIVE SESSION  
March 28, 2017

Member Tornatore moved, seconded by Member Puchalski, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Anderson, Chaplin, Curran, DiCianni, Eckhoff, Elliott, Fichtner, Grant, Khouri, Krajewski, Noonan, Puchalski, Tornatore, Wiley and Zay voted "aye." Members Grasso, Healy and Larsen were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Robert Berlin, State's Attorney  
Pat Genovese, Risk Management Coordinator  
Greg Vaci, Chief of Civil Bureau, State's Attorney  
Rick Veenstra, Assistant State's Attorney  
Conor McCarthy, Assistant State's Attorney  
Brian Gorka, Assistant State's Attorney

Assistant State's Attorney Vaci gave the Board a summary of the lawsuits against the County, Elected Officials and employees. He stated that they will not go to trial without giving the County Board a heads up. There are 12 law enforcement; 5 employment cases; 1 car accident and 3 regarding nursing care. The car accident, Ranallo vs. DuPage County is set for a settlement hearing.

Member Elliott questioned why they don't see the property tax cases. He asked what type of cases are on this list. Mr. Vaci replied that these cases could have monetary consequences to the General Fund.

Member Zay asked if some of these cases are being handled by an outside attorney. Mr. Vaci replied that yes, some are, but they are sworn in as Special State's Attorney.

Member Zay questioned if it is \$3.5 million total if we lose all the cases. He asked if we get a negotiated rate for outside attorneys. Mr. Vaci answered that we do negotiate.

Member Curran asked if insurance companies dictate the rate for an outside attorney. Mr. Vaci remarked that they know where the rate is for insurance.

State's Attorney Berlin stated an example of Jim Sotos. Mr. Sotos agreed to accept the same rate as what the insurance would pay when these rates are negotiated, we are aware of what the insurance companies are paying.

Member Fichtner questioned if this is the amount that is brought before the Board. Mr. Vaci answered that if the amount is \$75,000 or over, they will inform the Board. They have already settled the case.

Member Puchalski felt that they needed a second pair of eyes looking at the attorney fees. When we hire an attorney, are there any checks and balances. Mr. Vaci replied that all bills go through him and then the Auditor reviews them.

Member Curran referred to the A-2 case involving the Convalescent Center and asked if there was an internal investigation done when these cases are filed. Mr. Veenstra replied that there is an investigation prior to litigation. Even Human Services will investigate.

Patrick Genovese, Risk Management Coordinator, stated that any time there is a Convalescent Center incident reported to the Illinois Department of Public Health, our insurance company sends out a team of loss control to the Convalescent Center to go through the incident with the Director of Nursing and Staff.

Member Curran stated that he wanted the supervisor to be made aware of the incident, so corrective action can be made.

Mr. Cuculich remarked that supervisors are told of preventive measures and disciplinary action is taken if needed.

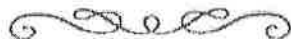
Member Zay asked why a case was increased \$25,000. Mr. Vaci stated that people have been on the case since November of last year. Finance asked what the cost would be. He estimated it to be between \$30,000 and \$50,000.

Member Puchalski said that he thought there was an ordinance giving the State's Attorney authorization to settle cases. Mr. Berlin remarked that they would come to the Board if they were at a crossroad between trial or settlement. It is the State's Attorney's policy to bring any settlement over \$75,000 to the Board.

Member Curran remarked that June 19th is the only trial date set on the list. Mr. Vaci replied that yes, it is going to court. He stated that Koty vs. Sheriff and Carr vs. Sheriff will likely go to trial. In the Jones vs. Zaruba case, the State Police will complete their report soon.

Member Zay questioned why there are many federal lawsuits. Mr. Vaci replied that in Federal cases, you get your attorney fees paid if you win the case.

Mr. Berlin stated that he is always available to talk to the Board members about any of the cases. He feels the Board should be updated every six months.



Member Chaplin moved, seconded by Member Tornatore, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Anderson, Chaplin, Curran, DiCianni, Eckhoff, Elliott, Fichtner, Grant, Khouri, Krajewski, Noonan, Puchalski, Tornatore, Wiley and Zay voted "aye." Members Grasso, Healy and Larsen were not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

COUNTY BOARD EXECUTIVE SESSION  
July 18, 2017

Member Elliott moved, seconded by Member Chaplin, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Anderson, Chaplin, Curran, Eckhoff, Elliott, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Noonan, Puchalski, Tornatore, Wiley and Zay voted "aye." Member DiCianni was not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Greg Vaci, Chief of Civil Bureau, State's Attorney  
Rick Veenstra, Assistant State's Attorney

State's Attorney Vaci spoke regarding the Ranallo/Rizwan tentative settlement. There was a four car accident involving a Health Department employee. The Health Department van caused a chain reaction accident. The original demand was \$225,000.00 but the County offered \$26,335.00. The court settlement is \$100,000.00.

Member Tornatore stated that the last page of settlement states \$26,335.00. Mr. Vaci replied that that is the County's initial offer, but the settlement is \$100,000.00.

Member Zay questioned why the County was involved in this case when it was for the Board of Health. Mr. Rafac answered that it is a long standing policy to cover the Health Department's costs. They are covered under the County.

Member Larsen moved, seconded by Member Krajewski, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Anderson, Chaplin, Curran, Eckhoff, Elliott, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Noonan, Puchalski, Tornatore, Wiley and Zay voted "aye." Member DiCianni was not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

COUNTY BOARD EXECUTIVE SESSION  
January 23, 2018

Member Elliott moved, seconded by Member Tornatore, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Anderson, Chaplin, DiCianni, Elliott, Fichtner, Grant, Grasso, Hart, Healy, Khouri, Krajewski, Larsen, Noonan, Puchalski, Tornatore, Wiley and Zay voted "aye." Member Eckhoff was not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Chief Financial Officer  
Margaret Ewing, Director of Human Resources  
Christopher Walton, Policy Research and Grants Analyst  
Mary Wells, Deputy Chief Financial Officer  
James Kruse, Chief Deputy Sheriff  
Greg Vaci, Chief of Civil Bureau, State's Attorney  
Mike Durkin, Storino, Ramello & Durkin

Member Grasso stated that the Sheriff's MAP unit has been arbitrated. He introduced Attorney Mike Durkin to explain the details.

Attorney Mike Durkin said that the MAP unit received an arbitration award. Most items were status quo except for the following two items. There will be stipends for on-call deputies, however the arbitrator ruled with the employers offer. The arbitrator also awarded acting out of classification pay for deputies who perform duties above their rank. They will be paid at the higher amount. They were successful in getting an agreement with a 3rd tier which consists of civilian court security.

Attorney Mike Durkin stated that the County has 20 days to reject the award and then it would go back to the arbitrator. He recommends that the Board affirm the award.

Member Fichtner asked what the cost to the County of the awards would be.

Mr. Rafac remarked that most of the items were status quo thus there isn't an added cost. The one issue of acting up a classification won't have an impact.

Member Fichtner questioned if it was approved, would the Sheriff then be able to hire a civilian court security. Mr. Kruse replied that there is discussion between the Sheriff and the union as to what positions qualify in the hiring process. The hiring needs to be determined whether it will be subject to the Sheriff's Merit Commission rules.

Mr. Durkin stated that once the contract is approved, the language will be available for discussion.

Member Puchalski asked if court security will be a union member and a Sheriff employee. Mr. Durkin replied yes.

Member Puchalski asked then when the contract is approved, the Sheriff doesn't have to hire a civilian for court security. Mr. Durkin replied that that is correct.

Member Eckhoff remarked that it is up to the Sheriff to make this happen.

Mr. Kruse said that they had an initial discussion. The main question is if they are subject to the Merit Commission and if so, the rules may need to be changed.

Member Larsen asked if court security had the ability to transfer to corrections. Mr. Durkin replied that in his opinion, yes they have the ability to transfer from security to corrections. The MAP unit may have a grievance. The MAP unit worker no longer has to be a sworn deputy officer but still a union member. You cannot move a temporary employee from one bargaining unit to another on a daily basis.

Member DiCianni questioned what the financial impact of this was. Mr. Durkin replied that for law enforcement it would be an 11.5% increase and for court security it would be 2%, 2%, 2% and 2.25%.

Mr. Rafac stated that the actual cost in dollars over the next four years would be about \$1.6 million with \$600,000 just for the security side.

Member Noonan questioned how this would impact the Sheriff's budget. Mr. Kruse replied that with a pay increase of \$600,000, it will be challenging with the current budget. Our projection is that by the end of June, the Sheriff's department will be out of money.



Member Healy moved, seconded by Member Elliott, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Anderson, Chaplin, DiCianni, Elliott, Fichtner, Grant, Grasso, Hart, Healy, Khouri, Krajewski, Larsen, Noonan, Puchalski, Tornatore, Wiley and Zay voted "aye." Member Eckhoff was not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

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COUNTY BOARD EXECUTIVE SESSION  
February 27, 2018

Member Tornatore moved, seconded by Member Healy, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Anderson, Chaplin, Eckhoff, Elliott, Fichtner, Grant, Grasso, Hart, Healy, Khouri, Krajewski, Larsen, Noonan, Puchalski, Tornatore, Wiley and Zay voted "aye." Member DiCianni was not present at the time of roll call. Motion carried.

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Mary Wells, Deputy Chief Financial Officer  
Robert Berlin, State's Attorney  
Conor McCarthy, Assistant State's Attorney  
Greg Vaci, Assistant State's Attorney

Assistant State's Attorney Vaci updated the Board on all civil cases that are pending. It is likely that three cases will be settled in 2018, but that could change. The cases that should be settled are Ranallo v. DuPage County, DuPage County Health Department and Judith Van Diepen; Hamlin v. DuPage County Sheriff, et al. and Yarbrough, et al. v. Kachiroubas.

Member Elliott questioned why there are three tax deed cases against the Treasurer's office. He asked if there is a policy in the Treasurer's office that is causing these lawsuits. Mr. Vaci replied that the law gives the citizen a last resort to pay off tax deed and not lose their home. It has nothing to do with the policies of the Treasurer's office.

State's Attorney Berlin stated that homeowners who lose their home to a tax deed, go to court to explain why they couldn't pay their property taxes; example that they are out of work or have a serious illness. The courts generally rule in their favor, thus causing the tax buyer to seek relief from the indemnity fund.



Member Larsen moved, seconded by Member Chaplin, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Anderson, Chaplin, Eckhoff, Elliott, Fichtner, Grant, Grasso, Hart, Healy, Khouri, Krajewski, Larsen, Noonan, Puchalski, Tornatore, Wiley and Zay voted "aye." Member DiCianni was not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

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COUNTY BOARD EXECUTIVE SESSION  
March 13, 2018

Member Zay moved, seconded by Member Tornatore, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Anderson, Chaplin, Eckhoff, Elliott, Grant, Hart, Healy, Khouri, Krajewski, Larsen, Noonan, Tornatore, Wiley and Zay voted "aye." Members DiCianni, Fichtner, Grasso and Puchalski were not present at the time of roll call. Motion carried.

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Mary Wells, Deputy Chief Financial Officer  
Margaret Ewing, Director of Human Resources  
Greg Vaci, Assistant State's Attorney  
Janet Pallardy, Wiedner & McAuliffe

Assistant State's Attorney Vaci introduced Ms. Pallardy who spoke regarding the Mario Martino v. County of DuPage lawsuit. Mr. Martino, a stationary engineer, injured his lower back on March 18, 2008 while carrying an 80 lb. bag of salt. He had surgery, but a second surgery is being questioned as being causally related to the injury based on the gap in medical treatment.

The State's Attorney's Office has approved settlement authority of \$101,695.45 representing 30% of a man (\$95,422.50) and ½ of the TTD (\$6,268.95) plus the agreement to pay medical bills for per the lesser of the negotiated rate or the fee schedule.

Member Puchalski questioned if he had a preexisting condition. Ms. Pallardy replied that he did not.



Member Puchalski moved, seconded by Member Elliott, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Anderson, Chaplin, Eckhoff, Elliott, Grant, Hart, Healy, Khouri, Krajewski, Larsen, Noonan, Tornatore, Wiley and Zay voted "aye." Members DiCianni, Fichtner, Grasso and Puchalski were not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

COUNTY BOARD EXECUTIVE SESSION

May 8, 2018

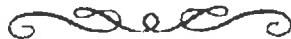
Member Elliott moved, seconded by Member Chaplin, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Anderson, Chaplin, DiCianni, Eckhoff, Elliott, Gavanis, Grant, Grasso, Hart, Healy, Khouri, Krajewski, Larsen, Noonan, Puchalski, Tornatore, Wiley and Zay voted "aye." Motion carried.

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Conor McCarthy, Assistant State's Attorney  
Greg Vaci, Assistant State's Attorney

Assistant State's Attorney Vaci spoke regarding the Ranallo v. County of DuPage lawsuit. This case involves a five-vehicle automobile collision caused by a chain reaction after a car being driven by VanDiepen, a Health Department employee hit Ranallo on September 10, 2012. Ranallo has \$205,000 in medical costs from surgeries on her lower back and right wrist. There was a pre-trial settlement conference with Judge French Mallon and a tentative settlement of \$350,000 was reached.

Mr. Vaci stated that insurance does not kick in until there is a settlement of over \$2 million.

Member Zay questioned if the State's Attorney has agreed to this amount. Mr. Vaci replied that they had and that they have a signed settlement agreement from Ranallo.



Member Healy moved, seconded by Member Larsen, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Anderson, Chaplin, DiCianni, Eckhoff, Elliott, Gavanis, Grant, Grasso, Hart, Healy, Khouri, Krajewski, Larsen, Noonan, Puchalski, Tornatore, Wiley and Zay voted "aye." Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

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COUNTY BOARD EXECUTIVE SESSION  
August 14, 2018

Member Elliott moved, seconded by Member Khouri, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Anderson, Chaplin, DiCianni, Eckhoff, Elliott, Gavanis, Grant, Grasso, Hart, Larsen, Noonan, Puchalski, Tornatore, Wiley and Zay voted "aye." Members Healy, Khouri and Krajewski were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
Chief Deputy County Clerk Kathy King  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Mary Wells, Deputy Chief Financial Officer  
Conor McCarthy, Assistant State's Attorney

Assistant State's Attorney McCarthy spoke regarding the Yarborough v. DuPage County Clerk of the Circuit Court and Rosenquist v. DuPage County Clerk of the Circuit Court. The plaintiffs filed separate class action cases for the imposition of fees for filing motions to modify interlocutory orders by the Clerk of the Court. These cases are about the improper collection of Clerk's fees. The State's Attorney was successful in obtaining dismissals of several counts, but determined fees totaled \$303,125 over the 5 year period allowed by the statute of limitation. The case in Chicago was resolved in a way that disadvantaged our case. As a result, we have reached an agreement to settle this amount just for the total fees collected, leaving out pre-judgment interest on the fees as well as credit card fees. It is a class action settlement administered by an outside contractor. Any money left from the \$303,125 will come back to the County after attorney's fees.

Member Puchalski questioned if this case has any merit. He asked what the attorney fees were. Mr. McCarthy answered approximately over \$100,000. This is just to inform the Board of the case. He felt this was a good deal.



Mr. McCarthy spoke regarding the Hoffman v. Sheriff Zaruba, DuPage County and individual correctional deputies and medical personnel case. Ms. Hoffman was an inmate for 6 days in 2015. She claims the lack of care caused her to suffer severe physical injury and deteriorating health after her release.

Mr. McCarthy stated that the attorney's fees would be estimated at \$500,000 to \$700,000 if the case proceeded to trial. The Plaintiff was initially seeking \$1.2 million. The parties engaged in negotiation and agreed to resolve the matter for \$145,000 with the County paying \$65,000 and the insurance provider paying \$80,000.

COUNTY BOARD EXECUTIVE SESSION

November 13, 2018

Member Zay moved, seconded by Member Noonan, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Anderson, Chaplin, DiCianni, Eckhoff, Elliott, Gavanese, Grasso, Hart, Healy, Khouri, Larsen, Noonan, Puchalski, Tornatore and Zay voted "aye." Members Grant, Krajewski and Wiley were not present at the time of roll call. Motion carried.

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Mary Wells, Deputy Chief Financial Officer  
Margaret Ewing, Director of Human Resources  
Greg Vaci, Assistant State's Attorney  
Catherine Levine, Wiedner & McAuliffe

Attorney Levine spoke regarding the Scott Bain v. County of DuPage lawsuit. Deputy Bain was employed as a Correctional Sergeant and sustained 3 compensable work-related injuries. The State's Attorney's office has determined that a lump-sum settlement of \$126,415.90 of these cases is appropriate. If it were to proceed to trial, Deputy Bain's medical rights would remain open for life and he could seek additional medical treatment and reimbursements.

Member Puchalski questioned who Deputy Bain's attorney is. Ms. Levine replied that it is Joseph Loran.



Member Zay moved, seconded by Member Chaplin, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Anderson, Chaplin, DiCianni, Eckhoff, Elliott, Gavanese, Grasso, Hart, Healy, Khouri, Larsen, Noonan, Puchalski, Tornatore and Zay voted "aye." Members Grant, Krajewski and Wiley were not present at the time of roll call. Motion carried.

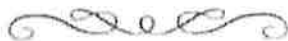
Respectfully submitted,

Paul Hinds  
DuPage County Clerk

hhp

Member Puchalski questioned why we are awarding the plaintiff any money. Mr. McCarthy replied that should any of the 12 defendants fail in their duty of care, the County would be responsible for all the attorney's fees. This could be a substantial amount higher than resolving this matter.

Member Puchalski agreed with the amount.



Mr. McCarthy spoke regarding the Liebowitz v. Individual Correctional Deputies. Mr. Jacoby was an inmate who suffered a broken arm after deputies were required to use force to get him to comply with their lawful requests. Mr. Jacoby claims excessive force was used.

Mr. McCarthy stated that this case will likely go to trial. The State's Attorney is recommending a settlement in the amount of \$75,000. Plaintiff's demand is \$800,000 for a broken arm.

Member Tornatore asked if the amount goes over \$75,000, will it be brought back before the Board. Mr. McCarthy replied that it would. This serves as notice that we will likely go to trial.



Member DiCianni moved, seconded by Member Elliott, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Anderson, Chaplin, DiCianni, Eckhoff, Elliott, Gavanese, Grant, Grasso, Hart, Larsen, Noonan, Puchalski, Tornatore, Wiley and Zay voted "aye." Members Healy, Khouri and Krajewski were not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

hhp

**DUPAGE COUNTY BOARD  
EXECUTIVE SESSION**

**March 12, 2019**

A motion was made by Member Puchalski moved, seconded by Member Chaplin, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation at 11:53 a.m. On roll call, Members Chaplin, DiCianni, Eckhoff, Elliott, Hart, Larsen, Noonan, Puchalski, Renehan, Rutledge, Selmon Tornatore and voted "aye." Members Healy, Krajewski and Zay were not present at the time of roll call. Motion carried.

DuPage County Assistant State's Attorney Conor McCarthy introduced the attorney who was retained by the County to negotiate settlements.

The attorney gave an overview of the Anna Diaz case. There are four claims. Settlement monies were discussed. Members Rutledge, Covert, Larsen, DiCianni and Ozog commented. There were no objections to the settlement proposal.

DuPage County State's Attorney Berlin gave an update of Sterigenics in Willowbrook. He stated that they are working with the Illinois State's Attorney's Office. Assistant State's Attorney Greg Vasi stated that as of this date Sterigenics remains shut down. Additional testing and risk assessment are being conducted by the United States EPA. Members, Rutledge, Renehan, DiCianni and Hart made comments.

Assistant State's Attorney Conor McCarthy discussed the Adult Business Hot Shots. Members DeSart, and Eckhoff made comments. State's Attorney Berlin stated that it was important to move forward with the case.

A motion was made by Member Zay and seconded by Member Chaplin to adjourn Executive Session into Regular Session at 12:29 p.m. The motion carried on voice vote all "Ayes".

Respectfully submitted,



Jean Kaczmarek  
DuPage County Clerk

JKcwb

**DUPAGE COUNTY BOARD  
EXECUTIVE SESSION**

**March 26, 2019**

A motion was made by Member Zay and, seconded by Member Chaplin, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board move into Executive Session for the purpose of discussing pending litigation at 1:00 p.m.

On roll call, Members Chaplin, DiCianni, Eckhoff, Elliott, Hart, Larsen, Noonan, Puchalski, Renehan, Rutledge, Selmon Tornatore and voted "aye." Members Healy and Krajewski were not present at the time of roll call. Motion carried.

DuPage County State's Attorney Robert Berlin gave an update of the Sterigenics case. Berlin stated that as of today's date, the facility remains closed. He stated that his office is working with the Illinois Attorney General's office. Additional testing and risk assessment is being conducted by the EPA. Members, Rutledge, Renehan, DiCianni and Hart made comments.

Assistant State's Attorney Conor McCarthy discussed the adult business Hot Shots. Members DeSart, Eckhoff and Elliott made comments. Berlin stated that it was important to move forward with the case.

Assistant State's Attorney Greg Vaci discussed the case of the 2015 asthmatic death in the county jail. Settlement discussions with the estate were ongoing. The State's Attorney's office would be handling the case if it went to trial, Vaci added.

A motion was made by Member DiCianni and seconded by Member Chaplin to adjourn Executive Session into Regular Session at 1:25 p.m. The motion carried on voice vote all "Ayes".

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cwb

**DUPAGE COUNTY BOARD  
EXECUTIVE SESSION**

**April 23, 2019**

A motion was made by Member Zay and, seconded by Member Chaplin, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board move into Executive Session for the purpose of discussing pending litigation at 11:35 a.m.

On roll call, Members Chaplin, Covert, DeSart, DiCianni, Eckhoff, Elliott, Hart, Healy, Krajewski, Larsen, Noonan, Ozog, Renehan, Rutledge, Selmon Tornatore and Zay voted "aye." Member Puchalski was not present at the time of roll call. Motion carried.

Assistant State's Attorney Greg Vaci gave an update of the Synnott v. Bugermeister case and distributed a notification highlighting the litigation. It is set for jury trial on April 30th.

Assistant State's Attorney Conor McCarthy stated a settlement offer was received on the Hot Shots litigation. There was a discussion about relocating the business.

McCarthy highlighted the Executive Session minutes of November 13, 2018, February 12, 2019 and March 12, 2019 which were distributed to Members.

After discussion, it was decided that the previous 2010 through 2018 should remain withheld, and the February 12, 2019 Executive Session minutes could be released to the public.

A motion was made by Member Elliott and seconded by Member Renehan to adjourn Executive Session into Regular Session at 11:52 a.m. The motion carried on voice vote all "Ayes".

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cwb



**DUPAGE COUNTY BOARD  
EXECUTIVE SESSION**

**May 14, 2019**

A motion was made by Member Zay and, seconded by Member Chaplin, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board move into Executive Session for the purpose of discussing pending litigation at 11:48 a.m.

On roll call, Executive Session began at 11:55 a.m. Members Chaplin, Covert, DeSart, DiCianni, Elliott, Hart, Larsen, Noonan, Ozog, Puchalski, Renehan, Rutledge, Selmon, and Zay voted "aye". Members Eckhoff, Healy, Krajewski and Tornatore were not present at the time of roll call. Motion carried.

Assistant State's Attorney Greg Vaci gave an update of the Hejhal and three his three sisters vs. Gwen Henry Indemnity Fund case which resulted in the loss of their commercial property in the vicinity of Elmhurst near Route 83. Vaci stated that the Plaintiff has significant health problems. The State's Attorney's Office has recommended a \$340,000 dollar settlement. There was a consensus of members present to proceed with the settlement negotiations. Members Puchalski, Rutledge and DiCianni made comments.

Vaci outlined the Ceraulo vs. Sheriff case. There was a discussion of settlement offers and negotiations. The State's Attorney Office recommended to go to discovery and gave the timing outline for trial. Members Puchalski, DeSart, Selmon, DiCianni, Renehan and Zay made comments.

Vaci outlined the Synnott vs. Burgermeister case. The Plaintiff won and the State's Attorney's Office is moving on to the appeal process. Judgement monies were discussed. Member Selmon commented.

Assistant State's Attorney Conor McCarthy outline discussed the adult business Hot Shots. He stated that there was a settlement for the business to move in 90 days. Members, Elliott, Selmon and Puchalski commented.

State's Attorney Robert Berlin outlined the update of the Sterigenics case. He stated that DuPage will file an amended complaint in June. He also stated that there is a motivation by other municipalities to file to intervene.

A motion was made by Member DiCianni and seconded by Member Chaplin to adjourn Executive Session into Regular Session at 12:23 p.m. The motion carried on voice vote all "Ayes".

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cwb

**DUPAGE COUNTY BOARD  
EXECUTIVE SESSION**

**September 10, 2019**

A motion was made by Member Elliott and, seconded by Member Healy, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board move into Executive Session for the purpose of discussing pending litigation at 11:58 a.m.

On roll call, Executive Session began at 12:08 p.m. Members Chaplin, Covert, DeSart, DiCianni, Eckhoff, Elliott, Hart, Healy, Larsen, Noonan, Ozog, Renehan, Rutledge, Selmon, Tornatore and Zay voted "aye". Members Krajewski and Puchalski were not present at the time of roll call. Motion carried. Member Puchalski arrived at 12:18 p.m.

Assistant State's Attorney Conor McCarthy gave an introduction for the items being discussed in Executive Session. He introduced State's Attorney Robert Berlin.

Berlin gave an update of the Sterigenics case. He stated that the original case began in February. Berlin gave an overview on future violations, limitations and actions regarding final abatement. He stated that as of last Friday, there was an order to stop of some chemicals used at the facility. On June 24<sup>th</sup> there was a proposed stay and an order for the facility to reopen contingent upon meeting the toughest requirements in the country. He also discussed the consent order and if they do not meet compliance standards. Member Hart asked about compliance. He stated that the plant may not ever meet new requirements, and may not ever open again. Berlin stated that the case will remain open as an instrument of accountability and outlined the conditions/requirements. Berlin also mentioned the State of Illinois House bill for municipalities and the Senate bill proposing a ban on ETO.

Chairman Cronin thanked Berlin for his efforts and tough enforcement mechanisms that were put into place including seeking a ban on the chemical used at the facility. Member Renehan stated that she appreciated the work of the State's Attorney's Office. Berlin gave an overview of Judge Fullerton's ruling.

A motion was made by Member Elliott and seconded by Member Rutledge to adjourn Executive Session into Regular Session at 12:22 p.m. The motion carried on voice vote all "Ayes".

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cwb

**DUPAGE COUNTY BOARD  
EXECUTIVE SESSION**

**November 12, 2019**

A motion was made by Member Krajewski and seconded by Member Chaplin, that pursuant to Open Meetings Act 5 ILCS 120/2 (c) (11), ILCS 120/2 (c) (2), and ILCS 120/2 (c) (21), the Board move into Executive Session for the purpose of discussing collective negotiating matters, pending litigation, and review executive session at 1:23 p.m.

On roll call, Executive Session began at 1:28 p.m. Members Chaplin, Covert, DeSart, DiCianni, Eckhoff, Elliott, Hart, Larsen, Noonan, Ozog, Renehan, Rutledge, Selmon, Tornatore, and Zay voted "aye". Member Tornatore was present via remote call. Members Krajewski, Healy, and Puchalski were not present at the time of roll call. Motion carried.

State's Attorney Robert Berlin, Assistant State's Attorney Conor McCarthy, Assistant State's Attorney Gregory Vaci and Attorney Michael Leonard were present.

Attorney Michael Leonard, representing the law firm of Meyers and Flowers, gave an update on the current opioid litigation regarding DuPage County. Mr. Leonard stated that all cases were transferred and consolidated into Cook County. These cases are part of state consolidated litigation in Illinois. Mr. Leonard stated that a Federal Multi-district Litigation ("MDL") is pending in Cleveland, Ohio and due to a motion, every city and county in America would be part of a negotiation class unless a county or city opts out by November 22<sup>nd</sup>, 2019 and would be required to follow any settlement that is negotiated by the class. Mr. Leonard stated that the State's Attorney's Office made the decision to opt DuPage County out of the class. Members DeSart, Elliott, Larsen, Renehan, and Selmon made comments.

Mr. Leonard gave an update on Purdue Pharma filing Chapter 11 bankruptcy. He said there is an effort to sever the Purdue Pharma cases from other pending cases in which claims are expected to move forward in court. Member Selmon commented.

Mr. Leonard gave an update regarding prosecution of the Section 7 Consumer Fraud Claims Act.

Member Elliott commented regarding a federal case involving Zebulon Books.  
Member Zay made comment regarding the number of people in the room during Executive Session.

A motion was made by Member Elliott and seconded by Member Zay to adjourn Executive Session into Regular Session at 1:45 p.m. The motion carried on voice vote all "Ayes".

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cmp

**DUPAGE COUNTY BOARD  
EXECUTIVE SESSION**

**January 14, 2020**

A motion was made by Member Zay and seconded by Member Elliott, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board move into Executive Session for the purpose of discussing pending litigation at 11:20 a.m.

On roll call, Executive Session began at 11:22 a.m. Members Chaplin, Covert, DeSart, DiCianni, Eckhoff, Elliott, Hart, Krajewski, Larsen, Noonan, Ozog, Renehan, Rutledge, Selmon, Tornatore, and Zay voted "aye". Members Healy and Puchalski were not present at the time of roll call. Motion carried.

Assistant State's Attorney Conor McCarthy, Assistant State's Attorney Anthony Hayman were present.

Assistant State's Attorney Anthony Hayman provided an update on ongoing litigation between the County of DuPage and Zebulon Books. Zebulon Books is suing DuPage over the constitutionality of the Adult Business ordinance adopted on June 25, 2019. On July 31<sup>st</sup>, 2019, Zebulon filed a facial pre-enactment challenge. No County Board members are individually named in the lawsuit. Zebulon Books states in their filing that they believe the ordinance is a pretext to shutting down the business.

The county has a pending Rule 12 motion to dismiss, as well as a motion for partial summary judgment on the 4<sup>th</sup> amendment claims. Decision should be made within the next week or so.

Zebulon Books is being represented by a Clyde DeWitt, a Nevada attorney, and local counsel.

Assistant State's Attorney Connor McCarthy stated the county's decision not to go to the magistrate with this case is due to the outlook that the presiding judge may be favorable in this case. ASAs McCarthy and Hayman stated that the amendments passed by the County Board in 2019 helped strengthen County's position against the plaintiff in the above case. Members DeSart, Elliott, Puchalski and Renehan made comment.

A motion was made by Member Elliott and seconded by Member Chaplin to adjourn Executive Session into Regular Session at 11:36 a.m. The motion carried on voice vote all "Ayes".

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cmp

**DUPAGE COUNTY BOARD  
EXECUTIVE SESSION**

**February 11, 2020**

A motion was made by Member DeSart and seconded by Member Chaplin, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board move into Executive Session for the purpose of discussing pending litigation at 11:44 a.m.

On roll call, Executive Session began at 11:49 a.m. Members Chaplin, Covert, DeSart, DiCianni, Eckhoff, Elliott, Hart, Krajewski, Noonan, Ozog, Renehan, Rutledge, Tornatore, and Zay voted "aye". Members Healy, Larsen, Selmon, and Puchalski were not present at the time of roll call. Motion carried.

DuPage County State's Attorney Robert Berlin, Assistant State's Attorney Conor McCarthy, and Assistant State's Attorney Greg Vaci were also present.

Attorney Janet Pallardy, of Wiedner & McAuliffe, spoke about an ongoing worker's compensation case involving a DuPage County Deputy Sheriff. Members DeSart, Rutledge, Krajewski, DiCianni, and Covert made comment.

Assistant State's Attorney Greg Vaci spoke about pending cases, the first being the ongoing case Synnott v. Burgermeister. The State's Attorney's Office recommended proceeding to a jury trial on damages, with the trial to be held on March 31, 2020. Member DeSart made comment.

Mr. Vaci proceeded to update the board on two pending indemnity fund cases, Mazzulo v. Henry, and Kiolbassa v. Henry. In the case of Mazzulo v. Henry, the State's Attorney's Office recommended proceeding to a bench trial, scheduled for April 14, 2020. Regarding Kiolbassa v. Henry, a bench trial is scheduled for April 8, 2020, and the State's Attorney's Office recommended settling the case for an amount of \$125,000. Chief Financial Officer Paul Rafac spoke on the current status and future of the County's indemnity fund. Members Covert, Elliott, Krajewski, DiCianni, Ozog, and Rutledge made comment.

Assistant State's Attorney Greg Vaci went over a "2020 snapshot" of all the current cases involving DuPage County. Member Chaplin and Krajewski made comment.

A motion was made by Member Elliott and seconded by Member Rutledge to adjourn Executive Session into Regular Session at 12:03 a.m. The motion carried on voice vote all "Ayes".

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cmp

**DUPAGE COUNTY BOARD  
EXECUTIVE SESSION**

**October 13, 2020**

A motion was made by Member Krajewski and seconded by Member Selmon, that pursuant to Open Meetings Act 5 ILCS 120/2 (c) (2), 120/2 (c) (11), and 120/2 (c) (21), the Board move into Executive Session for the purpose of discussing collective negotiating matters, pending litigation, and review executive session minutes, at 11:32 a.m.

On roll call, Executive Session began at 11:33 a.m. Members Chaplin, Covert, DeSart, DiCianni, Eckhoff, Elliott, Hart, Healy, Krajewski, Larsen, Noonan, Ozog, Puchalski, Renehan, Rutledge, Selmon, Tornatore, and Zay voted "aye". Motion carried.

State's Attorney Robert Berlin, Assistant State's Attorney Conor McCarthy, and Assistant State's Attorney Lisa Smith were present. State's Attorney Robert Berlin introduced Assistant State's Attorney Lisa Smith as the new chief of the civil division, replacing ASA Greg Vaci.

ASA Smith made introductory remarks and proceeded to update the board on ongoing civil litigation. ASA Smith highlighted three newly filed cases, stating they are in very initial stages of either motion, practice, or pending discovery. Remarking on closed cases, ASA Smith stated that two indemnity fund cases had been recently resolved. Another indemnity fund case was resolved as of the executive session, was in the process of undergoing an appeal. In addition, two cases from 1983 were resolved successfully. ASA Smith assured the board that while the pandemic has affected how court hearings are being held, the 18<sup>th</sup> Judicial Court is still making progress on many cases. Members Puchalski and Chaplin made comment.

ASA Lisa Smith concluded her update; ASA Conor McCarthy remarked to the board that upon review of the prior executive session minutes, it is the suggestion of the State's Attorney's Office that the minutes remain confidential.

Member Sadia Covert asked that anyone who is not authorized to be in executive session exit the Zoom call. Chairman Cronin remarked that those in the physical board room have authorization. Member Covert clarified she was only referring to those attending the meeting via Zoom.

A motion was made by Member Zay and seconded by Member DeSart to adjourn Executive Session into Regular Session at 11:42 a.m. The motion carried on roll call, all "ayes".

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cmp

**DUPAGE COUNTY BOARD  
EXECUTIVE SESSION**

**October 27, 2020**

A motion was made by Member Zay and seconded by Member Healy that pursuant to Open Meetings Act 5 ILCS 120/2 (c) (11) and 5 ILCS 120/2 (c) (2), the Board move into Executive Session for the purpose of discussing collective negotiating matters and pending litigation.

On roll call, Executive Session began at 12:24 p.m. Members Chaplin, Covert, DeSart, DiCianni, Eckhoff, Elliott, Hart, Healy, Krajewski, Larsen, Noonan, Ozog, Puchalski, Renehan, Rutledge, Selmon, Tornatore, and Zay voted "aye". Motion carried.

Assistant State's Attorney Conor McCarthy, Assistant State's Attorney Lisa Smith, Assistant State's Attorney Paul Bruckner, and Janet Pallardy, of Wiedner & McAuliffe Law Office, were also present.

Janet Pallardy updated the County Board on an ongoing worker's compensation case regarding a DuPage County Deputy Sheriff. Ms. Pallardy gave a brief overview of the details on the injury and circumstance regarding the case. Ms. Pallardy explained that after surgery, physical therapy, medication, etc. the individual's doctor imposed permanent work restrictions based on her continued medical issues. Ms. Pallardy stated that the DuPage County Sheriff's Department cannot accommodate the restrictions.

Ms. Pallardy stated that after an independent medical examination (IME), the IME doctor agreed with the treating physician on the nature of the restrictions. It was confirmed by the IME doctor that the individual was unable to return to her work as a Deputy Sheriff.

Ms. Pallardy recommended a settlement amount of \$300,000.00, under the assumption this amount would stand as an overall settlement of all issues raised in the matter. Members Tornatore and Puchalski made comment.

A motion was made by Member Puchalski and seconded by Member Chaplin to adjourn Executive Session into Regular Session at 12:30 p.m. The motion carried on roll call, all "ayes".

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cmp

**DUPAGE COUNTY BOARD  
EXECUTIVE SESSION**

**February 23, 2021**

A motion was made by Member Puchalski and seconded by Member Chaplin, that pursuant to Open Meetings Act 5 ILCS 120/2 (c) (11) and ILCS 120/2 (c) (2), the Board move into Executive Session for the purpose of discussing collective negotiating matters and pending litigation at 1:06 p.m.

On roll call, Executive Session began at 1:08 p.m. Members Chaplin, Chavez, Covert, Deacon Garcia, DeSart, DiCianni, Eckhoff, Hart, Krajewski, LaPlante, Ozog, Puchalski, Renehan, Rutledge, Schwarze, Selmon, Tornatore, and Zay voted "aye". Motion carried.

Assistant State's Attorneys Conor McCarthy and Lisa Smith were present in the boardroom.

ASA Lisa Smith gave an update on a pending civil case regarding a former inmate at the DuPage County jail. The defendants named in the case are former DuPage County Sheriff Zaruba, and Dr. Corcoran, who oversaw the plaintiff's mental health treatment while incarcerated.

ASA Smith stated that the plaintiff suffered self-induced injuries after jumping from a second floor location and is seeking a monetary settlement.

ASA Smith stated that the plaintiff's appointed counsel is seeking \$1.2 million to settle. ASA Smith stated it is the recommendation of the State's Attorney's office to settle for an amount not to exceed \$250,000.00. Member Krajewski made comment.

A motion was made by Member Chaplin and seconded by Member Deacon Garcia to adjourn Executive Session into Regular Session at 1:27 p.m. The motion carried on roll call all "ayes".

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cmp



**DUPAGE COUNTY BOARD**  
**EXECUTIVE SESSION**

**March 23, 2021**

A motion was made by Member Tornatore and seconded by Member Rutledge, that pursuant to Open Meetings Act 5 ILCS 120/2 (c) (11) and ILCS 120/2 (c) (2), the Board move into Executive Session for the purpose of discussing collective negotiating matters and pending litigation at 11:55 a.m.

On roll call, Executive Session began at 11:57 a.m. Members Chaplin, Chavez, Covert, Deacon Garcia, DeSart, DiCianni, Eckhoff, Hart, Krajewski, LaPlante, Ozog, Puchalski, Renehan, Rutledge, Schwarze, Selmon, Tornatore, and Zay voted "aye". Motion carried.

Assistant State's Attorneys Conor McCarthy and Lisa Smith were also present in the boardroom.

ASA Lisa Smith gave an update on the ongoing case entitled Sinnot v. Burgemeister and Northrup. Smith stated that the matter is up for jury trial on April 7, 2021.

ASA Smith addressed the fact that this matter has been ongoing, and the County attempted to settle the case, but the plaintiff was unwilling.

ASA Smith said the upcoming jury trial is due to the plaintiff's desire to retry the case as to the damages. Members Ozog and Renehan made comment.

A motion was made by Member Chaplin and seconded by Member Rutledge to adjourn Executive Session into Regular Session at 12:08 p.m. The motion carried on roll call all "ayes".

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cmp

## DUPAGE COUNTY BOARD

### EXECUTIVE SESSION

August 10, 2021

A motion was made by Member Chaplin and seconded by Member DiCianni that pursuant to Open Meetings Act 5 ILCS 120/2 (c) (2) and ILCS 120/2 (c) (11), the Board move into Executive Session for the purpose of discussing collective negotiating matters, and pending litigation at 12:51 p.m.

On roll call, Executive Session began at 12:52 p.m. Members Chaplin, Chavez, Covert, Deacon Garcia, DeSart, DiCianni, Hart, Krajewski, LaPlante, Ozog, Renahan, Rutledge, Schwarze, Selmon, Tornatore, and Zay voted "aye". Members Eckhoff and Puchalski were absent.

Assistant State's Attorneys Conor McCarthy and Lisa Smith were present in the boardroom.

ASA Lisa Smith gave an update regarding pending litigation. ASA Smith stated that the annual updates to the County Board will now be reported in chronological order, from oldest case to the most current case.

ASA Smith stated that case Carr v. Zaruba, the oldest pending case, has made progress; a motion for summary judgement was recently filed and is awaiting a ruling.

ASA Smith stated that Jones v. Zaruba had been denied a motion for summary judgement, however, an appeal was submitted and accepted. Oral arguments will begin in November 2021. ASA Smith reported that in the matter of Spear v. State's Attorney's Office, the county was dismissed from that case. Discovery is ongoing but the issues have been narrowed down.

Finally, regarding the Estate of Jaruslav Ruzicki ASA Smith reported the recommendation from Assistant State's Attorney Donna Pindel that the county reserve the funds specified, but clarified this is an indemnity fund case and not associated with the county general fund.

ASA Smith stated she will continue to update the board as more progress is made in the aforementioned pending cases. Members Krajewski, DiCianni, and DeSart made comment.

A motion was made by Member Schwarze and seconded by Member Chaplin to adjourn Executive Session into Regular Session at 1:00 p.m. The motion carried on roll call all "ayes". Members Covert, Eckhoff, Puchalski, and Zay were absent.

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cmp

## DUPAGE COUNTY BOARD

### EXECUTIVE SESSION

August 24, 2021

A motion was made by Member DeSart and seconded by Member Chaplin that pursuant to Open Meetings Act 5 ILCS 120/2 (c) (11) and ILCS 120/2 (c) (2), the Board move into Executive Session for the purpose of discussing collective negotiating matters, and pending litigation at 12:41 p.m.

On roll call, Executive Session began at 12:44 p.m. Members Chaplin, Chavez, Covert, Deacon Garcia, DeSart, DiCianni, Eckhoff, Hart, Krajewski, LaPlante, Ozog, Puchalski, Renehan, Rutledge, Schwarze, Selmon, Tornatore, and Zay voted "aye". Member Rutledge left the session prior to the discussion.

State's Attorney Robert Berlin and Assistant State's Attorney Conor McCarthy were present in the boardroom.

State's Attorney Robert Berlin gave a brief overview of the opioid litigation. He introduced Michael Leonard of law firm Meyers and Flowers. Meyers and Flowers have been acting as Special Assistant State's Attorneys in the opioid litigation efforts. Mr. Leonard gave an update regarding the pending litigation against opioid manufacturers.

Mr. Leonard outlined the status of the consolidated Illinois case against various manufacturers and distributors. Mr. Leonard stated that all of the large northern Illinois counties are a part of the consolidated action. Mr. Leonard stated that the Attorney General filed a motion to intervene and take over DuPage County's Consumer Fraud Act claims. That motion remains pending.

Mr. Leonard outlined details of potential settlement distribution, including the structure of a proposed agreement, which calls for a percentage to go directly to the subdivisions, directly to the state, and an abatement fund. The abatement fund will be subject to the recommendations of an advisory board.

At the conclusion of Mr. Leonard's report, Chairman Cronin called for a verbal consensus from the board members regarding a possible agreement between DuPage County and the Attorney General's Office. There were no objections.

A motion was made by Member DeSart and seconded by Member Chaplin to adjourn Executive Session into Regular Session at 1:06 p.m. The motion carried on roll call, all "ayes". Members Eckhoff, Hart, Puchalski, Rutledge, and Zay were away.

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cmp

**DUPAGE COUNTY BOARD**

**EXECUTIVE SESSION**

**September 28, 2021**

A motion was made by Member Chaplin and seconded by Member DeSart that pursuant to Open Meetings Act 5 ILCS 120/2 (c) (2) and ILCS 120/2 (c) (11), the Board move into Executive Session for the purpose of discussing collective negotiating matters, and pending litigation at 11:44 a.m. The motion was approved on roll call, all "ayes." Member Puchalski was absent.

On roll call, Executive Session began at 11:45 a.m. Members Chaplin, Chavez, Covert, Deacon Garcia, DeSart, DiCianni, Hart, Krajewski, LaPlante, Ozog, Renehan, Rutledge, Schwarze, Selmon, Tornatore, and Zay voted "aye". Member Puchalski was absent.

DuPage County Coroner Richard Jorgensen, MD, FACS, and Assistant State's Attorney Conor McCarthy were present in the boardroom.

ASA McCarthy introduced attorney Michael Durkin, who handled contract negotiations on behalf of the DuPage County Coroner's office.

Mr. Durkin stated that negotiations with the union were successful, and a contract has been established.

Mr. Durkin outlined aspects of the contract, including: the ability to implement a merit pay provision to compensate employees, a 2% rate increase from 2020-2023, and an update to language regarding drug testing for recreational cannabis.

Dr. Jorgensen recognized Mr. Durkin for his assistance in the extended contract negotiations.

A motion was made by Member DiCianni and seconded by Member DeSart to adjourn Executive Session into Regular Session at 11:52 a.m. The motion carried on roll call, all "ayes". Member Puchalski was absent.

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

**DUPAGE COUNTY BOARD**

**EXECUTIVE SESSION**

**October 26, 2021**

A motion was made by Member Selmon and seconded by Member Chaplin, that pursuant to Open Meetings Act 5 ILCS 120/2 (c) (2), 120/2 (c) (11), and 120/2 (c) (21), the Board move into Executive Session for the purpose of discussing collective negotiating matters, pending litigation, and review executive session minutes, at 12:11 p.m.

On roll call, Executive Session began at 12:15 p.m. Members Chaplin, Chavez, Deacon Garcia, DeSart, DiCianni, Hart, Krajewski, LaPlante, Ozog, Renehan, Rutledge, Schwarze, Selmon, Tornatore, and Zay voted "aye". Member Covert was away.

Assistant State's Attorneys Lisa Smith and Conor McCarthy were present in the boardroom.

ASA Lisa Smith introduced James Sotos of the Sotos Law Firm. At the previous board meeting on October 12, 2021, a resolution seeking additional funding for the Sotos Law Firm was on the agenda. Per board members request, Attorney James Sotos was invited to speak before the board and address questions regarding additional funding relevant to the case of Randy Liebich v. DuPage County.

Mr. Sotos gave an overview of the litigation, detailing the history of the case as well as the ongoing legal decisions that occurred over the last several years.

Mr. Sotos gave updates on the current status of the defendant, possible settlement options, and answered individual board members' questions.

Members DeSart, Puchalski, Schwarze, and Zay made comment.

A motion was made by Member DiCianni and seconded by Member Chavez to adjourn Executive Session into Regular Session at 12:41 p.m. The motion carried on roll call all "ayes". Member Covert was away.

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

## DUPAGE COUNTY BOARD

### EXECUTIVE SESSION

February 22, 2022

A motion was made by Member Selmon and seconded by Member Schwarze that pursuant to Open Meetings Act 5 ILCS 120/2 (c) (11) and ILCS 120/2 (c) (2), the Board move into Executive Session for the purpose of discussing collective negotiating matters, and pending litigation at 11:22 a.m.

On roll call, Executive Session began at 11:30 a.m. Members Chaplin, Chavez, Deacon Garcia, DeSart, Hart, Krajewski, LaPlante, Renahan, Rutledge, Schwarze, Selmon, Tornatore, and Zay voted "aye". Members DiCianni and Ozog were absent.

State's Attorney Robert Berlin and Assistant State's Attorneys Conor McCarthy were present in the boardroom.

State's Attorney Robert Berlin introduced James Sotos of the Sotos Law Firm. Attorney James Sotos gave an overview of the status of the case of Randy Liebich v. DuPage County.

Mr. Sotos outlined the history and provided an update on the status of the defendant and disclosed that DuPage County and the defendant have tentatively agreed to a settlement of \$300,000.00.

State's Attorney Robert Berlin introduced Special Assistant State's Attorney Michael Leonard of law firm Meyers and Flowers. Meyers and Flowers have acted as Special Assistant State's Attorneys in opioid litigation efforts. Mr. Leonard gave a brief overview of the status of the opioid settlement against J&J. Mr. Leonard outlined the details of the \$26 billion settlement agreement: The state of Illinois is estimated to receive a maximum payout of 760 million and a proposed intrastate allocation agreement gives the state 20% of that money directly. 25% of that funding is available for cities and counties in Illinois that have a population over 30,000. Then, 55% of that amount goes into an abatement fund, which can be accessed by cities and counties throughout the state of Illinois, via petition, for additional funding.

Mr. Leonard also gave information regarding additional funding that DuPage County may receive through the personal contribution of the Sackler family toward the Purdue Pharma bankruptcy plan, and the liquidation of said company.

A motion was made by Member Selmon and seconded by Member Rutledge to adjourn Executive Session into Regular Session at 11:58 a.m. The motion carried on roll call all "ayes". Members DiCianni and Ozog were absent.

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cmp

## DUPAGE COUNTY BOARD

### EXECUTIVE SESSION

April 26, 2022

A motion was made by Member DeSart and seconded by Member Rutledge, that pursuant to Open Meetings Act 5 ILCS 120/2 (c) (2), 120/2 (c) (11), and 120/2 (c) (21), the Board move into Executive Session for the purpose of discussing collective negotiating matters, pending litigation, and review executive session minutes, at 11:54 a.m.

On roll call, Executive Session began at 11:56 a.m. Members Chaplin, Chavez, Deacon Garcia, DeSart, DiCianni, Hart, Krajewski, LaPlante, Ozog, Renehan, Rutledge, Schwarze, Selmon, Tornatore, and Zay voted "aye". Member Covert was away.

Assistant State's Attorney Conor McCarthy was present in the boardroom.

ASA McCarthy recommended the County Board keep Executive Session minutes confidential for the time being, as certain litigation referenced in the presented Executive Session minutes was still ongoing. The meetings in which a need for confidentiality still exists:

February 8, 2010; August 10, 2010; September 28, 2010; October 12, 2010; October 26, 2010; November 9, 2010; February 22, 2011; April 12, 2011; May 24, 2011; July 26, 2011; October 11, 2011; March 13, 2012; May 8, 2012; July 24, 2012; August 14, 2012; August 28, 2012; September 11, 2012; December 11, 2012; February 12, 2013; February 26, 2013; March 12, 2013; April 9, 2013; April 23, 2013; May 14, 2013; May 28, 2013; June 11, 2013; June 25, 2013; August 13, 2013; September 10, 2013; October 8, 2013; November 12, 2013; November 26, 2013; December 10, 2013; February 25, 2014; May 13, 2014; May 27, 2014; June 3, 2014; June 24, 2014; July 8, 2014; October 28, 2014; December 17, 2014; January 13, 2015; February 10, 2015; March 24, 2015; June 9, 2015; June 23, 2015; October 13, 2015; January 26, 2016; March 8, 2016; April 26, 2016; May 10, 2016; June 28, 2016; July 12, 2016; October 25, 2016; November 8, 2016; January 24, 2017; March 14, 2017; March 28, 2017; July 18, 2017; August 22, 2017; September 12, 2017; October 24, 2017; January 23, 2018; February 13, 2018; February 27, 2018; March 13, 2018; May 8, 2018; August 14, 2018; October 23, 2018; November 13, 2018; March 12, 2019; March 26, 2019; April 23, 2019; May 14, 2019; September 10, 2019; November 12, 2019; January 14, 2020; February 11, 2020; October 13, 2020; October 27, 2020; February 23, 2021; March 23, 2021; August 10, 2021; August 24, 2021; September 28, 2021; October 12, 2021; October 26, 2021, and February 22, 2022

A motion was made by Member Rutledge and seconded by Member Chaplin to adjourn Executive Session into Regular Session at 11:58 a.m. The motion carried on roll call, all "ayes". Members Covert, Hart, Krajewski, Renehan, Schwarze, and Zay were absent.

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cmp

**DUPAGE COUNTY BOARD**

**EXECUTIVE SESSION**

**July 12, 2022**

A motion was made by Member Garcia and seconded by Member Chaplin, that pursuant to Open Meetings Act 5 ILCS 120/2 (c) (2), 120/2 (c) (11), the Board move into Executive Session for the purpose of discussing collective negotiating matters and pending litigation at 11:20 a.m.

The motion was approved on roll call, all "ayes." Members Hart, Selmon, and Zay were absent.

On roll call, Executive Session began at 11:22 a.m. Members Chaplin, Chavez, Covert, DiCianni, Eckhoff, Garcia, Krajewski, LaPlante, Ozog, Puchalski, Renehan, Rutledge, Schwarze, and Tornatore voted "aye". Members DeSart, Hart, Selmon, and Zay were absent.

Assistant State's Attorney Lisa Smith and Attorney Janet Pallardy of law firm Wiedner & McAuliffe were also present in the board room.

Janet Pallardy provided an update regarding a Worker's Compensation settlement. An individual fell and sustained severe injuries that were deemed compensable and within the purview of the Worker's Compensation Act.

The settlement amount was noted as \$125,674.83; Ms. Pallardy noted that this proposed settlement was fair.

After the presentation, there was no further discussion.

A motion was made by Member Schwarze and seconded by Member Chaplin to adjourn Executive Session into Regular Session at 11:25 a.m. The motion carried on roll call, all "ayes". Members DeSart, Hart, Selmon, and Zay were absent.

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cmp



**DUPAGE COUNTY BOARD**

**EXECUTIVE SESSION**

**April 25, 2023**

On roll call, Executive Session began at 11:26 a.m. Members Cahill, Chaplin, Childress, Covert, DeSart, Eckhoff, Evans, Galassi, Garcia, Gustin, LaPlante, Rutledge, Schwarze, Tornatore, Yoo, and Zay voted “aye”. Members Ozog and Krajewski were absent.

Assistant State’s Attorneys Lisa Smith was present in the boardroom.

ASA Smith recommended the release of minutes from two closed session meetings: October 25, 2022, and November 22, 2022.

A motion was made by Member Chaplin and seconded by Member Evans to adjourn Executive Session into Regular Session at 11:28 a.m. The motion carried on roll call, all “ayes”. Members Ozog and Krajewski were absent.

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cmp

## **DUPAGE COUNTY BOARD**

### **EXECUTIVE SESSION**

**July 18, 2023**

On roll call, Executive Session began at 12:08 p.m. Members Cahill, Chaplin, Childress, Covert, Eckhoff, Evans, Garcia, Gustin, LaPlante, Ozog, Rutledge, Schwarze, and Yoo voted "aye". Members DeSart, Eckhoff, and Zay were absent.

Assistant State's Attorney Lisa Smith was present in the boardroom.

ASA Smith discussed an indemnity fund case regarding a property that the owner lost after nonpayment of taxes. After a pretrial conference between the owner's attorney and an Assistant State's Attorney, the judge assigned to the case recommended a settlement of \$100,000. ASA Smith recommended settlement with the homeowner for \$100,000.00.

Board members asked questions regarding the pretrial recommendations, publication of delinquent tax notices, the status of the homeowners, and possible further negotiations regarding the settlement.

Chair Conroy asked the board members if there was consensus to move forward with a possible maximum settlement amount of \$100,000.00. After a show of hands, consensus was reached.

A motion was made by Member Rutledge and seconded by Member Chaplin to adjourn Executive Session into Regular Session at 12:27 p.m. The motion carried on roll call, all "ayes". Members DeSart and Zay were absent.

Respectfully submitted,

Jean Kaczmarek  
DuPage County Clerk

JK/cmp

COUNTY BOARD EXECUTIVE SESSION  
November 26, 2013

Member Larsen moved, seconded by Member Krajewski, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Frederick Backfield, Chief Financial Officer  
Paul Rafac, Chief Financial Officer  
Tom Cuculich, Chief of Staff  
Bob Berlin, State's Attorney  
Greg Vaci, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney  
Mary Becker, Administrative Assistant

Assistant State's Attorney Greg Vaci spoke regarding a workman's compensation claim. A 20 year employee of the Public Works department was injured and is totally disabled. He was originally injured in 1992 and re-aggravated his back in 2004. \$206,000 of a \$400,000 settlement has been paid, leaving a balance of \$194,000 from the County. An additional \$500,000 will be paid by the excess carrier who agreed with the settlement.

Mr. Vaci updated the Board on the Miller vs. Zaruba case. Two deputies are accused of failing to protect a prisoner at the County jail. While the prisoner was in the gym, another inmate attacked him, knocked him down and chipped his tooth. He is claiming loss of memory and having seizures. They are demanding \$400,000. The State's Attorney's office values the claim at \$25,000 to \$50,000 because of attorney fees.

Member Larson believed a video system should be installed in the jail. He thought the coverage could greatly improve our litigation procedures.

State's Attorney Berlin remarked that they must prove the deputy was intentionally reckless and should have known an attack would occur.

Member Fichtner asked how our insurance works. Fred Backfield answered that the County pays everything from \$100,000 to \$2 million. After \$2 million, our general liability coverage starts.

Mr. Vaci stated that this is a law enforcement case under Professional liability. It is a separate insurance of \$500,000.

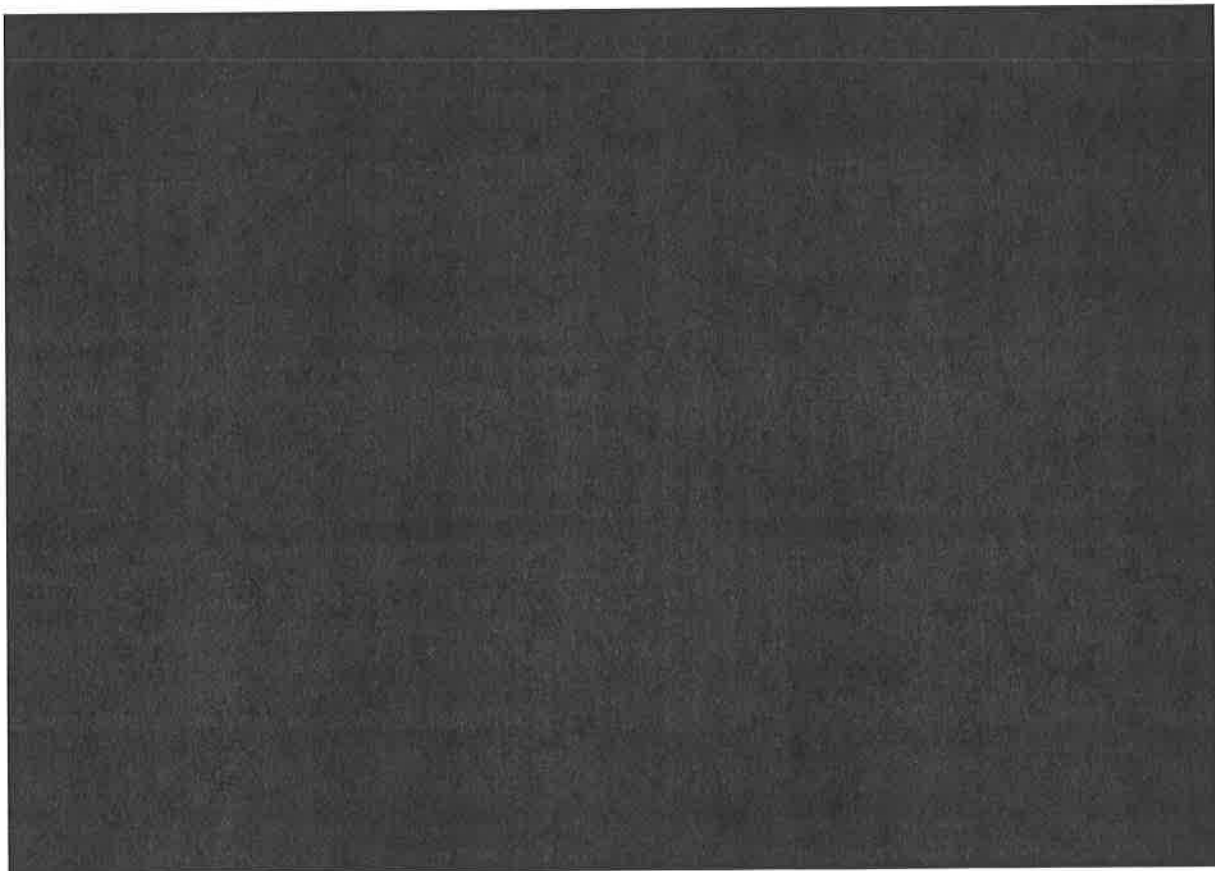
State's Attorney Berlin asked for a settlement offer.

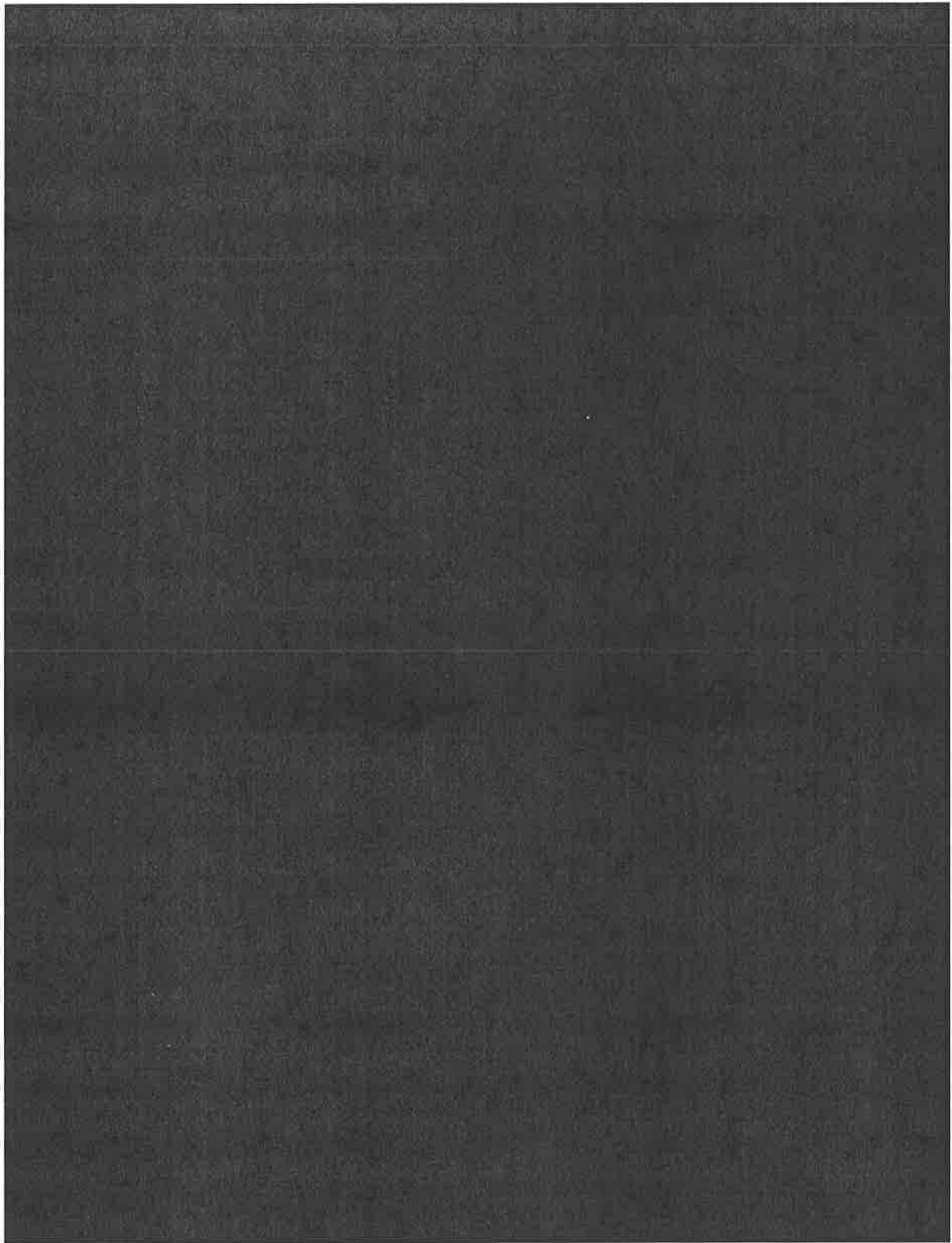
Member Curran stated that the County filed a summary judgment stating all of the facts in our favor and that judge denied it. He urged the Board to settle the case.


Member Larsen believed the Board must send a message to other inmates not to follow suit.

Member Fichtner believed that we don't have an honest evaluation of what our risk is because we don't know what our insurance deductible is.

A show of hands proved the majority of the Board was to make an offer of \$50,000.







Member DiCianni moved, seconded by Member Zay, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
November 26, 2013

RELEASE

Member Larsen moved, seconded by Member Krajewski, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Gary A. King  
Frederick Backfield, Chief Financial Officer  
Paul Rafac, Chief Financial Officer  
Tom Cuculich, Chief of Staff  
Bob Berlin, State's Attorney  
Greg Vaci, Assistant State's Attorney  
Rick Veenstra, Assistant State's Attorney  
Mary Becker, Administrative Assistant

Assistant State's Attorney Greg Vaci spoke regarding a workman's compensation claim. A 20 year employee of the Public Works department was injured and is totally disabled. He was originally injured in 1992 and re-aggravated his back in 2004. \$206,000 of a \$400,000 settlement has been paid, leaving a balance of \$194,000 from the County. An additional \$500,000 will be paid by the excess carrier who agreed with the settlement.

Mr. Vaci updated the Board on the Miller vs. Zaruba case. Two deputies are accused of failing to protect a prisoner at the County jail. While the prisoner was in the gym, another inmate attacked him, knocked him down and chipped his tooth. He is claiming loss of memory and having seizures. They are demanding \$400,000. The State's Attorney's office values the claim at \$25,000 to \$50,000 because of attorney fees.

Member Larson believed a video system should be installed in the jail. He thought the coverage could greatly improve our litigation procedures.

State's Attorney Berlin remarked that they must prove the deputy was intentionally reckless and should have known an attack would occur.

Member Fichtner asked how our insurance works. Fred Backfield answered that the County pays everything from \$100,000 to \$2 million. After \$2 million, our general liability coverage starts.

Mr. Vaci stated that this is a law enforcement case under Professional liability. It is a separate insurance of \$500,000.

State's Attorney Berlin asked for a settlement offer.

Member Curran stated that the County filed a summary judgment stating all of the facts in our favor and that judge denied it. He urged the Board to settle the case.

Member Larsen believed the Board must send a message to other inmates not to follow suit.

Member Fichtner believed that we don't have an honest evaluation of what our risk is because we don't know what our insurance deductible is.

A show of hands proved the majority of the Board was to make an offer of \$50,000.

DO NOT RELEASE

State's Attorney Berlin reported that a new case has been filed against the Sheriff by seven current employees suing for retaliation in denying them their first amendment rights of free speech and political association.

Member Zay stated that this is the third time someone has filed a lawsuit against the Sheriff. He expressed his belief that the Board must look at what is going on and what we must do to stop these copycat cases.

Mr. Berlin stated that Assistant State's Attorney Nancy Wolfe is working on a new office policy for the Sheriff's office. There is a policy in place, but it needs revision. It will be modeled after the State's Attorney Office's policy and completed by the end of the year.

Member Zay asked if the Sheriff knew that this was being done. Mr. Berlin answered that he does and has given him their personnel files.

The consensus of the Board was for the State's Attorney to start the case.

Mr. Berlin remarked that Susan Lakic's attorney asked for the personnel files of these individuals. Mr. Berlin called to set up a meeting to discuss the allegations. No one responded to his request. Shortly after, he was notified that there was a



new attorney handling their case. He believed the fact that the original lawyer left the case is a good sign for the County.

Mr. Berlin reported that this office is putting a time line together. Many of their allegations are very old and will be beyond the Statute of Limitations. They do not list specific dates, only years. He expressed his belief that this will be the last case involved with the Lakic's case because they have all banded together for this case.

All of the deputies have the same job title and are still working. No one lost their job.

Member Curran believed that all of these cases have some theme regarding political donations. State's Attorney Berlin answered that the Sheriff paid for a study done by Attorney Terry Ekl which said there is no pay-to-play scenario in the Sheriff's office.

Member Curran questioned if the Board could get a copy of the study. Mr. Berlin replied that he will look into it. If it is covered by lawyer privilege, then he cannot release it.

Member Michelassi asked if the contract for Mr. Ekl was for legal services or a special services contract. Fred Backfield answered that the Sheriff does not have a legal services line item, so this must be a professional services contract.

Member Michelassi stated that if it is professional, the Sheriff has to give it to us.

Member Chaplin asked if our insurance carrier has been notified of this trial. Mr. Berlin replied that the was formerly served today and will make a formal notification to the carrier who has already been informed.

Chairman Cronin stated that this is very disturbing. It is creating division and extra work in the State's Attorney's office. He believed the Board should put the best team together to represent the County. He suggested the Board consider adding outside counsel to join the State's Attorney to help with this case.

Member Tornatore believed that all of these cases are too much work for the State's Attorney's office, perhaps outside help is needed. State's Attorney Berlin replied that this is our job. That is what we do.

Member Grasso said that he knows the law firm representing this new compJ.aint and believed they are very confident and very good.

DO NOT RELEASE

Member Chaplin asked why the County Board is liable for the Sheriff's actions. The State's Attorney replied that the County is responsible for anything within the scope of his office.

Mr. Berlin replied that just one case has been filed so far. He will get back to the Board in answer to the request for the Sheriff's report.

RELEASE

Member DiCianni moved, seconded by Member Zay, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
December 10, 2013

Member Puchalski moved, seconded by Member DiCianni, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Members Grasso and Healy were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
Chief Deputy County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Margaret Ewing, Director of Human Resources  
Rich Jorgensen, Coroner  
Bob Berlin, State's Attorney  
Nancy Wolfe, Assistant State's Attorney  
Greg Vaci, Assistant State's Attorney  
Mike Durkin, Attorney, Storino Ramello & Durkin  
Mary Becker, Administrative Assistant

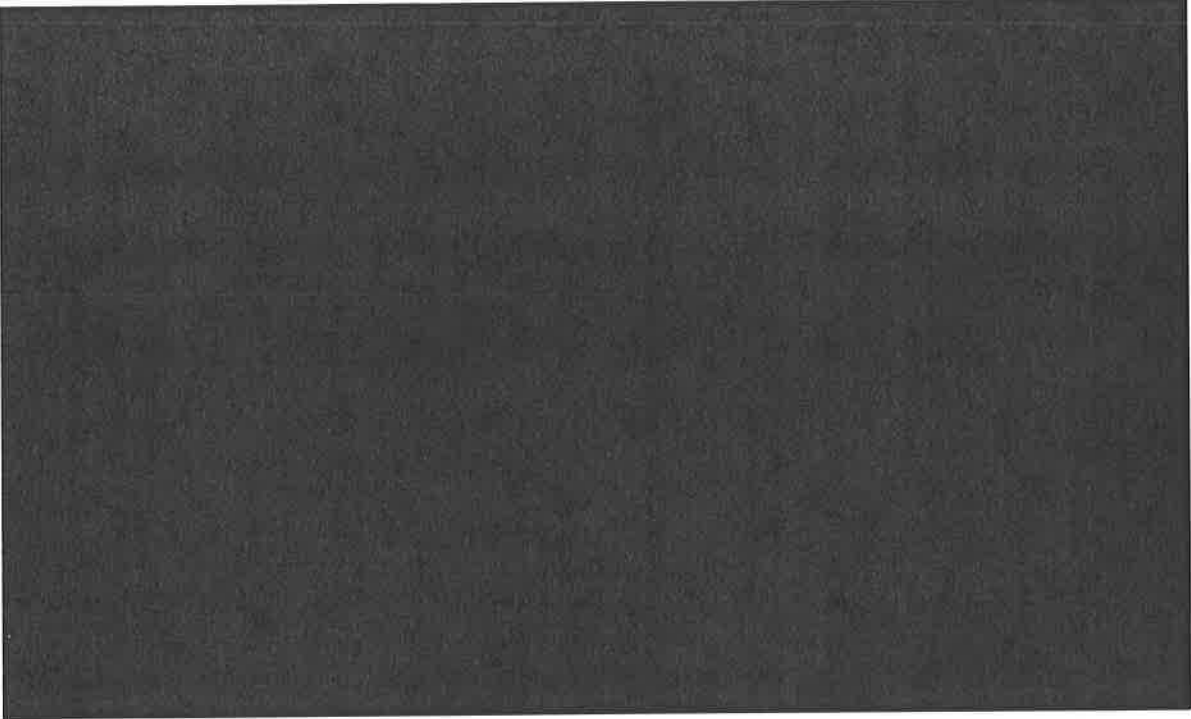
Margaret Ewing, Director of Human Resources, spoke regarding the Coroner's Unit Collective Bargaining. They have reached a tentative agreement.

Attorney Mike Durkin stated that they have agreed to a three year contract with a 2% wage increase each year. If they work 12 hour shifts, they are allowed a 40 minute lunch. They also addressed the Employee Drug and Alcohol policy.

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Greg Vaci, Assistant State's Attorney, spoke regarding the Miller case. An inmate was beaten up. He is suing the Sheriff claiming that the Sheriff didn't protect him in jail. The trial is set for January 6th.

Nancy Wolfe, Assistant State's Attorney, stated that they are ready for trial, but will try to settle first. The County has offered \$10,000, but the inmate is asking for \$400,000.

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[REDACTED]



Member DiCianni moved, seconded by Member Zay, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Members Grasso and Healy were not present at the time of roll call. Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hhp

## Summary of MAP- Coroner's Unit Collective Bargaining

Article 1 Recognition	• No Changes from Previous Contract
Article 2 Management Rights	• No Changes from Previous Contract
Article 3 Union Rights and Responsibilities	• Remove Section 3.6- Fair Share from this section. Numbering of sections within this article adjusted accordingly.
Article 4 Union Security	<ul style="list-style-type: none"> <li>• Move Fair Share to this article (Now Section 4.2) Numbering of sections within this article adjusted accordingly.</li> <li>• Some language revised in section 4.3 Indemnification for clarification.</li> </ul>
Article 5 Non-Discrimination	No Changes from Previous Contract
Article 6 Seniority	• New Section 6.5- Shift Assignments. Members submit shift preferences annually. Coroner has sole discretion for shift assignments.
Article 7 Discipline and Discharge	No Changes from Previous Contract
Article 8 Grievance Procedure	No Changes from Previous Contract
Article 9 Layoff and Recall	No Changes from Previous Contract
Article 10 Holidays	Floating Holidays converted from days to hours. No change in total number of hours provided to members.
Article 11 Vacations	<ul style="list-style-type: none"> <li>• Scale for vacation modified to be consistent with current County Board policy.</li> <li>• Existing Bargaining Unit members who currently have greater than 20 years of service will be granted an additional 36 hours of vacation time for the life of this agreement.</li> <li>• Language added to clarify how members will reimburse the county for advanced unearned vacation time upon separation.</li> <li>• New Section 11.5- Personal Business Leave. Members shall receive 12 hours of Personal Business Leave annually.</li> </ul>
Article 12 Sick Leave	• Change to be consistent with current County Board policy relative to usage of sick time and frozen bank for purposes of monetary payout upon separation.
Article 13 Leaves of Absence	No Changes from Previous Contract
Article 14 Hours of Work	<ul style="list-style-type: none"> <li>• Included a forty minute non-compensated, duty free meal period. This will change hours worked from 168 to 160 hours within a 28 day cycle.</li> <li>• Overtime to be paid at 1 ½ time for hours over 160 in a 28 day cycle.</li> <li>• Compensatory Time earned for all hours over 160 in a 28 day cycle. Accrual of comp time must be mutually agreed to. Accrued unused Comp time to be paid out annually in May.</li> </ul>

## Summary of MAP- Coroner's Unit Collective Bargaining

	<ul style="list-style-type: none"> <li>New section 14.7- Overtime List. Overtime based upon seniority. If force back is required it will be conducted in reverse seniority.</li> </ul>
Article 15 Automobile	No Changes from Previous Contract
Article 16 Insurance	No Changes from Previous Contract
Article 17 Performance Evaluations	No Changes from Previous Contract
Article 18 Salaries	<ul style="list-style-type: none"> <li>Elimination of salary range and listing of a Minimum Salary.</li> <li>2% annual pay adjustments every June retro to June 2013 through the life of the contract.</li> <li>New Section 18.3- Promotion to Senior Deputy Coroner- the job description for the Senior Deputy Coroner has been updated to include additional responsibilities. Employees who receive a promotion to the classification of Senior Deputy Coroner shall receive a minimum of 3% promotional adjustment. Promotions which occur after 10/1/2013 shall serve a 6 month probationary period.</li> <li>New section 18.4- Field Training Officer. Employees designated to train new hires shall receive ½ hour compensation for each shift spent providing training.</li> <li>New Section 18.5- Specialty pay. Stipends of \$200 annually, paid in arrears in December for employees who accept agreed upon specialty duties. Stipend will be pro-rated for employees who only perform partial years.</li> </ul>
Article 19 Miscellaneous	No Changes from Previous Contract
Article 20 No Strike or Lockout	No Changes from Previous Contract
Article 21- Employee Drug, Alcohol and Other Testing	This is a new article. Outlines the administration of testing. Consistent with other MAP group (Sheriff Deputies) testing policy.
Article 22 Entire Agreement	No Changes from Previous Contract
Article 23 Savings Clause	No Changes from Previous Contract
Article 24 Duration and Term of Agreement	Agreement in effect until 11/30/2015.

\*All Articles have been converted from Roman Numerals to Standard Numbering.

### Total Estimated Costing for Coroner's Contract

**Estimated Annual Salary cost:**

Sr. Deputy Coroner retro pay	\$ 1,144.36
June, 2013 - June, 2014	\$ 16,200.27
June, 2014 - June, 2015	\$ 10,101.31
June, 2015 - June, 2016	\$ 11,910.86

**Estimated total increase in salary costs:**

\$ 39,356.80

from 6-2013 through June, 2015

Including retro pay

**Estimated total stipend cost through the life of the contract:**

\$6,000.00

**Estimated 2013 annual paid time off costs -**

Estimated floating holiday pay (no cash value)	\$ 10,093.06
Estimated Personal business leave (no cash value)	\$ 3,364.35
current vacation time as of 11/30/13	\$ 4,802.07
Sick Bank 1 as of 11/30/13	\$ 141,807.99

**Total paid time off costs 2013 - both cash and no cash value**

\$ 160,067.47

**Estimated 2014 annual paid time off costs -**

Estimated floating holiday pay (no cash value)	\$ 10,308.51
Estimated Personal business leave (no cash value)	\$ 3,436.17
Estimated annual vacation time earned	\$ 48,325.68
Estimated annual sick time - Bank 1	\$ 144,841.83
Estimated annual sick time earned - Bank 2 (no cash value)	\$ 15,635.34

**Total paid time off costs 2014 - both cash and no cash value**

\$ 222,547.53

**Estimated 2015 annual paid time off costs -**

Estimated floating holiday pay (no cash value)	\$ 10,514.68
Estimated Personal business leave (no cash value)	\$ 3,504.89
Estimated annual vacation time earned	\$ 49,292.19
Estimated annual sick time - Bank 1	\$ 147,738.66
Estimated annual sick time earned - Bank 2 (no cash value)	\$ 16,334.21

**Total paid time off costs 2015 - both cash and no cash value**

\$ 227,384.63

COUNTY BOARD EXECUTIVE SESSION  
December 10, 2013

Release

Member Puchalski moved, seconded by Member DiCianni, that pursuant to Open Meetings Act Sec. 2(c)(2) and (11), the Board go into Executive Session for the purpose of discussing collective negotiating matters and pending litigation. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Members Grasso and Healy were not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
Chief Deputy County Clerk Paul Hinds  
Tom Cuculich, .Chief of Staff  
Margaret Ewing, Director of Human Resources  
Rich Jorgensen, Coroner  
Bob Berlin, State's Attorney  
Nancy Wolfe, Assistant State's Attorney  
Greg Vaci, Assistant State's Attorney  
Mike Durkin, Attorney, Storino Ramella & Durkin  
Mary Becker, Administrative Assistant

Margaret Ewing, Director of Human Resources, spoke regarding the Coroner's Unit Collective Bargaining. They have reached a tentative agreement.

Attorney Mike Durkin stated that they have agreed to a three year contract with a 2% wage increase each year. If they work 12 hour shifts, they are allowed a 40 minute lunch. They also addressed the Employee Drug and Alcohol policy.

Greg Vaci, Assistant State's Attorney, spoke regarding the Miller case. An inmate was beaten up. He is suing the Sheriff claiming that the Sheriff didn't protect him in jail. The trial is set for January 6th.

Nancy Wolfe, Assistant State's Attorney, stated that they are ready for trial, but will try to settle first. The County has offered \$10,000, but the inmate is asking for \$400,000.

Do Not Release

State's Attorney Berlin spoke regarding the Williams case. Seven deputies are suing the Sheriff. The State's Attorney wish to hire outside counsel, Attorney Jim Sotos.



Do Not Release

Member Puchalski asked if they could request a motion to dismiss. What is the statute of limitations? State's Attorney Berlin replied that not everything in the complaint is under the statute of limitations. He will supervise the defense. The insurance states that it is handled as one claim instead of seven therefore the deductible is \$100,000.

Member Tornatore asked for a background for Attorney Sotos.

Member Curran stated that \$100,000 will pay for the attorney's fees.

Member Eckhoff asked what action will be taken with the Sheriff to make sure that this doesn't happen in the future. Ms. Wolfe replied that they are working with the Sheriff's office.

Chairman Cronin stated that the Sheriff is a separate elected office, but hopes that the State's Attorney can help him with the policy for his office.

State's Attorney Berlin remarked that the Sheriff has been very receptive to changes.

Release

Member DiCianni moved, seconded by Member Zay, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Khouri, Krajewski, Larsen, McBride, Michelassi, Noonan, Nowak, Puchalski, Tornatore and Zay voted "aye." Members Grasso and Healy were not present at the time of roll call. Motion carried.

Respectfully submitted,

Gary A. King  
DuPage County Clerk

hnp

## Summary of MAP- Coroner's Unit Collective Bargaining

Article 1 Recognition	No Changes from Previous Contract
<u>Article 2 Management Rights</u>	No Changes from Previous Contract
Article 3 Union Rights and Responsibilities	<ul style="list-style-type: none"> <li>Remove Section 3.6- Fair Share from this section. Numbering of sections within this article adjusted accordingly.</li> </ul>
Article 4 Union Security	<ul style="list-style-type: none"> <li>Move Fair Share to this article (Now Section 4.2) Numbering of sections within this article adjusted accordingly.</li> <li>Some language revised p1section 4.3</li> </ul>
<u>Article 5 Non-Discrimination</u>	Indemnification for clarification.
Article 6 Seniority	<ul style="list-style-type: none"> <li>No Changes from Previous Contract</li> <li>New Section 6.5- Shifts; assignments. Members submit shift preference lists annually. Coroner has sole discretion for shift assignments.</li> </ul>
<u>Article 7 Discipline and Disparaging</u>	No Changes from Previous Contract
Article 8 Grievance Procedure	No Changes from Previous Contract
<u>Article 9 Layoff and Recall</u>	No Changes from Previous Contract
Article 10 Holidays	<ul style="list-style-type: none"> <li>Floating Holidays converted from days to hours. No change in total number of hours provided to members.</li> </ul>
Article 11 Vacations	<ul style="list-style-type: none"> <li>Schedule for vacation modified to be consistent with current County Board policy.</li> <li>Existing Bargaining Unit members who currently have greater than 20 years of service will be granted an additional 36 hours of vacation time for the life of this agreement.</li> <li>Language added to clarify how members will reimburse the county for advanced unearned vacation time upon separation.</li> <li>New Section 11.5- Personal Business Leave. Members shall receive 12 hours of Personal Business Leave annually.</li> </ul>
Article 12 Sick Leave	<ul style="list-style-type: none"> <li>Change to be consistent with current County Board policy relative to usage of sick time and frozen bank for purposes of monetary payout upon separation.</li> </ul>
<u>Article 13 Layoff and Recall</u>	No Changes from Previous Contract
Article 14 Hours of Work	<ul style="list-style-type: none"> <li>Included a forty minute non-compensated, duty free meal period. This will change hours worked from 168 to 160 hours within a 28 day cycle.</li> <li>Overtime to be paid at 1 ½ time for hours over 160 in a 28 day cycle.</li> <li>Compensatory Time earned for all hours over 160 in a 28 day cycle. Accrual of comp time must be mutually agreed to. Accrued unused Comp time to be paid out annually in May.</li> </ul>

## Summary of MAP- Coroner's Unit Collective Bargaining

	<ul style="list-style-type: none"> <li>New section 14.7- Overtime List. Overtime based upon seniority. If force back is required it will be conducted in reverse seniority.</li> </ul>
Article 15 Automobile	No Changes from Previous Contract
Article 16 Insurance	No Changes from Previous Contract
Article 17 Performance Evaluations	No Changes from Previous Contract
Article 18 Salaries	<ul style="list-style-type: none"> <li>Elimination of salary range and listing of a Minimum Salary.</li> <li>2% annual pay adjustments every June retro to June 2013 through the life of the contract.</li> <li>New Section 18.3- Promotion to Senior Deputy Coroner- the job description: for the Senior Deputy Coroner has been updated to include additional responsibilities. Employees who receive a promotion to the classification of Senior Deputy Coroner shall receive a minimum of 3 % promotional adjustment. Promotions which occur after 10/1/2015 shall serve a 6 month probationary period.</li> <li>New Section 18.4- Field Training Officer. Employees designated to train new hires shall receive 1/2 hour compensation for each shift spent providing training.</li> <li>New Section 18.5- Specialty pay. Stipends of \$200 annually, paid in arrears in December for employees who accept agreed upon specialty duties. Stipend will be pro-rated for employees who only perform partial years.</li> </ul>
Article 19 Miscellaneous	No Changes from Previous Contract
Article 20 No Strike or Lockout	No Changes from Previous Contract
Article 21- Employee Drug, Alcohol and Other Testing	This is a new article. Outlines the administration of testing. Consistent with other MAP group (Sheriff Deputies) testing policy.
Article 22 Entire Agreement	No Changes from Previous Contract
Article 23 <u>Saving Clause</u>	No Changes from Previous Contract
Article 24 Duration and Term of Agreement	Agreement in effect until 11/30/2015.

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### Total Estimated Costing for Coroner's Contract

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**Total paid time off costs 2015 - both cash and no cash value**

\$ 227,384.63

COUNTY BOARD EXECUTIVE SESSION  
January 26, 2016

Member Healy moved, seconded by Member DiCianni, that pursuant to Open Meetings Act Sec. 2(c)(1) and (2), the Board go into Executive Session for the purpose of discussing personnel matters and collective negotiating matters. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Romano, Tornatore, Wiley and Zay voted "aye." Member Puchalski was not present at the time of roll call. Motion carried.

Others present at the meeting:

Vice Chairman John Curran  
Chairman Dan Cronin via telephone  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Margaret Ewing, Director of Human Resources  
Bill Babyar, Director of Homeland Security and Emergency Management  
Heather Hudson, Human Resources Generalist II  
Joan Olson, Communications Manager  
Rick Veenstra, Assistant State's Attorney  
Greg Vaci, Assistant State's Attorney

Assistant State's Attorney Vaci spoke regarding the Radio Dispatch employees at the Sheriff's office. State Statute protects the status quo and they should get a 2% Cost of Living Adjustment increase. The State's Attorney agreed to offer them the 2% COLA retroactive to December.

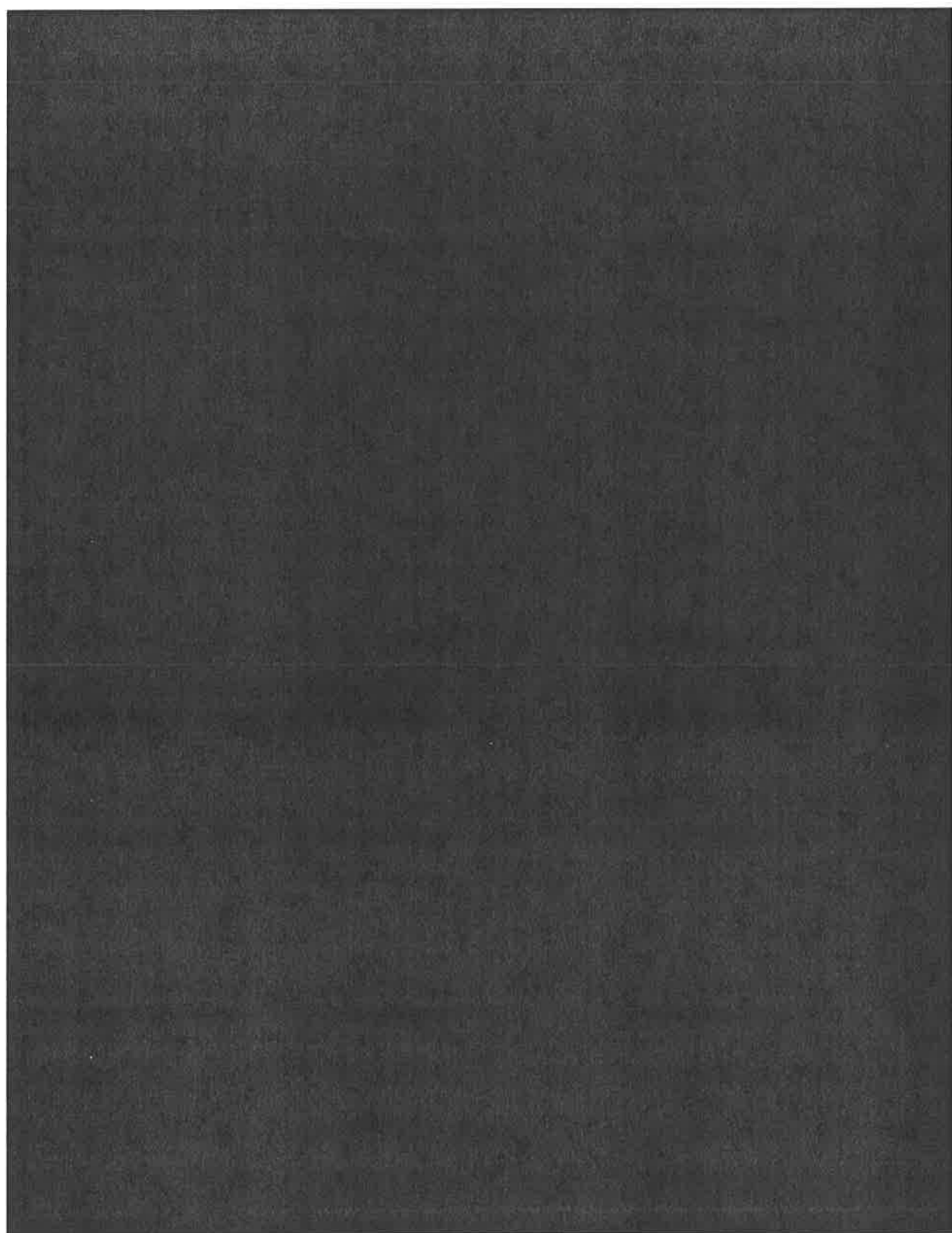
Member Michelassi stated that the Resolution was in contradiction to State law. Mr. Vaci stated that this group of employees was not represented by a union at the time the Resolution was passed.

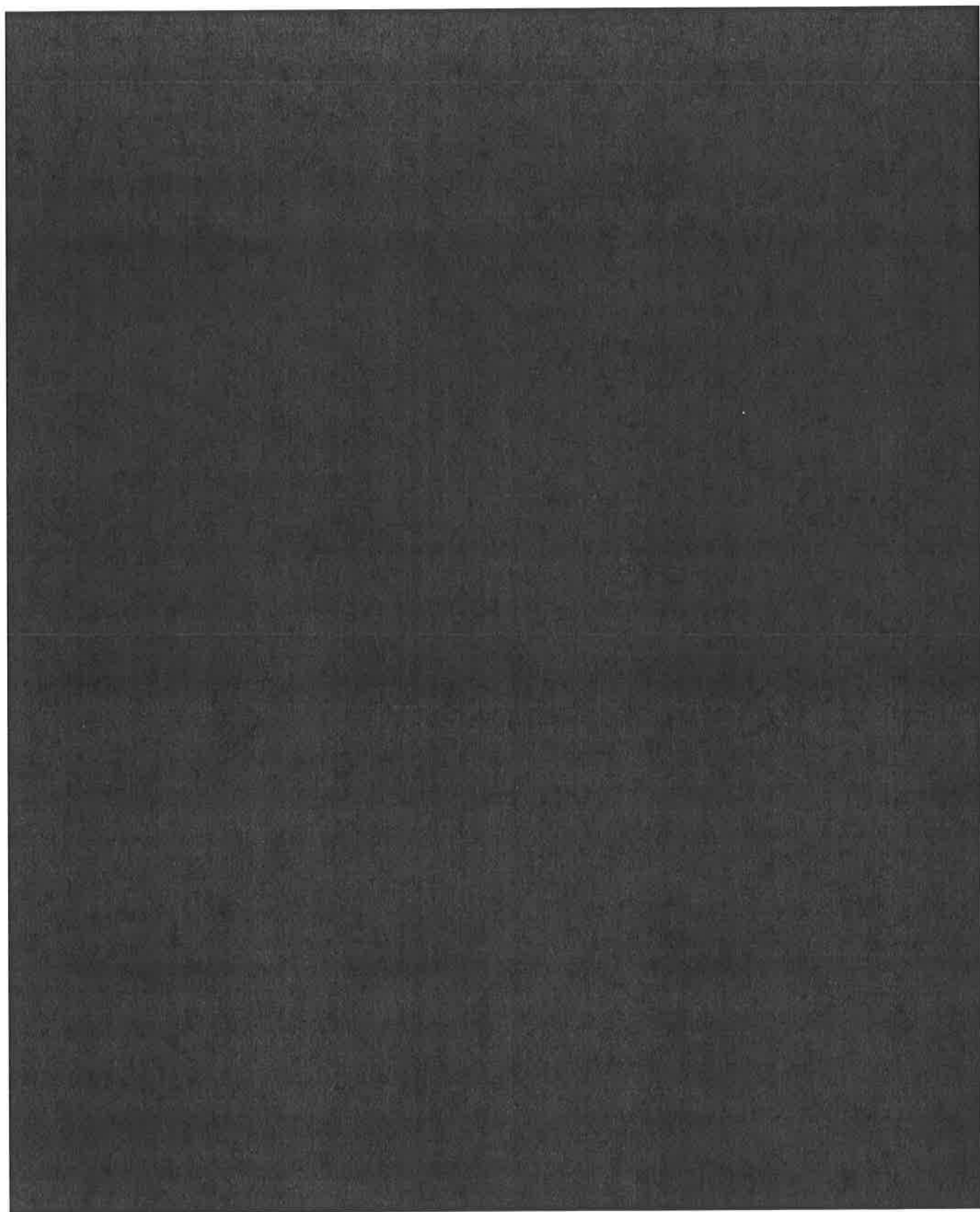
Member Curran remarked that this union asked for the COLA instead of negotiating a better deal. This is the first year these employees are being represented by a union.

Member Larson asked if they are accepting the COLA instead of a first year increase. Member Curran replied no, they can still ask for an increase, but this would help the County's bargaining.

Member Curran stated that it is an annual cost of \$17,000 to the County.









Member Michelassi moved, seconded by Member DiCianni, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Romano, Tornatore, Wiley and Zay voted "aye." Member Grasso was not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

hnp



COUNTY BOARD EXECUTIVE SESSION  
January 26, 2016

Release

Member Healy moved, seconded by Member DiCianni, that pursuant to Open Meetings Act Sec. 2(c)(1) and (2), the Board go into Executive Session for the purpose of discussing personnel matters and collective negotiating matters. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Romano, Tornatore, Wiley and Zay voted "aye." Member Puchalski was not present at the time of roll call. Motion carried.

Others present at the meeting:

Vice Chairnan John Curran  
Chairman Dan Cronin via telephone  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Margaret Ewing, Director of Human Resources  
Bill Babyar, Director of Homeland Security and Emergency Management  
Heather Hudson, Human Resources Generalist II  
Joan Olson, Communications Mitiager  
Rick Veenstra, Assistant State's Attorney  
Greg Vaci, Assistant State's Attorney

Assistant State's Attorney Vaci spoke regarding the Radio Dispatch employees at the Sheriff's office. State Statute protects the status quo and they should get a 2% Cost of Living Adjustment increase. The State's Attorney agreed to offer them the 2% COLA retroactive to December.

Member Michelassi stated that the Resolution was in contradiction to State law. Mr. Vaci stated that this group of employees was not represented by a union at the time the Resolution was passed.

Member Curran remarked that this union asked for the COLA instead of negotiating a better deal. This is the first year these employees are being represented by a union.

Member Larson asked if they are accepting the COLA instead of a first year increase. Member Curran replied no, they can still ask for an increase, but this would help the County's bargaining.

Member Cunan stated that it is an annual cost of \$17,000 to the County.



Chief of Staff Cuculich stated that they are going to terminate Dr. Mary Carr from Animal Control. There have been performance issues that she has been counseled on. She is being let go due to her lack of confidence to lead and her relationship with the Board, employees, the Foundation and volunteers is lacking.

Member Chaplin questioned if everything is documented.

Mr. Cuculich remarked that Ms. Carr was aware of what her role was. There was an issue of how much time she was spending with the animals. There were performance expectations given to her on December 16, 2015. She is an at will employee, but everything is documented.

Member Michelassi stated that the primary issue is the combination of the Chief Vet and Administrator. He felt they need to separate the rolls.

Member Krajewski said that according to State Statute, the vet has to be the Administrator. They do have an Office Manager, although the vet still did administrative duties. The vet care was Jacking.

Mr. Cuculich stated that the new model will have the vet in charge, not having an administrator dictating vet duties. Animal Care is the top priority of Animal Control.

Member Krajewski remarked that Dr. Todd spent most of his time for care of the animals and not administration. Dr. Carr spends about 1 hour a day on the animals. She does not seem to want to do the veterinarian work.

Member Larsen said that Dr. Todd spent too much time vetting and let the administrative side slide. Dr. Carr doesn't seem to want to do the vet business, only the administration portion. He feels if something isn't done, the annual 20,000 hours provided by the volunteers and the Foundation's monetary support will be in jeopardy.

Mr. Cuculich stated that Dr. Carr does care about the animals, but that she has a different approach.

Member Michelassi said that he did not know about the State Statute. It seems State law wants the care of the animals to come first and not be dictated by an administrator. He felt the County needed a policy on how Animal Control should be run.

Mr. Cuculich stated that he agrees that it needs to be done in the future. The next step is to focus on the shelter experience. There were only four applicants last time. They need to do better - recruiting applicants with shelter experience.

Member Wiley remarked that he had many concerns in regards to Animal Control operations. Every time we fire someone, it is a failure on the hiring process and the operations itself. He quoted the Animal Control Mission Statement "euthanize unwanted animals not suitable for adoption". He feels the person who has the training to make that determination is the

person we want to fire. He feels the people are second guessing the vet. If the volunteers, the foundation or some Board members are rumormongering the shelter, then rehire Dr. Todd.

Member Puchalski joins the meeting.

Mr. Cuculich said that we need community input and not community take over. Ms. Catliff is being let go because of a lack of leadership, not a medical decision that she has made on an animal.

Member Wiley remarked that he felt the Board had a problem. They have fired three people in the last year. This Board needs to figure out their role. The Foundation's mission statement is to raise money. Most of Animal Control's funding comes from tags.

Member Eckhoff questioned who is driving the bus. This is the 5th person in the last 14 years. A year ago Mr. Babiarz stepped in to clean up Animal Control. He feels the Board needs to stand up for our employees against some of the complaints. The well has been poisoned and we have no alternative. This Board must let the next vet do their job.

Member Chaplin said that Dr. Carr invited her to take a tour. She doesn't want to see any animal put down unnecessarily. She would only be comfortable if we had a paper trail.

Member Krajewski asked who said the surgical room was a mess. Dental surgery was not being done. Dr. Carr didn't want to do the dental. Shelter medicine is different than a vet's office. Dr. Carr wanted a vet tech. The County hired a vet tech, but surgery was still not being done. He stated that he, Members Eckhoff and Romano attended the Volunteer Appreciation Day. They had volunteers tell them about putting the animals down. The vet is not a behaviorist. The Foundation's mission is to give each animal a second chance. They will pay for medical treatment outside the scope of the shelter.

Member Grasso leaves the meeting.

Member Larsen stated that when the Chief of Staff tells them that they have a problem, this Board should support him.

Member Wiley questioned what Mr. Cuculich wants them to do. Mr. Cuculich replied that they want to offer Ms. Carr the chance to resign, but if she does not, then we need to terminate her. There will be a Resolution on the February 9th agenda to terminate her.

Member Puchalski stated that he is worried about litigation. He asked if there is anything the Board should do. He hopes she will resign.

Mr. Cuculich said that the care of the animals will be handled by a Lombard vet. He asked Member Krajewski to talk to the Foundation after Human Resources talks with Dr. Carr.

Chairman Cronin stated that he wants to establish a Standing Committee so that they can get this right. They can set a policy and put the right people in place.



Member Michelassi moved, seconded by Member DiCianni, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, DiCianni, Eckhoff, Fichtner, Grant, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Romano, Tornatore, Wiley and Zay voted "aye." Member Grasso was not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
November 8, 2016

Member Curran moved, seconded by Member Romano, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Chaplin, Curran, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Romano, Tornatore, Wiley and Zay voted "aye." Member DiCianni was not present at the time of roll call. Motion carried.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Margaret Ewing, Director of Human Resources  
Brandy Charlie-Lee, Generalist I  
Rick Veenstra, Assistant State's Attorney  
Janet Pallardy, Wiedner & McAuliffe

Assistant State's Attorney Veenstra introduced Janet Pallardy from the law firm of Wiedner & McAuliffe who spoke regarding the Amanda Harrison case.

Ms. Pallardy stated that Ms. Harrison, who was employed as a CNA at the Convalescent Center, suffered a spinal injury moving a resident. At the time of the injury, the doctors recommended immediate surgery, [REDACTED] She is restricted to only lifting 40 pounds. The County terminated her in August of 2013. She is seeking a settlement of \$150,000 based on lost wages due to her injury and payment of medical bills of approximately \$29,000. She is owed \$17,000 in past due benefits.

Member Puchalski asked who the defendant's attorney was. Ms. Pallardy replied that it is Dennis Daprato.

Member Puchalski questioned the compromise of past benefits. He asked what the past benefits were. Ms. Pallardy responded that they suspended benefits in December of 2015 under a medical opinion that she could go back to work as a CNA, with lifting restrictions. She didn't have a job to return to because she was terminated.

Member Larsen asked why she was terminated. Ms. Ewing replied that she had exhausted her sick time.

Chairman Cronin asked if the settlement was negotiated at the time of termination. Ms. Pallardy replied that it was not as she was still under treatment.

Member Curran questioned if our medical provider stated that she could return to work with the 40 pound lifting restriction. Ms. Pallardy replied "yes."

Member Curran asked if that was the only reason for her termination. Ms. Pallardy responded that it was. The job required being able to lift 75 pounds.

Ms. Ewing stated that it comes down to whether the employee can perform the requirements listed in the job description. Our doctor felt she could do the job, but with a lifting restriction, thus she couldn't function as a CNA.

The consensus of the Board was to have Ms. Pallardy proceed.



Member Romano moved, seconded by Member Chaplin, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Curran, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Romano, Tornatore, Wiley and Zay voted "aye." Member DiCianni was not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

hhp

COUNTY BOARD EXECUTIVE SESSION  
November 8, 2016

Release

Member CmTan moved, seconded by Member Romano, that pursuant to Open Meetings Act Sec. 2(c)(11), the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Chaplin, Cunan, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Romano, Tornatore, Wiley and Zay voted "aye." Member DiCianni was not present at the time of roll call. Motion can-ied.

Others present at the meeting:

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Margaret Ewing, Director of Human Resources  
Brandy Charlie-Lee, Generalist I  
Rick Veenstra, Assistant State's Attorney  
Janet Pallardy, Wiedner & McAuliffe

Assistant State's Attorney Veenstra introduced Janet Pallardy from the law firm of Wiedner & McAuliffe who spoke regarding the Amanda Harrison case,

Ms. Pallardy stated that Ms. HaiTison, who was employed as a CNA at the Convalescent Center, suffered a spinal injury moving a resident. At the time of the injury, the doctors recommended immediate surgery, however she was six weeks pregnant and the doctors suggested surgery be delayed until she was twelve weeks along. Unfortunately, she lost the baby. She then had surgical fusion which included hardware and screws in her neck. She is restricted to only lifting 40 pounds. The County terminated her in August of 2013. She is seeking a settlement of \$150,000 based on lost wages due to her injury and payment of medical bills of approximately \$29,000. She is owed \$17,000 in past due benefits.

Do Not Release

Release

Member Puchalski asked who the defendant's attorney was. Ms. Pallardy replied that it is Dennis Daprato.

Member Puchalski questioned the compromise of past benefits. He asked what the past benefits were. Ms. Pallardy responded that they suspended benefits in December of 2015 under a medical opinion that she could go back to work as a CNA, with lifting restrictions. She didn't have a job to return to because she was terminated,

Member Larsen asked why she was terminated. Ms. Ewing replied that she had exhausted her sick time.

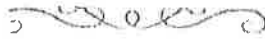
Chairman Cronin asked if the settlement was negotiated at the time of termination. Ms. Pallardy replied that it was not as she was still under treatment.

Member Currnn questioned if our medical provider stated that she could return to work with the 40 pound lifting restriction. Ms. Pallardy replied "yes."

Member Cunan asked if that was the only reason for her termination. Ms. Pallardy responded that it was. The job required being able to lift 75 pounds.

Ms. Ewing stated that it comes down to whether the employee can perform the requirements listed *in* the job description. Our doctor felt she could do the job, but with a lifting restriction, thus she couldn't function as a CNA.

The consensus of the Board was to have Ms. Pallardy proceed.



Member Romano moved, seconded by Member Chaplin, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Chaplin, Cun-an, Eckhoff, Fichtner, Grant, Grasso, Healy, Khouri, Krajewski, Larsen, Michelassi, Noonan, Puchalski, Romano, Tornatore, Wiley and Zay voted "aye." Member DiCianni was not present at the time of roll call. Motion canied.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

hhp



COUNTY BOARD EXECUTIVE SESSION  
October 23, 2018


Member Elliott moved, seconded by Member Chaplin, that pursuant to Open Meetings Act Sec. 2(c)(11) the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Anderson, Chaplin, DiCianni, Eckhoff, Elliott, Gavanis, Grasso, Hart, Healy, Khouri, Larsen, Noonan, Tornatore, Wiley and Zay voted "aye." Members Grant, Krajewski and Puchalski were not present at the time of roll call. Motion carried.

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Mary Wells, Deputy Chief Financial Officer  
Margaret Ewing, Director of Human Resources  
Conor McCarthy, Assistant State's Attorney  
Greg Vaci, Assistant State's Attorney  
Janet Pallardy, Wiedner & McAuliffe

Ms. Pallardy spoke regarding the Deputy Todd Long v. County of DuPage lawsuit. Mr. Long was involved in a single vehicle accident en route to back up another deputy on January 25, 2014. He suffered injuries to his head, neck, rib, hip and left arm, shoulder and knee. He has had several surgeries and was returned to permanent work with restrictions on August 22, 2017. The State's Attorney is seeking approval of a settlement of \$112,218.13 plus medical bills.

Member Noonan questioned what kind of call he was responding to. Assistant State's Attorney Vaci replied that an officer called for assistance.

The consensus of the Board was to proceed with the settlement.



[REDACTED]

[REDACTED]

\_\_\_\_\_

\_\_\_\_\_

[REDACTED] [REDACTED] [REDACTED] [REDACTED]



Member Zay moved, seconded by Member Tornatore, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Anderson, Chaplin, DiCianni, Eckhoff, Elliott, Gavanis, Grasso, Hart, Healy, Khouri, Larsen, Noonan, Tornatore, Wiley and Zay voted "aye." Members Grant, Krajewski and Puchalski were not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk

COUNTY BOARD EXECUTIVE SESSION  
October 23, 2018

Release

Member Elliott moved, seconded by Member Chaplin, that pursuant to Open Meetings Act Sec. 2(c)(11) the Board go into Executive Session for the purpose of discussing pending litigation. On roll call, Members Anderson, Chaplin, DiCianni, Eckhoff, Elliott, Gavanis, Grasso, Hart, Healy, Khouri, Larsen, Noonan, Tornatore, Wiley and Zay voted "aye." Members Grant, Krajewski and Puchalski were not present at the time of roll call. Motion carried.

Chairman Dan Cronin  
County Clerk Paul Hinds  
Tom Cuculich, Chief of Staff  
Paul Rafac, Director of Finance  
Mary Wells, Deputy Chief Financial Officer  
Margaret Ewing, Director of Human Resources  
Conor McCarthy, Assistant State's Attorney  
Greg Vaci, Assistant State's Attorney  
Janet Pallardy, Wiedner & McAuliffe

Ms. Pallardy spoke regarding the Deputy Todd Long v. County of DuPage lawsuit. Mr. Long was involved in a single vehicle accident en route to back up another deputy on January 25, 2014. He suffered injuries to his head, neck, rib, hip and left arm, shoulder and knee. He has had several surgeries and was returned to permanent work with restrictions on August 22, 2017. The State's Attorney is seeking approval of a settlement of \$112,218.13 plus medical bills.

Member Noonan questioned what kind of call he was responding to. Assistant State's Attorney Vaci replied that an officer called for assistance.

The consensus of the Board was to proceed with the settlement.



Do Not Release

Mr. Vaci spoke regarding the Gray v. Zaruba lawsuit. Mr. Gray was a former probationary Sheriff's deputy who was terminated after being arrested in Oak Park for domestic battery incident involving his wife.

Member Larsen asked if he was convicted of the crime. Mr. Vaci replied that he was not because the wife failed to testify.

Member Zay stated that he didn't believe the deputy was entitled to a settlement.

The State's Attorney is recommending to proceed to jury trial on December 4, 2018.

Member Elliott remarked that he agreed with the recommendation.



Member Zay moved, seconded by Member Tornatore, that the Board adjourn Executive Session and return to the Regular meeting. On roll call, Members Anderson, Chaplin, DiCianni, Eckhoff, Elliott, Gavanis, Grasso, Hart, Healy, Khouri, Larsen, Noonan, Tornatore, Wiley and Zay voted "aye." Members Grant, Krajewski and Puchalski were not present at the time of roll call. Motion carried.

Respectfully submitted,

Paul Hinds  
DuPage County Clerk