

COUNTY BOARD EXECUTIVE SESSION
September 12, 2017

Member Tornatore 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, Fichtner, Grant, Grasso, Hart, Healy, Khouri, Krajewski, Larsen, Noonan, Tornatore and Zay voted "aye." Members Puchalski and Wiley 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
Conor McCarthy, Assistant State's Attorney

State's Attorney Vaci spoke regarding the Ronald Smith, Terri Albright, Jason Lloyd and David Kaczowski vs. Sheriff of DuPage County case. Each plaintiff received compensation pursuant to PEDA for one year. None of these deputies returned to active duty and all asked for light duty. The Sheriff did not respond to any of the plaintiff's requests. In November of 2015, the Sheriff created light duty positions for three of the deputies that were still unable to return to work. There were open civilian positions, however the Sheriff didn't consider them light duty.

He stated that under the terms of the insurance policy covering employment claims, the County pays the first \$100,000 and AIG will pay up to \$2 million. A settlement has been reached where the County will pay \$126,085 and AIG will pay \$268,915 for a total settlement amount of \$395,000. An additional \$26,085 for insurance is not covered.

Member Larsen questioned when the Sheriff contacted the State's Attorney. Mr. Vaci replied that it was only after the lawsuit was filed.

Member Healy stated that \$250,000 goes to attorney fees.

Member Tornatore asked if this lawsuit was due to the fact that the Sheriff did not offer light duty to the deputies. Mr. Vaci replied that it was.

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

Respectfully submitted,

Paul Hinds
DuPage County Clerk

DUPAGE COUNTY BOARD

EXECUTIVE SESSION

June 14, 2022

A motion was made by Member DeSart and seconded by Member Chaplin, 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 11:22 a.m. The motion was approved on roll call, all "ayes." Members Hart, LaPlante, and Schwarze were absent.

On roll call, Executive Session began at 11:29 a.m. Members Chaplin, Chavez, Covert, DeSart, DiCianni, Eckhoff, Garcia, Krajewski, Ozog, Renchan, Rutledge, Selmon, Tornatore, and Zay were present. Members Hart, LaPlante, and Schwarze were absent.

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

ASA Smith spoke and detailed the State's Attorney's Office role in a juvenile shooting case which includes a lawsuit filed by the decedent's mother against the Sheriff's office.

ASA Smith provided background on the case and explained the State's Attorney's Office has engaged the assistance of law firm Rock, Fusco, and Connelly.

The State's Attorney's Office request of the board is for additional fees to cover the further involvement of Rock, Fusco, and Connelly, and consensus to proceed with discussions regarding a potential settlement at a July 27th settlement conference.

State's Attorney Robert Berlin spoke and answered questions from board members regarding the case, and provided background as to motions that have been filed thus far.

After a discussion, ASA McCarthy reminded board members that a vote will take place after Executive Session to approve the additional appropriation for Rock, Fusco, and Connelly, and stressed the need for confidentiality regarding matters discussed related to ongoing litigation.

A motion was made by Member Selmon and seconded by Member Chaplin to adjourn Executive Session into Regular Session at 12:01 p.m. The motion carried on roll call all "ayes". Members Hart, LaPlante, and Schwarze were absent.

Respectfully submitted,

Jean Kaczmarek
DuPage County Clerk

JK/cmp

DUPAGE COUNTY BOARD

EXECUTIVE SESSION

October 24, 2023

On roll call, Executive Session began at 11:55 AM. Members Cahill, Chaplin, Childress, Eckhoff, Evans, Galassi, Garcia, Gustin, LaPlante, Ozog, Rutledge, Schwarze, Tornatore, Yoo, and Zay voted "aye". Members Covert, DeSart, and Krajewski were absent.

Assistant State's Attorneys Barbara Reynolds and Lisa Smith were present in the board room.

ASA Reynolds recommended the release of all current Executive Session minutes except for the following: September 28, 2010, October 12, 2010, February 22, 2011, May 24, 2011, October 11, 2011, May 8, 2012, March 12, 2013, April 9, 2013, May 14, 2013, May 28, 2013, June 11, 2013, June 25, 2013, September 13, 2013, February 25th, 2014, December 17, 2014, February 10, 2015, March 14, 2017, August 22, 2017, September 12, 2017, October 24, 2017, February 13, 2018, October 12th, 2021, June 14, 2022, February 14, 2023, and October 10th, 2023.

Five sessions were recommended for release with redacted portions, including: November 26, 2013, December 10, 2013, January 26, 2016, November 8, 2016, and October 23, 2018.

ASA Smith read a memo from Special Assistant State's Attorney, Marci DeFalco, the counsel representing the county in litigation involving the DuPage County Care Center. The memo provided an overview of a pending case regarding a Care Center patient who sustained injuries from a fall.

After a brief discussion, ASA Smith asked for consensus from the board regarding a potential settlement in the amount of \$270,000 and verbal consensus was reached.

A motion was made by Member Rutledge and seconded by Member Yoo to adjourn Executive Session into Regular Session at 12:06 AM. The motion carried on roll call, all "ayes". Members Covert, and DeSart were absent.

Respectfully submitted,

Jean Kaczmarek
DuPage County Clerk

JK/cmp

DUPAGE COUNTY BOARD

EXECUTIVE SESSION

December 12, 2023

On roll call, Executive Session began at 11:24 AM. Members Cahill, Chaplin, Childress, DeSart, Eckhoff, Evans, Galassi, Garcia, Gustin, Krajewski, LaPlante, Ozog, Rutledge, Schwarze, Tornatore, Yoo, and Zay voted "aye". Members Covert and Eckhoff were absent.

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

ASA Smith introduced David Gore, Special Assistant State's Attorney and senior counsel at law firm Wiedner & McAuliffe, the firm representing DuPage County in Workers' Compensation cases.

Mr. Gore gave an overview of a Workers' Compensation claim by a DuPage County Sheriff's deputy who incurred an arm and shoulder injury during a training exercise. Mr. Gore outlined the incident timeline and recommended a settlement amount of \$90,000.

After a discussion, Chair Conroy asked for consensus from the board regarding the settlement amount and verbal consensus was reached.

A motion was made by Member Tornatore and seconded by Member Chaplin to adjourn Executive Session into Regular Session at 11:38 AM. The motion carried on roll call, all "ayes". Members Covert and Eckhoff were absent.

Respectfully submitted,

Jean Kaczmarek
DuPage County Clerk

JK/cmp