

**Evanston City Council
Closed Session Minutes
Aldermanic Library
Tuesday April 14, 2009**

PRESENT: Aldermen Bernstein, Holmes, Tisdahl, Rainey, Hansen, Wollin, Jean- Baptiste, Moran, Wynne

STAFF: Human Resources Director Joellen Daley, Interim First Asst. Corporation Counsel Elke Tober-Purze, Interim City Manager Rolanda Russell, Asst. City Manager Marty Lyons, Chief Eddington, Chief Berkowsky, HR Specialist Robert Gustafson

PRESIDING: Mayor Lorraine Morton

START: 11:05 pm

Mayor Morton asked if there were any corrections to the minutes, hearing none she accepted the minutes as presented.

Interim City Manager Mrs. Russell stated she would start with personnel/workers comp. actions.

Personnel

Mr. Gustafson asked if a certain order was desired he would accommodate, but if not he would proceed in alphabetical order beginning with Mr. Milton Dunbar who was a Fire Shift Chief hired in August 1975 and retired November 2005 when he slipped on some ice while walking down the stairs to Fire House Headquarters when they were on Dodge. He suffered a torn medial meniscus. He returned to work in January 1999 after medical treatment. He was paid TTD wages \$4,288.29 intermittently for various times while he was off of work, \$7,243 in medical bills so far and \$12,047.00 in legal bills. His lawyers wanted 42.5% (\$35,835.00) for loss of use of his left leg. Our lawyers are suggesting \$25,290.00 for a 35% loss of usefulness of leg. It was motioned and seconded to accept the Attorney's suggestion. A voice vote was taken unanimously.

Mr. Gustafson stated that Tom Duda is the Attorney for the three cases that are now before the Courts, and he tends to take all of the Fire Fighter injury cases.

Linda Jackson was hired July 2001 and retired August 1, 2007. She had two accidents, sprained her right knee and left shoulder on October 7, 2004, and then on May 23, 2005 she was struck by a driver with injuries to her left arm and shoulder. She had three surgeries to her shoulder. The driver had no insurance so can not recover any of the

monies that were paid out. Medical bills in the amount of \$3,800.00 paid for her first accident and for the second one \$60,252.62 for full year off under the PEDDA Act. Her Attorneys wanted 90%, but our Attorneys 40% (\$123,000.00) plus an additional \$10,000.00 for future medical expenses. Alderman Rainey wanted to accept the Lawyers suggestion 40%, Alderman Bernstein abstained. Then Mr. Gustafson requested to allow the Lawyers to go as high as 50% (\$141,000.00), if her Lawyers did not think 40% was enough. The voice vote was taken for the suggestion from Mr. Gustafson and it was unanimous.

The last case was of Bill Levy (Police Officer) resulted in a broken 5th metacarpal in his right hand on March 5, 2008. His Attorneys are requesting \$38,123.00, (30%), we are proposing to offer 20% (\$26,082.00). We would like to also go as high as 25% (\$32,603.00) just in case the Commission does not agree with our Attorney. Alderman Rainey asked if he has loss of 25% loss of his right hand how can he work with that amount of physical loss. Chief Eddington said these are Industrial and not real world indications. The motion was made to approve the \$26,082.00 and also the \$32,603.00 as a backup by Alderman Rainey and seconded by Alderman Hansen. All were in agreement.

Mayor Morton wanted to know how much do we spend on each of these cases including Attorney fees. Mr. Gustafson stated that each case costs between \$1,000.00 to \$1,800.00 and for the longer ones it's more. Mayor suggested the amounts be made known to the Council so they can make decisions on the spending.

Wage and Benefits

Ms. Daley began to discuss the process they were pursuing during negotiations with Fire and AFSME. The Fire COLA is 2.5% for one year and 3 extra holidays, one for each shift at a cost of \$30,000.00. They also added new language for the use of accrued vacation time, changed educational wording to prevent double dipping, and health plan discussions. Wording for apparatus operators was changed to be more stringent. Mayor asked the question concerning the union and non-union employees. Her other concern was with two people doing the same work and getting compensated differently. Alderman Wollin stated because we are a fair share State and if you belong or don't belong to a union, you still have to pay your fair share to the union. It comes out of your pay check but not as much as if you are not a member. Alderman Rainey mentioned the amount of money that is disbursed is a large amount. Interim City Manager Russell explained that after Ms. Daley completes her presentation, then Mr. Lyons would explain how we pay for the proposed contract settlements.

Ms. Daley talked about AFSME 2% cost of living increase March 30, with no layoffs, also removed a floating Holiday for the Employee Advisory Committee members, and changed funeral leave to bereavement and how it can be used. Place new wording for disciplinary actions, and there are other housekeeping items to consider, but she decided not to bring them forward. MAP pulled out of negotiations but the Teamsters stuck with

it and she is trying to get a settlement to bring back to this Council within the next two weeks.

Mr. Lyons began talking about the money aspects, and that he has left 2.5% across all divisions which equates to \$1,270,000.00 for raises. \$543,500 is the shortfall from what we had previously budgeted. In outlining the strategy for the budget he has three steps:

- (1) Service changes of looking at cost savings, not bringing more expensive services but cutting costs such as Crossing guards; changes in service deliveries;
- (2) Revenue increase is not one of our options but it is a possibility,
- (3) There is a 16 million dollar reserve instead of a 14 million dollar projection for the end of the year, which will flow into next year. He suggested we revisit the issue after we have two sets of numbers by the second quarter to compare and get a better understanding of the finances.

Alderman Wynne asked if we do use these reserves it would be a one time usage, Mr. Lyons said yes it would.

Ms. Russell stated they will get everything together and bring it back to the Council for formal approval.

Litigation

Ms. Purze the Interim First Asst. Corporation Counsel spoke on the Horemis arbitration is going forward. Ron Kramer contacted her to present a proposal of \$50,000.00 cash settlement and a waiver to keep him from coming back to work. This was a wrongful termination against the City. The issues are conspiracy against him for wrongful termination. Alderman Jean-Baptiste motioned to approve the \$50,000.00 and it was seconded by Alderman Wynne. Voice vote called by the Mayor the vote was unanimous.

The Benjamin case of \$65,000.00, but she was able to get it down for 10%. She would like to propose the following: if we have a bill dispute we could cross that out from the total bill. She stated they moved for sanction, a briefing order was entered, and she believes that they could settle for less. She then mentioned the \$250,000.00 the City will get to keep from the Chiaravalle folk.

Ms. Russell presented the names of the candidates for Community Development Director who had Evanston experience. Ninety-five responses were received. In terms of Public Works, we have 7 candidates and the only internal candidate is Suzette Eggleston. She stated, the new Aldermen will also be in attendance at the April 20th Special Session to review the City Manager resumes, and City Council will receive their resumes in the Friday packet. Heidi Voorhees will discuss the resumes for the City Manager's position and you will select the ones you want to interview.

They would discuss Rolanda Russell's final employment date at the next session.

Mayor adjourned the meeting at 1:10am.

Respectfully submitted,

Rodney Greene / City Clerk