

CITY COUNCIL EXECUTIVE SESSION  
Monday, June 10, 2013  
Lorraine H. Morton Civic Center  
Aldermanic Library

**Present:** Alderman Holmes, Alderman Rainey, Alderman Wilson, Alderman Braithwaite, Alderman Fiske, Alderman Tendam, Alderman Burrus, Alderman Wynne, Alderman Grover, City Attorney, Farrar Grant, City Manager Wally Bobkiewicz, Assistant City Manager, Marty Lyons, Attorney, Bill Obert, Risk Management Officer, Robert Gustafson

**Presiding:** Mayor Elizabeth B. Tisdahl

The meeting was called to order at 10:17 p.m.

**Personnel:**

Mr. Bobkiewicz stated the first item of discussion was worker's comp Mr. Gustafson began his reports on three individuals in alphabetical order as follows:

- (1) Mr. George Dwyer was a Firefighter/Paramedic, who began his employment on November 2, 1992, and was granted occupational disease disability pension effective April 26, 2005. He died on May 18, 2005 as a result of being exposed to carcinogens causing him to contact metastatic adenocarcinoma of the esophagus. Mr. Gustafson suggested to Council to close the case in a dollar amount not to exceed \$140,000.00 and it was agreed by Council to allow him to proceed in the settlement. It was also mentioned the daughter was diagnosed with cancer as well.
- (2) Mr. James Elliot was a Police Commander with the City, who began employment on February 8, 1988, and was granted line- of -duty disability pension effective November 2, 2012 a left leg injury while attempting to break up a large fight. He was subsequently he suffered two other injuries to the same knee while on foot pursuit of a burglary offender. Mr. Gustafson suggested to close the case in an amount close to but not to exceed \$127,770.75. The Council directed him to do so.
- (3) Mr. William McPherson was an Equipment Operator II with the City and began his employment on May 22, 2006 and terminated on

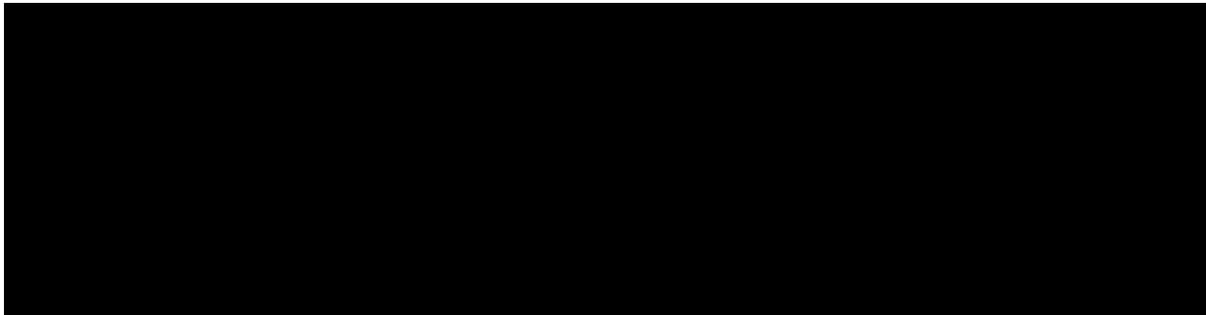
October 21, 2011. The reason for his termination was the fact he cheated on his random drug test, when he presented a sample that was not his after testing a second sample on the premises. Mr. Gustafson suggested to Council to close the case close as possible to the dollar amount of \$119,708.00. The Council agreed and Mr. Gustafson was the excused from the meeting.

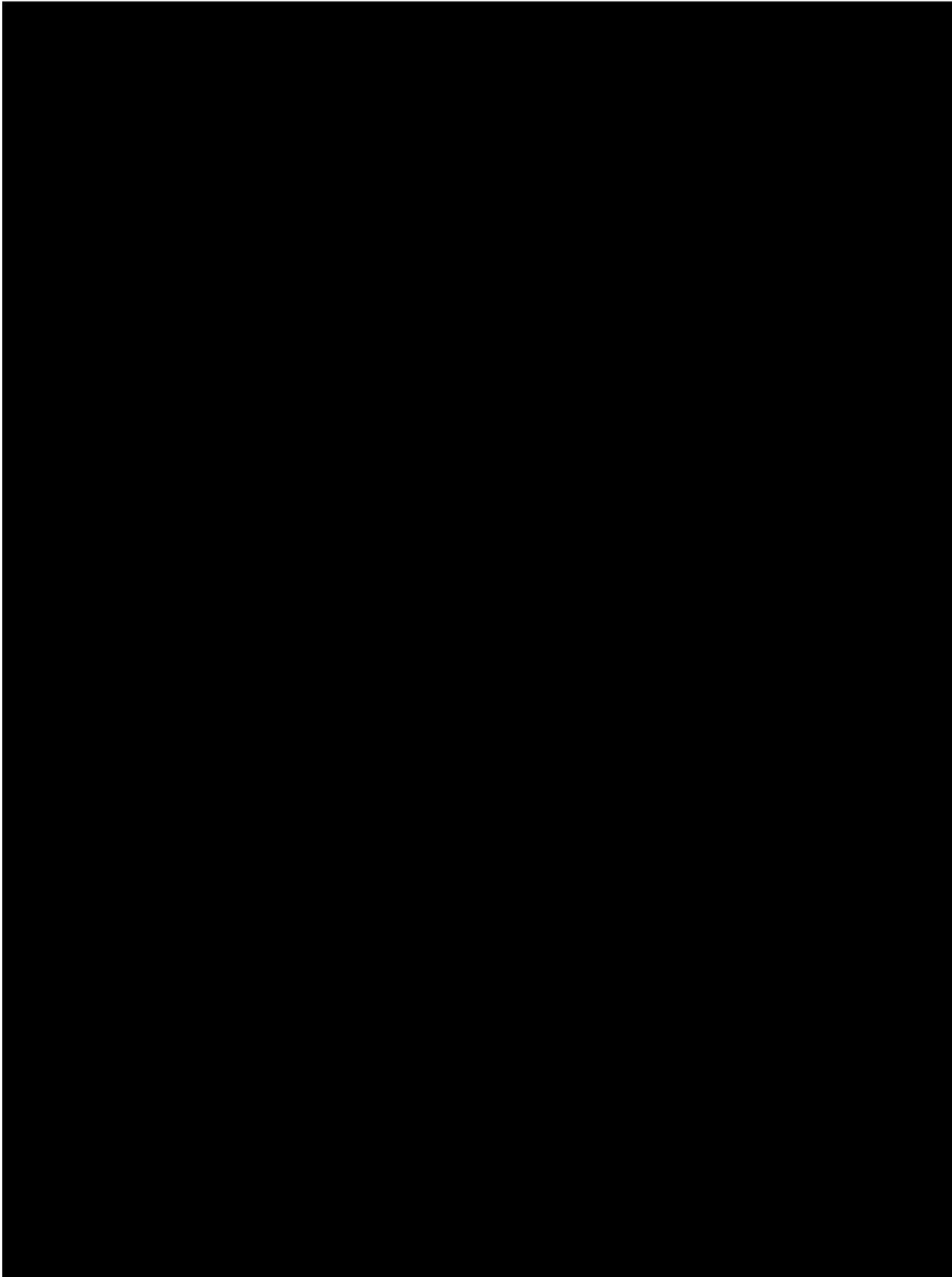
### **Litigation**

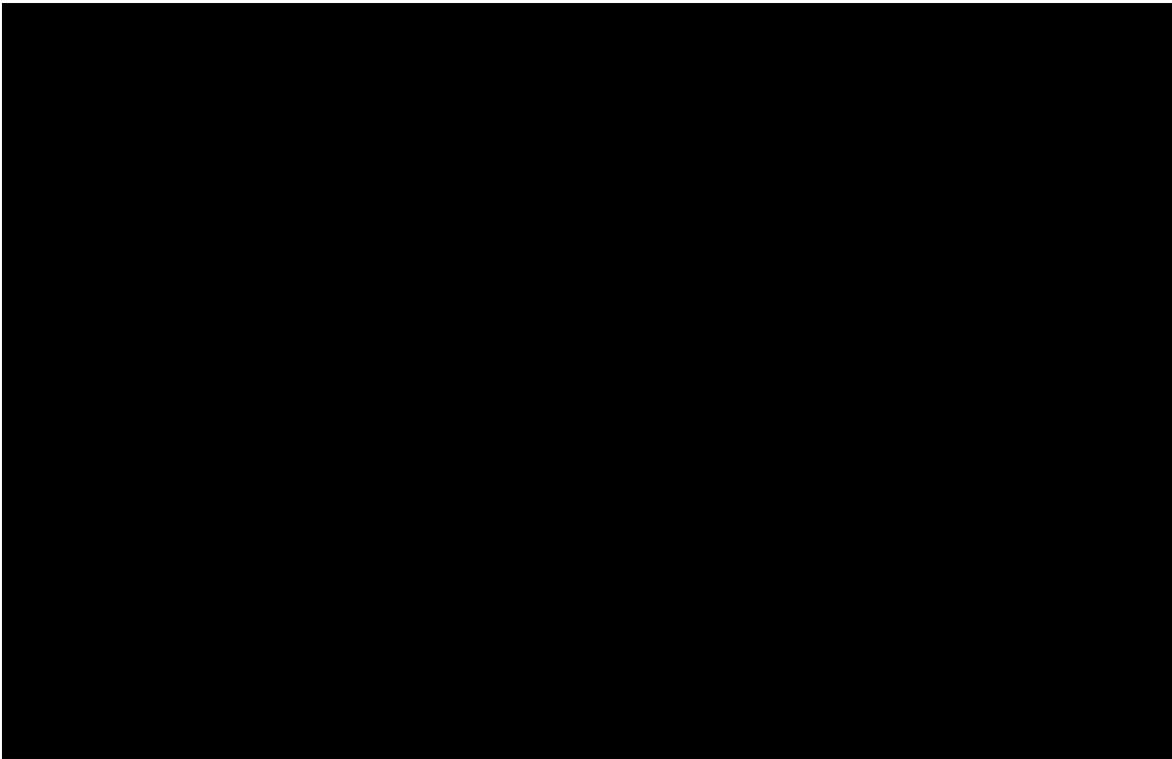
Mr. Farrar informed the Council of a case that will be bifurcated briefing, he then allowed Mr. Obert will be representing Officer Saneese, while Mr. Farrar will be representing Chief Eddington and the City to present his involvement in the case, as Mr. Farrar and Chief Eddington left the Aldermanic Library.

Mr. Obert stated that Officer Saneese while patrolling his beat at 3:00 am noticed a young man walking very slowly and staggering south bound on Oakton carrying a backpack. When Officer S. approached the plaintiff in his Police vehicle, he rolled down the window and asked the plaintiff if he needed any help. The plaintiff did not answer, and so the Officer got out of his vehicle and got in front of the plaintiff and asked him again. The plaintiff asked the officer to stop harassing him, when the officer asked for some identification and the plaintiff refused to produce any document. The Officer then handcuffed and took him to the Police station in Evanston. After his final statements Mr. Obert suggested to make an offer in the amount of \$10,000.00-\$15,000.00. No Police report was filed, no breathalyzer was performed.

Mr. Farrar returned to the Aldermanic Library and stated he would be representing Chief Eddington and the City and would not be seeking an offer of judgment, but would be making a combined offer with Mr. Obert because this is a Federal Civil Rights case. Mr. Bobkiewicz told Mr. Farrar the amount that Mr. Obert was given to offer was \$20,000.00. Alderman Fiske stated "I think this kid really made things worse for himself by not cooperating with the Police, the Police ask you for your name you give it to him that's sort of the rule". Mr. Farrar stated they would find out more concerning the plaintiff's motivation as the case proceeds. He thanked the Council and stated he had direction from them to proceed.







The meeting ended at 11:25 pm.

Submitted by,

Hon. Rodney Greene, CMC  
City Clerk

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