

COMMITTEE ON FINANCE
MONTHLY RULE 45 REPORT
February 2020

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On February 18, 2020, at 10:10 am, the Committee on Finance held a meeting in City Hall, City Council Chambers.

The following members were present: Hopkins, Dowell, Sawyer, Mitchell, Harris, Beale, Sadlowski-Garza, Thompson, Quinn, Lopez, Moore, Curtis, O'Shea, Tabares, Scott, Burnett, Ervin, Taliaferro, Reboyras, Villegas, Mitts, Sposato, Napolitano, Reilly, Smith, Tunney, Osterman, Silverstein, Vice Chairwoman Hairston, and Chairman Waguespack.

The following members were absent: King, Cardenas, Burke, Brookins, and Austin.

The following additional alderman was present: Vasquez.

The Committee addressed the following items:

1. Approval of January 2020 Rule 45 Report of the previous meeting of the Committee on Finance.

Chairman Waguespack asked if there were any changes or corrections. There were none. Vice Chairwoman Hairston moved do pass. Motion carried on a voice vote.

2. O2020-161 A re-referral of Ordinance 2020-161 to the Committee on Health and Human Relations.

Chairman Waguespack indicated that Item 2 would be held in Committee.

3. O2020-159 A communication recommending a proposed ordinance concerning the authority to enter into and execute an Intergovernmental Agreement with the Chicago Park District to provide Tax Increment Financing (TIF) assistance for Williams Park.

Chairman Waguespack noted that 40 percent of the TIF district is in Ald. King's ward, and the remainder is in Ald. Dowell's ward. Chairman Waguespack invited Department of Planning and Development Coordinating Planner Nelson Cheung and Chicago Park District Deputy Director of Budget and Management Beth O'Reilly to speak on the ordinance, which they did.

Ald. Lopez asked if the only TIF money being used was from the Bronzeville TIF. O'Reilly said she was not sure. Cheung said he would double check, but the ordinance only included Bronzeville TIF money. Ald. Lopez asked about the Park District's capital plan for 2020 and how much was expected to come from TIF. O'Reilly said about \$18 million so far. Ald. Lopez asked that the remainder of the Park District's plans that have not already been approved by the City Council be provided to the Committee through the Chair, and O'Reilly agreed to do so.

Ald. Moore asked how much of the fiscal year 2020 TIF surplus went to the Park District. O'Reilly said she would need to provide that through the Chair. Ald. Moore asked about the

location of the park. Ald. Dowell said it is between Dearborn Homes and Drake Elementary School. Ald. Moore commended Ald. Dowell for her work on this proposal.

Ald. Osterman also commended Ald. Dowell for her work. Ald. Osterman asked that the Park District provide, through the Chair, the cost estimates to repair the damage caused by high lake levels and high waves to the lakefront parks and paths. O'Reilly said the Park District would provide that once the winter storm season has passed.

Chairman Waguespack opened the floor for public comment. George Blakemore said the Park District should rely on its own money, and aldermen should listen to him when he speaks.

Ald. Moore clarified that TIF funds include money that would have otherwise gone to the Park District. Chairman Waguespack said the exact figures for how much money would have otherwise gone to the Park District are within the budget documents provided to aldermen in the Fall.

Ald. Dowell said she is proud of this proposal and her partnership with Ald. King in working to distribute Bronzeville TIF funds to parks and playgrounds. Ald. Dowell also noted that the general contractor on the project is an African American-owned company.

Ald. O'Shea moved do pass. Motion carried on a voice vote.

4. Direct Introduction A communication transmitting a list of cases in which judgments or settlements were entered into for the month of January 2020.

Chairman Waguespack said the communication would be placed on file with the City Clerk but that aldermen were welcome to ask questions.

Ald. Thompson asked if this was a cumulative list, or just for January. Chairman Waguespack indicated it was for January.

Ald. Lopez noted that January's payouts were about \$2.7 million and asked that the Law Department address the figure. Committee Chief of Staff Anne Emerson noted that the Committee has been requesting that payouts be broken out by which department was responsible for the City being forced to make the payment.

Ald. Ervin asked if the attorney's fees indicated in the report were solely related to plaintiff's counsel. Chairman Waguespack said he believed they were, but he would have a representative from the Law Department address that before the end of the meeting. Ald. Ervin asked that the Committee also be informed how much the City spent on outside counsel to defend itself. Vice Chairwoman Hairston, on a point of information, noted that most of the firms on the report worked exclusively for plaintiffs. Vice Chairwoman Hairston also said that the City could avoid paying attorney's fees on Freedom of Information Act lawsuits by complying with the Freedom of Information Act.

Ald. Smith said that she had a constituent who had to file suit under FOIA to receive information from the Department of Planning and Development, and the City needed to do better.

Chairman Waguespack noted that the Committee wanted a breakdown of the City's outside counsel costs, as well as an MBE/WBE breakdown of the firms doing the work.

Chairman Waguespack opened the floor for public comment. George Blakemore said aldermen need to be educators.

5. Direct Introduction A proposed order authorizing Charitable Solicitation (Tag Day) permits for Children's Home & Aid, Clearbrook, and Mercy Home for Boys and Girls.
6. Direct Introduction A proposed order authorizing the payment of various small claims against the City of Chicago.
7. Direct Introduction A proposed order denying the payment of various small claims against the City of Chicago.

Chairman Waguespack said that, unless there was an objection, Items 5-7 would be placed on the omnibus agenda at City Council. There was no objection.

Chairman Waguespack moved to the supplemental agenda.

1. Direct Introduction Three (3) proposed orders authorizing the Corporation Counsel to enter into and execute a Settlement Order for the following cases:
 - A. Etheredge v. City of Chicago et al., cited as 17 L 2841.
Amount: \$10,000,000

Chairman Waguespack invited Renai Rodney, First Assistant Corporation Council, to explain Item 1A, which she did.

Ald. Hopkins asked if there was video of the incident. Rodney said there was none, as the incident took place before body cameras were mandated for police, and no other known cameras captured the incident. Ald. Hopkins noted that the plaintiff was carrying a gun. Rodney said that was correct. Ald. Hopkins noted that a person with a gun could grab the gun, point, and shoot very quickly. Ald. Hopkins said the presence of the gun, in his opinion, corroborated the officer's belief that his life, and the life of his fellow officer, were in danger. However, Ald. Hopkins said he would support the settlement.

Ald. Napolitano asked if the plaintiff had a valid firearm owner's identification card. Rodney said he did not and pleaded guilty to one count of unlawful use of a weapon. Ald. Napolitano asked how long the foot chase proceeded. Rodney said about four minutes. Ald. Napolitano said that he would be voting against the settlement proposal.

Ald. Moore asked about the gun. Rodney said it is undisputed that the plaintiff had a gun, but there was dispute on whether he was holding or had displayed the gun. Ald. Moore asked about the third responding officer. Rodney said that third officer saw the plaintiff but did not see a gun. Ald. Moore asked why the plaintiff had the gun. Rodney said the plaintiff indicated that he had been given the gun the day before and was carrying it as protection.

Ald. Taliaferro asked that, during briefings, officers' commendations be presented, as well as complaints and founded Rule 14 violations. Rodney said that for the three officers involved here, there had been 48 complaints, and none were sustained against the shooting officer. The second officer had three sustained complaints, and the third officer had no sustained complaints. Rodney also said the first officer had a total of 89 commendations. The second officer had 104 commendations, and the third officer had 80 commendations. Ald. Napolitano, on a point of information, asked how many of the commendations for the third officer were honorable mentions, and Rodney said 65. Ald. Taliaferro asked if any of the complaints were for Rule 14 violations. Rodney said they were not.

Ald. Moore asked about fingerprints on the gun. Rodney said that no suitable fingerprints were found. Ald. Moore asked if the plaintiff had any prior convictions. Rodney said he did not. Ald. Moore asked if the plaintiff was working at the time of the incident, and Rodney said he was.

Chairman Waguespack clarified that future briefings would include more information. Ald. Sposato asked to confirm that the fact the plaintiff had a gun was not in dispute, and Rodney said that was correct.

Chairman Waguespack opened the floor for public comment. George Blakemore said that future discussions should note the race of all parties involved.

Ald. Tunney moved do pass. Ald. Lopez requested a roll call vote. On the roll call, motion carried 20-7.

Those Committee members voting yes were: Hopkins, Dowell, Sawyer, Harris, Sadlowski-Garza, Moore, Curtis, Tabares, Scott, Burnett, Taliaferro, Villegas, Mitts, Reilly, Smith, Tunney, Osterman, Silverstein, Vice Chairwoman Hairston, and Chairman Waguespack.

Those Committee members voting no were: Beale, Thompson, Quinn, Lopez, O'Shea, Sposato, and Napolitano.

B. Refugio Ruiz Cortez v. Glenn Lewellen, cited as 11 CV 1420.
Amount: \$400,000

Chairman Waguespack invited Renai Rodney, First Assistant Corporation Council, to explain Item 1B, which she did. Committee members had no questions.

Chairman Waguespack opened the floor for public comment. George Blakemore said that it was terrible that the plaintiff in this case would never get back the years he was imprisoned.

Ald. Dowell moved do pass. Motion carried on a voice vote.

C. Cruz Rodriguez and Aurora Rodriguez v. City of Chicago et al., cited as 16 CV 5720.
Amount: \$270,000

Chairman Waguespack invited Renai Rodney, First Assistant Corporation Council, to explain Item 1C, which she did.

Ald. Lopez asked if one of the officers in the case was punched in the face. Rodney said that the plaintiff's son, who was not a party to the suit, was alleged to have punched an officer in the face. Ald. Lopez asked where the son went after the altercation. Rodney said the son went in the house. Ald. Lopez noted that the officers in the case did not enter the house randomly, and it is never acceptable to take a swing at an officer. Ald. Lopez said the presentation of facts should be more balanced in the future.

Ald. Sposato noted that, in the video, it appeared to be more of a shove than a punch.

Chairman Waguespack opened the floor for public comment. George Blakemore said officers need better training and noted that some people think he is overly negative.

Ald. Harris moved do pass. Ald. Lopez requested a roll call. On a roll call, motion carried 14-11.

Those Committee members voting yes were: Hopkins, Sawyer, Harris, Thompson, Moore, Curtis, Scott, Mitts, Smith, Tunney, Osterman, Silverstein, Vice Chairwoman Hairston, and Chairman Waguespack.

Those Committee members voting no were: Dowell, Beale, Quinn, Lopez, O'Shea, Tabares, Taliaferro, Reboyras, Sposato, Napolitano, and Reilly.

4. Direct Introduction A communication transmitting a list of cases in which judgments or settlements were entered into for the month of January 2020.

Chairman Waguespack returned to Item 4 from the regular agenda and invited Renai Rodney, First Assistant Corporation Council, to answer questions from the Committee.

Rodney explained that the first spreadsheet provided represented payments related to all departments, while the second sheet represented payments related to the Police Department.

Ald. Lopez noted that a settlement on the spreadsheet appeared to differ from the settlement total approved by the City Council. Rodney said that the total for the plaintiff did not include the attorney's fees which were part of the total approved by the City Council. Ald. Lopez asked about entries that included where court costs were zero. Rodney said she would need to double check the reason for that.

Ald. Thompson asked to clarify what the fees covered. Rodney said they were plaintiff's attorney's fees. Chairman Waguespack noted that, in the case Ald. Lopez asked about previously, there was another entry that represented the payment to the plaintiff's attorney, and the sum of the two figures equaled what the City Council had previously approved. Rodney said she would confirm that.

Ald. Taliaferro thanked Chairman Waguespack for answering the question he was about to ask.

Ald. Smith asked if outside counsel for the City were included on this report. Rodney said they are not. Ald. Smith asked if the report was just a printout from a City database. Rodney said it was. Chairman Waguespack noted that the Committee would be receiving information on the costs of the City's outside counsel in the future.

Ald. Reilly suggested that it be noted in the future when two different lines in the spreadsheet are related to the same case. Chairman Waguespack agreed.

The Committee having no further business, on a motion by Ald. Tunney, the meeting was adjourned at 11:21 am.

Respectfully submitted,

A handwritten signature in cursive script that reads "Scott Waguespack". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Scott Waguespack
Chairman, Committee on Finance