



JOE AIELLO
SANGAMON COUNTY CLERK

Sangamon County Complex
200 South Ninth Street, Room 101
Springfield, IL 62701
Telephone: (217)753-6700/Fax: (217)535-3233
Website: www.sangamoncountyclerk.com

MINUTES

SANGAMON COUNTY BOARD SPECIAL SESSION

AUGUST 20, 2014

The Sangamon County Board met in special session on August 20, 2014 in the County Board Chambers. Chairman Van Meter called the meeting to order at 7:10 p.m. Mr. Montalbano gave the Invocation and Mr. Krell led the board in the Pledge of Allegiance.

ROLL CALL

Chairman Van Meter asked the county clerk to call the roll. There were 25 Present – 4 Absent. Mrs. Douglas Williams, Mr. Goleman, Mr. Good and Mr. Preckwinkle were excused.

PUBLIC SPEAKER

A motion was made by Mr. Tjelmeland that by unanimous consent they waive the county board rules and allow for public comment on Resolution 2, which is before the county board this evening. There were no objections. Mr. Tjelmeland introduced Mr. George Schultz. Chairman Van Meter stated, by unanimous consent, the board will afford Mr. Schultz five minutes to make a presentation.

George Schultz addressed the county board regarding Resolution 2. He gave his address as 3924 Rochester Road in Springfield. He asked for their ear and their consent to put the Paul Carlock resolution in abeyance, at the very least, or to continue litigation. He believes they know they are on the right track with this case in continuing litigation. Sometimes it is more expensive to be right, and they have to pay that all mighty dollar to prove a point. This case is expensive. They knew that going in and they know it now, but now is not the time to retreat. Paul Carlock brought Paul Carlock into this jail. No one else did. Paul Carlock brought Paul Carlock's medical issues into this jail. They didn't. Their correctional officers are some of the best trained in the state.

They did nothing wrong. In fact, they went above and beyond to use minimal force to extract Mr. Carlock in a duly ordered extraction. He fought those officers, and they did what they had to do and what they are trained to do. They are the best in the state. He knows because he trained correctional officers. He stated he has 36 years in the law enforcement field. These people do not need to be condemned for doing something wrong. He does not use that word loosely, but if you settle and sign off on this case, and tell the public they are going to settle this because it's cheaper in the long run to throw dollars and say "okay, we are not going to admit guilt, but we are done with this case and we have paid it off", you will be telling the public something. Don't underestimate your constituents. Those people took good care of Mr. Carlock, and he fought them. They had nothing to do with the fact that he died at St. John's Hospital. What you are trying to do is buy your way out of a lawsuit. In the long run, this is going to come back. I know you have heard the word precedent. I know you have heard you are setting a precedent. They need to send a message to these people in the jail that when they come in sick and come in injured, they need to obey the commands and do what is told of them. And if they don't, you will be paying multiple upon multiple workman's compensation claims because your correctional officers are going to go in there and try to extract a man in a different way and manner. Everybody that comes in to this jail is not 100% physically fit. You have sick people, injured people and people on methamphetamines. It takes six or seven correctional officers to subdue these people and make them mind. This is a jail. This is not a preschool. You do not buy your way out of this lawsuit. If you do, it will come back to haunt the next county board and the next one. What you are doing is telling every inmate out there and the public that it is okay if we pass a bond issue to buy our way out of this. He guarantees you should look at the state statute and the precedent because you may buy your way out of this one, but you are setting the bar extremely high for your next lawsuit. When you do that you put yourself behind the eight ball because it is hard not to use that precedent later. Remember, you did not put Paul Carlock in that cell; he did for a very devious crime. You were not responsible for his medical issues, Paul Carlock was. Paul Carlock started that struggle, and it should not end with this county raising taxes or buying bonds to pay off the lawsuit. Please consider that. Your constituents want this done correctly. By buying that off, it is not done correctly. Remember, Edmund Burke told you in the mid 1700's "Evil flourishes when good men do nothing". Now that is not pointed towards you. Mr. Schultz thanked the board.

CORRESPONDENCE

A motion was made by Mr. Montalbano, seconded by Mr. Bunch, to place correspondence on file with the county clerk. A voice vote was unanimous. There was none filed.

WAIVER OF TEN-DAY FILING PERIOD

A motion was made by Mr. Montalbano, seconded by Mr. Bunch, to waive the ten-day filing period. A voice vote was unanimous.

MOTION CARRIED

TEN-DAY FILING PERIOD WAIVED

RESOLUTION 1

1. Resolution approving an intergovernmental agreement between Menard County Board of Health, Menard County, Sangamon County Board of Health and Sangamon County for the provision of public health services in Menard County, Illinois.

A motion was made by Mr. Stumpf, seconded by Mr. Ratts, to place Resolution 1 on the floor. Chairman Van Meter asked the county clerk to call the roll. There were 24 Yeas – 0 Nays.

MOTION CARRIED
RESOLUTION ADOPTED

RESOLUTION 2

2. Resolution approving a settlement agreement with the estate of Amon Paul Carlock, Jr.

A motion was made by Mr. Hall, seconded by Mr. Sullivan, to place Resolution 2 on the floor. Chairman Van Meter recognized legal counsel for a brief presentation.

Assistant State's Attorney Dwayne Gab addressed the county board. He explained what they have before them today is a potential settlement of Paul Carlock versus 13 county defendants and two doctor defendants. He is sure they are all familiar with this case. The county has been dealing with it since 2007. It has been in seven years of litigation. He updated them on the current status of the litigation. This year the case went up on appeal with the seventh circuit court of appeals, which is the appellate court for the local district court, regarding motions to dismiss several defendants. As part of the normal course of the seventh circuit court of appeals procedure, there is a mandatory mediation. The mediators in these cases are trained, professional and are some of the best in the business regarding getting mediation together. They did have a previous mediation of this matter in 2013. It was done by Judge Baker. It was not as extensive or fruitful as this mediation. He believes they spent approximately six months on the current mediation. In fact, it is still in mediation awaiting approval or denial of the settlement by the county board. Members of the civil liabilities committee and current attorneys from Hinshaw all felt it was important that they present this potential settlement offer to the Sangamon County Board. They felt there needed to be a cost benefit analysis and a risk assessment by the county board as to going forward in this case with the numbers they finally arrived at. The cost they would be incurring to take this case forward would include costs of finishing the appeal; a six to eight week trial in Sangamon County; approximately 12 experts that would testify over the course of this trial and a team of many lawyers because they represent many different defendants. Given all those parameters, even the trial would be very expensive. Even if the trial prevails, the expectation would be that there would be an appeal and potentially it would come back down. There is potential for the seventh circuit court of appeals to overrule the ruling by Judge Myerscough, which would mean another trial. The settlement they have here resolves all issues and resolves all defendants.

To look at the risk assessment, he suggested the plaintiffs would be asking for well in excess of \$10 million in regards to what the jury should award the plaintiff. He also added that because it is a federal 1983 lawsuit, the county is responsible for plaintiff's attorney's costs. Prior to the start of this mediation, he believes the plaintiff represent costs of \$1.8 million already for their pursuit of this claim. After a trial those costs would be substantially higher. Because of the fact that the county cost would be so high and the potential risk, although he believes the county has a strong case, it seems to him it would be appropriate for the county board to make a decision based upon those factors. The civil liabilities committee has been very involved through the whole course of this. They have spent hours and hours discussing this case. The committee voted on Monday night to present this resolution to the county board so that all the county board members could have their input into a case that has been lingering with the county for seven years now. The expectation would be that it would still be around for quite some time. Chairman Van Meter asked Mr. Gab what his recommendation is. Mr. Gab stated the recommendation from everyone involved in the mediation including the attorneys from Hinshaw, the county administrator, members Dave Mendenhall and Craig Hall, who were all involved in the mediation, is that it is an appropriate settlement at this point in time.

Mr. Hall thanked the members of the committee for their work and the staff that helped them through this. This has not been easy and it won't be easy tomorrow. The committee has sat through meetings and went into executive session. Everyone on this board has probably been into executive session here or other places they may have served. They talked about some important things and saw some important things. He thanked the members of the committee for what they have done. This has not been easy. This is hard for all of them, and it is hard for the officers. But the officers have to do their jobs, and they have to allow it and provide it. They need to remember that a lot of the inmates in the jail have mental issues, besides drugs and withdrawals. The strength of this board is that there are plumbers, attorneys, employees of the state and other entities and they even allow a farmer or two on its board once in a while. They come with experience. The experience he brings is that he was an employee in the jail back in the late 1980's. He worked in the old jail and new jail. A lot of these people go through a lot of stress to be an employee dealing with people that are not the finest of our community.

Mr. DelGiorno stated as the only attorney on the county board, and looking at this from a professional lens as well as his representative capacity for his constituents, he understands the concerns raised by Mr. Schultz. What he would say to him and his fellow members is what he would say to any of his clients facing a significant decision like this. He mentioned the torment a defendant in a situation like this has to go through when these kinds of allegations are made. Brining this to an end now even after seven years of this torment for them, and the decision to vote yes, is going to be to protect those employees they are defending in this suit. As the trial drags on they will be subjected to many things during the trial process, which will also be public. His thought is, like he would tell any client, there are instances where you have to get rid of a nuisance. That is how lawyers talk. He does not wish for them to invite others to come attacking the county for any little minor injury that may come down in the future. He thinks by the fact that they have held their ground for seven years to get to this point is proof they won't just roll over in the first place.

Mr. DelGiorno commended everyone on the civil liabilities committee for the diligence they have exerted. He encouraged everyone to vote yes.

Chairman Van Meter asked for a roll call vote on the adoption of Resolution 2. The county clerk called the roll. Mr. Bunch stated this is the second lawsuit they have gone through since he has been on this board. He respects his thoughts and ideas of what we should do. He talked about in the past when they lost a person in the jail and family members were asked to pick this individual up and they said “we don’t care what you do with him”. A couple lawyers got a hold of the family and they fought that case and they lost. It cost this county \$350,000 for a suit where the parents didn’t even want the body. He does respect his thoughts and ideas, but they have fought, and he thinks they have fought long enough. They need to get this thing behind them, so he votes yes. Upon the roll call vote, there were 24 Yeas – 0 Nays

MOTION CARRIED
RESOLUTION ADOPTED

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

REPORTS

There were no reports.

RECESS

A motion was made by Mr. Bunch, seconded by Mr. Montalbano, to recess the meeting to September 9, 2014 at 7:00 p.m. A voice vote was unanimous.

MOTION CARRIED
MEETING RECESSED

Joe Aiello
Sangamon County Clerk