

DU-COMM

DuPage Public Safety Communications

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EXECUTIVE COMMITTEE MEETING – CLOSED SESSION - MINUTES

Wednesday, December 17, 2014 – following the 7:30 AM Board of Directors Special Call Meeting
Glenside FPD, 1608 N. Bloomingdale Road, Glendale Heights, IL

The Executive Committee went into closed session at 8:21 AM to discuss Pending, Probable, or Imminent Litigation (5 ILCS 120/2 (c) 11), and Manager Breinig asked for a point of order to add Collective negotiating matters (5 ILCS 120/2 (c) 2) to the closed session.

Present:

Mayor David Brummel (Chairman)	City of Warrenville
Mayor Rod Craig (Vice-Chairman)	Village of Hanover Park
Manager Don Rose	City of Wheaton
Manager Joe Breinig	Village of Carol Stream
Fire Chief Andy Bonomo	York Center Fire Protection District
Police Chief Steve Herron	Village of Roselle
Fire Chief Jeff Bacidore	Elmhurst Fire Department

Staff: Executive Director Brian Tegtmeyer, Deputy Director Ronald Gross, Deputy Director Matthew Baarman joined meeting at 8:22 AM, Finance/HR Manager Angela Athitakis, Executive Secretary Christine Keifer

Guests: Attorney Bersani joined meeting at 8:25 AM.

Collective negotiating matters (5 ILCS 120/2 (c) 2)

Director Tegtmeyer noted an agreement was reached under the authority and direction discussed last month and all holiday shifts are covered. He noted backup plans, if needed (consolidate radio channels and fire desk staffed at 3 instead of 4, due to lower call volume, and Managers to plug-in as needed).

Pending, Probable, or Imminent Litigation (5 ILCS 120/2 (c) 11)

Director Tegtmeyer noted Attorney Bersani planned to provide an update on the ADS alarm lawsuit, and that Bloomingdale settled and no longer a party to the suit. He noted Counsel advised DU-COMM should remain in the suit due to the Bloomingdale TYCO alarm accounts and the related alarm fees. In addition, the alter-ego question remains. In a hearing two weeks ago ADS attorneys narrowed the suit to challenge Bloomingdale's authority to transfer accounts to TYCO, and TYCO's authority to pay DU-COMM the alarm fees.

Attorney Bersani joined meeting at 8:25 AM.

Director Tegtmeyer noted due to the suit narrowing there will be no depositions and ADS, Orland, Lemont, TYCO, and DU-COMM must stipulate the facts ahead of hearings. Director Tegtmeyer sought concurrence in Counsel's recommendation to remain in the suit. Discussions ensued regarding a member agency settling without discussing with DU-COMM, which further proves DU-COMM is not the member's alter-ego. Attorney Bersani noted ADS wants to pursue the authority of the contract between TYCO and Bloomingdale to monitor alarms and collect fees, which implicates DU-COMM's interest due to the master alarm agreement with TYCO.

Manager Breinig inquired if the court action furthers the ADS pursuit of alarm funds and a brief discussion ensued regarding caution to narrow the focus of the stipulations of facts. Attorney Bersani noted alarm monitoring is also an important issue for DU-COMM to protect. A brief discussion ensued regarding DU-COMM's ability to recover from suits if a member acts imprudently and the 2007 language change to the ADT (Tyco) master agreement, initiated by DU-COMM that allowed members to opt-out of the contract.

Mayor Brummel inquired about the next steps, and Attorney Bersani noted the parties were directed by the Judge to work on the stipulations of facts to determine what could be agreed upon, without depositions. DU-COMM received the ADS stipulations and must respond by 12/31/14. He noted a meeting with the Judge is expected by mid-January to resolve the stipulated facts, then a briefing schedule on the preliminary injunction on the legal issues. He noted it may be summer or early fall before the court's final decision.

A brief discussion ensued regarding trying to reach an agreement with ADS, and it was noted ADS seeks to get DU-COMM out of the alarm business and use ASAP to PSAP to directly connect to the CAD. It was noted ADS choose to fight locally, but are represented on a national level.

Director Tegtmeyer noted the memo in the packet regarding VFIS reimbursement of legal fees capped at \$50,000.

A motion to adjourn from closed session was made at 8:42 AM by Mayor Craig and seconded by Chief Herron. The motion was approved by reverse roll call.

Respectfully submitted,

Christine Keifer

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