

**MINUTES
CHAMPAIGN POLICE PENSION FUND
BOARD MEETINGS
June 11, 1996**

SPECIAL MEETING

CHAMPAIGN POLICE PENSION BOARD OF TRUSTEES

June 11, 1996

This Special Meeting of the Champaign Police Pension Board of Trustees was called by Richard Schnuer (trustee} by the request of Bill Jobe (president). The meeting was called to order at 1:06 P.M. by President Jobe. The purpose of the meeting was to discuss the following three matters:

- (1} Actuarial study.
- (2} Bank resolution and signature cards.
- (3} Kim Seeley litigation.

Members present: Bill Jobe, Tom Frost, Bill Neumann, Ricard Schnuer, Donald Hoffmeister.

Other people present: Paul Adamczyk, and Donal Aldeen.

(I } ACTUARIAL STUDY: Paul Adamczyk of the Wyatt Company gave a lengthy presentation regarding actuarial analysis of the Champaign Police Pension Fund. He explained the assumptions that would be used in preparing the July 1, 1996 Actuarial report. There were questions regarding several of the actuarial assumptions: interest on investments; salary projections; and, employee strength.

The Board" will furnish the Wyatt Company the master list of all Fund participants.

(2 } BANK RESOLUTION AND SUGNATURE CARDS: Signature cards for the following three bank accounts were completed by agreement of the Board of Trustees:

- * Busey Bank account # 6801 - 297 - 0.
- * Bank Illinois account # 700 - 0066 - 6.
- * Bank Illinois account # 110098.

(3 } KIM SEELEY LITIGATION: Donald Aldeen, attorney for the Board discussed a proposed settlement of the Kim Seeley disability matter wherein Kim Seeley would be granted a duty related pension that would start in June, 1996, provided that she would dismiss all seven or eight of her civil suits against the City of Champaign. This proposed settlement was the product of a meeting held earlier involving Betsy Wong (Kim Seeley's attorney }, Trish Crowley (an assistant City attorney }, and Donald Aldeen (attorney for the Board).

Bill Neumann pointed out that there appears at best a philosophical difference between how disability pensions should be handled by the Board, based upon the law and all available medical and related data, and the City attorney's method of holding a disability pension hostage to get cases dropped against the City of Champaign. By way of supporting his contention Bill Neumann sited a letter written earlier by City legal and addressed to Kim Seeley's attorney wherein City Legal stated that they settle litigation based upon the likelihood of winning or losing cases. Bill Neumann stated that he would not take part in a vote as the "settlement" is proposed.

Bill Neumann gave the following review of the Kim Seeley application for duty related disability:

Reference " First report of Duty Injury." This document was completed by Lt. Matuzewicz and signed by him. He describes Kim Seely's injuries as " OCCUPATIONAL INJURIES."

Reference " Interim police disability pension" granted to Kim Seeley on May 29, 1995 for 65% (duty related) disability. There is no statutory authority to grant a 65% duty related disability pension and then later reduce that pension to 50% non duty related. It appears that as a matter of law the Police Pension Board of Trustees granted a duty related pension (65%) on May 29, 1995 TO Kim Seely.

Reference a " Memorandum dated November 18, 1993 from Deputy Chief Luecking to Officer Kim Seely." In that memorandum Kim Seeley is advised that she has been granted a limited duty assignment" to meet the City's statutory obligation to provide rehabilitation to employees suffering from duty related injuries."

Reference "Champaign Police Department Payroll Records." Kim Seely was carried on the Police Department payroll records as being injured in the line of duty (DI) from the time of the squad car accident and continuing for in excess of six months.

Reference is made to seven different doctors reports of examination and attached certificates of duty related disability. Each of the seven doctors was identified.

Reference was made to the three Independent Medical Evaluators that examined Kim Seeley on behalf of the Board and the Intervenor. It was pointed out that only ~ Independent medial Evaluators are permitted as a matter of law. It was pointed out that the last of the three Independent Medical Evaluators was used after "proofs" was closed and that Kim Seeley's medical reply was then not accepted by the Board.

Reference was made to the Board of Trustees II Discussion of Case: Finding of facts and Decision." Several errors were pointed out in that finding:

p.6 The finding states that the emergence room report at Carle indicates that Kim Seeley only had some neck and back pain and a cut finger. The emergency room diagnosis was that "Kim Seeley was in a moving vehicle accident that resulted in acute cervical and lumbar strain"

p.7 The finding states that her ability to return to light duty was addressed by the intervenor's (

City's) physicians, all of whom said that she could return to work. Dr. Hon, an Independent Medical Evaluator hired by the City of Champaign on October 15, 1993 stated in his report to the City that "her injuries are consistent with complaints and injuries that would be expected from a motor vehicle accident as she described. He went on to state that she should have no Law Enforcement duties."

p.10 The finding refers to Dr. Scott as "one of applicant's physicians" when in fact he is an Independent Medical Evaluator hired by the City of Champaign.

Bill Neumann pointed out that the finding of the Board of Trustees for non duty related disability is Clearly contrary to all of the available information.

Richard Schnuer argued that the Board of Trustees had voted to grant Kim Seeley only a non duty related pension, and that if Bill Neumann felt so strongly in favor of granting Kim Seeley a duty related pension then he should make a motion to do so.

Bill Neumann pointed out that the City of Champaign's legal staff proposal to have all suits against the City of Champaign dropped by Kim Seeley in exchange for the granting of a duty related pension was a self Serving proposal by those being sued by Kim Seeley (Richard Schnuer, and Trish Crowley the author of the proposal). Bill Neumann indicated that in his judgment Richdrd Schnuer should not have entered into the discussion at all because he is being sued by Kim Seeley.

Bill Neumann made a motion to grant Kim Seeley a duty related disability pension. That motion died for the lack of a second.

Richard Schnuer made a motion to direct the Board's attorney to direct a letter to the Department of Insurance, Pension Division, State of Illinois asking the following: did the fact that the board gave the officer an interim duty related disability pension of 65% pre-descide the case in favor of the officer; and, if the board were so inclined cou1d it start a duty related pension for the officer beginning in June, 1996. There was a second by Donald HOffmeister. Four voted Yes. Bill Neumann voted no.

Richard Schnuer directed the Board's attorney to write a letter to Kim Seeley's attorney inquiring if Kim's attorney will want the board to reconsider its rulings: that Kim Seeley is disabled; that she is not entit1ed to a line of duty pension; and, that she is entit1ed to a non in 1ine of duty pension.

(4) NEW BUSINESS: The Board discussed renting 300 square feet of office f1oor space in the 800 block of W. Springfield. The cost wou1d be \$250.00 per month. The Board's records are now kept in three file cabinets in a mechanical maintenance room with no desk space. The Board instructed Bill Jobe to enter into an agreement to lease the space.

The Board adjourned at 4:00 P.M..

Bill Neumann,
Secretary
