

**Minutes of the Waukegan Park District
Adjourned Meeting of the Board of Commissioners
November 3, 2015**

The Board of Commissioners of the Waukegan Park District met in the Adjourned Meeting on November 3, 2015 in the Rose Administrative Center, 2000 Belvidere Street, Waukegan, Illinois.

I. Call to Order

The recessed meeting was called to order at 4:30 p.m. by President Foley who directed a call of the roll.

II. Roll Call

Present: Commissioners Kilkelly, Bridges, Sarocka and President Foley.
Absent: Commissioner Jones. Also present was Executive Director Greg Petry, Finance Director Jim Glogovsky and Board Attorney Charles Smith.

III. Review Discuss and Decide.

The commissioners discussed the presentations made by four law firms to work with board attorney Charles Smith concerning the tax objections.

Mr. Glogovsky commented that he thought that all the interviewees were good and provided valuable insight. He pointed out that everyone is in agreement that the Corporate Fund does have an excess of two times the previous three years average expenditures, but noted that because of transfers and building projects that there are defenses to the accumulation. He noted that all the attorneys had experience in dealing with both Evan Karnes and Jim Rooney and thought that Scott Nemanich of Hinshaw Culbertson would be the best complement to Mr. Smith.

Mr. Glogovsky pointed out that while all the attorneys who were interviewed had high praise for the Park District's paperwork, that there certainly are risks involved.

Commissioner Bridges asked Mr. Glogovsky what years were in question in these tax objections.

Mr. Glogovsky advised that the years in question are 2010 through 2013, but it is anticipated that a new law suit will be filed in November challenging 2014.

Mr. Glogovsky also pointed out that he thought that Mr. Nemanich's experience with the legislation might be an added advantage to his representation.

Commissioner Bridges stated that the Park District should also seek the assistance of the Illinois Association of Park Districts.

Mr. Petry commented that he thought that all the presentations were helpful and further pointed out that he thought that the Park District could provide a very compelling

reason for exceeding the two times average expenditures. He also pointed out that the Park District's documentation is good.

Mr. Petry also reviewed Mr. Karnes' attitude toward settlement and whether a better settlement could be achieved.

Mr. Petry also thought that Mr. Nemanich would complement Mr. Smith. He pointed out that Ancel Glink certainly has a stronger history with the Park District but overall that the Park District has a compelling case to be made.

Mr. Smith reviewed the positive and negative points of all the attorneys and their presentations and stated that he would accept the assistance from any of the four attorneys, but pointed out that he felt that Mr. Nemanich had the most experience both in litigation and legislation in this area.

Commissioner Sarocka commented that he has a concern that a settlement of the excess accumulation could be a "black eye" to the Park District and would hope that efforts to contest this litigation would continue.

IV. Closed Session

Motion by Commissioner Kilkelly, seconded by Commissioner Bridges, to adjourn the meeting into executive session to discuss pending litigation pursuant to 5 ILCS 120/2(c)(11). Roll call to the motion: Ayes: Kilkelly, Sarocka, Bridges, Foley. Nays: None. Absent: Jones. Motion carried unanimously. Regular session adjourned at 5:05 p.m.

Following executive session, **motion by Commissioner Sarocka, seconded by Commissioner Bridges, to resume regular session. Roll call to the motion: Ayes: Kilkelly, Sarocka, Bridges, Foley. Nays: None. Absent: Jones. Motion carried unanimously. Executive session adjourned at 5:25 p.m.**

Motion by Commissioner Bridges, seconded by Sarocka, to authorize retaining Scott Nemanich to be co-counsel with Charles Smith concerning the four pending excess accumulation tax objections. Roll call to the motion: Ayes: Kilkelly, Sarocka, Bridges, Foley. Nays: None. Absent: Jones. Motion carried unanimously.

V. Adjournment

Motion by Commissioner Bridges, seconded by Commissioner Kilkelly, to adjourn the meeting at 5:30 p.m. Motion carried unanimously.

Respectfully submitted,

Charles W. Smith
Board Secretary