

**OPEN SESSION MINUTES OF THE HEARING IN THE GEORGE HIDALGO
DISABILITY MATTER BEFORE THE BOARD OF TRUSTEES OF THE
CITY OF DES PLAINES FIREFIGHTERS' PENSION FUND
June 28, 2023**

A hearing before the City of Des Plaines Firefighters' Pension Board was held on June 28, 2023 beginning at 9:00 AM, located at the Des Plaines City Hall, 1420 Miner Street, Room 101, Des Plaines, Illinois regarding the salary attached to rank to be applied to the disability pension of the above applicant, pursuant to the applicable provisions of Article 4 of the Illinois Pension Code.

CALL TO ORDER: President Vallee called the meeting to order at 9:19 AM.

ROLL CALL:

PRESENT: President Jeff Vallee, Secretary Brian Kinnare, Trustee Paul Birger, Trustee Don Smith and Trustee Jeff Rozovics.

ALSO PRESENT: Also present were Applicant George Hidalgo, Attorney Tom Mazur (counsel for Applicant), Attorney Paul Denham (counsel for the City of Des Plaines), and Attorney Laura J. Goodloe (counsel for the Des Plaines Firefighters' Pension Board).

ABSENT: None.

PUBLIC COMMENT: None.

REAPPOINTMENT OF HEARING OFFICER:

Trustee Birger made a motion to re-appoint Board Attorney Laura Goodloe as the hearing officer over the proceeding. Trustee Smith seconded the motion and the motion carried by unanimous voice vote.

HEARING OFFICER OPENING STATEMENT:

The Hearing Officer then proceeded to provide an opening statement detailing the course and manner of proceedings for this hearing and had each Trustee individually confirm on the record that he could be fair and impartial with respect to the issue presented before it.

REVIEW/PRESENTATION OF HEARING EXHIBITS:

The Hearing Officer then proceeded to formally proffer supplemental pension board exhibits numbered twenty-one (21) through twenty-four (24) for entry into the record of proceedings. Hearing no objection from either party, supplemental pension board's exhibits twenty-one (21) through twenty-four (24) were entered into the record in this proceeding.

APPLICANT'S ARGUMENT IN SUPPORT OF HIS SALARY ATTACHED TO RANK REQUEST:

Attorney Mazur provided oral argument in support of his client's request to apply the salary attached to Step 5 as contained in the Des Plaines Fire Department's 2021-2024 Collective Bargaining Agreement ("CBA") for final disability salary purposes.

CITY’S RESPONSE ARGUMENT:

Attorney Denham then presented oral argument in support of the City’s position that Hidalgo’s final salary for pension purposes should be based upon Step 4 of the Des Plaines Fire Department’s 2020 CBA, which totals approximately \$86,271.00.

Both parties were given the opportunity to present rebuttal arguments and the Pension Board Trustees and Board Attorney Goodloe were given the opportunity to ask both counsel questions regarding the arguments presented.

EXECUTIVE SESSION:

Trustee Vallee made a motion to adjourn into executive session pursuant to 2(c)(4) and/or alternatively 2(c)(11) of the Open Meetings Act to deliberate as to the evidence and testimony received in this matter. Trustee Birger seconded the motion and the motion carried by unanimous voice vote.

The Board thereafter went out of open session at 9:57 AM.

At the culmination of closed session the Board reappeared in open session at 11:06 AM. Trustee Kinnare made a motion to go back into open session and Trustee Birger seconded the motion. The motion carried by unanimous voice vote.

VOTE/RULING ON APPLICANT’S SALARY REQUEST:

Trustee Vallee made a motion to deny Applicant’s request to have his pensionable salary be based upon either Step 5 or Step 6 of the 2021-2024 CBA and to award Applicant a pensionable salary totaling approximately \$86,272 from Step 4 of the 2020 CBA. Trustee Kinnare seconded the motion and the motion carried by roll call vote:

- AYES: President Jeff Vallee, Secretary Brian Kinnare, Trustee Paul Birger, Trustee Don Smith and Trustee Jeff Rozovics.
- NAYS: None.
- ABSENT: None.

ADJOURNMENT:

Trustee Birger made a motion to adjourn the administrative hearing in the Hidalgo final salary attached to rank matter. Trustee Kinnare seconded the motion. The motion carried by unanimous voice vote.

The hearing was adjourned at 11:13 AM.

Respectfully Submitted,

Jeff Vallee
President

Date Approved