

## SETTLEMENT AUTHORITY OF THE CORPORATION COUNSEL

### Introduction

The City Council recognizes that by custom, practice, and necessity, the Corporation Counsel has possessed limited authority to negotiate and settle claims made against the City and its officers and employees in their official capacity. In order to provide clarity as to the nature and extent of this authority, the City Council defines the nature and extent of the Corporation Counsel's settlement authority as to claims as follows:

### General and Automobile Liability Claims

The Corporation Counsel may settle general liability and automobile liability claims made against the City, its officers and its employees in their official capacities in amounts not exceeding \$50,000 after notifying and consulting with the Mayor or the Chief Management Officer. The Corporation Counsel may settle such claims against the City, its officers and its employees in their official capacities in amounts greater than \$50,000, but not exceeding \$100,000, after notice to the City Council and the after affording the City Council, whether constituted as the Council or its Committee of the Whole, an opportunity to discuss the proposed settlement in a closed session meeting. The Corporation Counsel must obtain the formal approval of the City Council to settle claims in amounts exceeding \$100,000.

### Declaratory and Injunctive Relief

The Corporation Counsel may settle claims for declaratory or injunctive relief against the City, its officers and its employees in their official capacities only to the extent that the terms of the settlement do not require specific action to be taken by the Mayor or the City Council without their respective consent.

### Human Rights Act Claims

Notwithstanding anything contained in this policy, the Corporation Counsel may not settle a claim alleging conduct which would constitute “unlawful discrimination” within the meaning of the Illinois Human Rights Act made against any City officer or employee without consulting the City Council or the Committee of the Whole.

### Contents of Settlement Agreements

When exercising the settlement authority conferred by this policy, the Corporation Counsel may execute a settlement agreement on behalf of the City or any of its officers or employees sued in their official capacity. In addition to terms providing for the payment of monetary damages, such settlement agreements may contain provisions providing for the mutual release and waiver of any or all claims by the parties, that each party be responsible for its own costs of litigation, that the agreement is judicially enforceable under terms satisfactory to the Corporation Counsel, and the settlement is final and binding on all parties. Settlement agreements may not contain confidentiality provisions or bind the City, its officers or employees, to other terms and conditions that exceed the scope of the Corporation Counsel’s settlement authority. Settlement Agreements shall constitute public records subject to inspection and copying under the Freedom of Information Act.