

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CHANCERY DIVISION**

Nyota Figgs, in her official capacity as City
Clerk and as City Collector of Calumet City,

Plaintiff,

v.

Thaddeus Jones, in his official capacity as
Mayor of Calumet City,

Defendant.

2021CH05223

**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT AND
INJUNCTIVE RELIEF OR IN THE ALTERNATIVE
WRIT OF MANDAMUS**

Plaintiff, City Clerk and Collector of Calumet City, Nyota Figgs (“Clerk Figgs”), through her attorneys, The Royko Group, LLC, brings this Verified Complaint for Declaratory Judgment and Injunctive Relief, or in the alternative for a Writ of Mandamus, against Defendant Thaddeus Jones (“Mayor Jones”), in his capacity as Mayor of Calumet City. Clerk Figgs complains as follows:

NATURE OF THE ACTION

1. This is an action for declaratory judgment, injunctive relief, or in the alternative, writ of mandamus, brought to declare that Clerk Figgs, the elected City Clerk of Calumet City, is entitled to serve as City Clerk and Collector of Calumet City by performing such acts as delineated by the Calumet City Municipal Code and Illinois Municipal Code.

2. Clerk Figgs’ declaratory counts for relief seek to resolve an existing and escalating dispute over whether Clerk Figgs will be able to perform her statutorily directed duties as an

elected official of Calumet City which are currently being stripped away by Defendant Mayor Jones.

3. Clerk Figgs also seeks to enjoin Mayor Jones from continuing to unlawfully remove her statutorily directed duties as an elected official of Calumet City.

4. Injunctive relief is necessary to restore Clerk Figgs' duties for which she was elected to perform, and to reinstate her supervisory role over her office and budgetary responsibilities removed by Mayor Jones.

5. This action is also necessary to protect Clerk Figgs against any and all potential liability she could face due to the unauthorized removal of her elected duties, and the transfer thereof to other individuals.

6. This action is also required to protect Calumet City from any potential liabilities that could be created while individuals other than Clerk Figgs continue to operate the Office of the Clerk of Calumet City without proper authority or supervision in direct conflict with the rightfully elected Clerk's wishes.

7. Clerk Figgs seeks injunctive relief to enjoin Mayor Jones from taking further harmful action against Clerk Figgs that threatens to cause irreparable harm not only to Clerk Figgs, but also Calumet City.

8. Alternatively, Clerk Figgs seeks to compel Mayor Jones to perform his non-discretionary duties in enforcing the laws and ordinances within the municipality of Calumet City to protect, rather than prevent, Clerk Figgs' ability to perform the job she was elected to.

PARTIES

9. Clerk Figgs has worked as the elected City Clerk for Calumet City since taking office in 2011. *See* Affidavit of Nyota Figgs, attached hereto as Exhibit A, at ¶ 4.

10. As City Clerk, Clerk Figgs also holds the position of City Collector for Calumet City, as stipulated by Calumet City Municipal Code § 2-362. *See also*, Ex. A, at ¶ 7.

11. Mayor Jones was elected to the office of Mayor of Calumet City in May of 2021. *See* Ex. A, at ¶ 4.

12. Mayor Jones is sued in his official capacity as Mayor of Calumet City.

JURISDICTION AND VENUE

13. Pursuant to 735 ILCS 5/2-701, this Court has jurisdiction over this action as Clerk Figgs seeks a declaration of her rights and statutorily imposed duties under the following Sections of the Calumet City Municipal Code and the Illinois Municipal Code:

- a. Calumet City Municipal Code § 2-331;
- b. Calumet City Municipal Code § 54-33;
- c. Calumet City Municipal Code § 54-34;
- d. Calumet City Municipal Code § 90-601;
- e. Calumet City Municipal Code § 10-8(b);
- f. Calumet City Municipal Code § 2-362;
- g. Calumet City Municipal Code § 2-63; and
- h. Illinois Municipal Code 65 ILCS 5/3.1-35-90(a)

14. Venue is proper in this Court pursuant to 735 ILCS 5/2-101, as the events that have given rise to this declaratory judgment action occurred in Cook County, Illinois, and Calumet City is a municipality located within Cook County, Illinois.

BACKGROUND

Clerk Figgs' Education and Public Service Experience Serving Calumet City

15. Clerk Figgs received a B.A. from Lewis University in Criminal Justice and Corrections and subsequently received a Master of Science Degree in the same field.

16. Clerk Figgs received additional certifications, including a Master of Municipal Clerk Certification from the International Institute of Municipal Clerks, and served as a Probation

Officer with the Cook County Adult Probation Department prior to being appointed City Clerk in 2011.

17. Shortly after being appointed as City Clerk, Clerk Figgs began receiving accolades, including being named “Women of Excellence” by The Chicago Defender for her successful work as City Clerk for Calumet City.

18. In 2016, Former Illinois Governor James Edgar selected Clerk Figgs individually to participate in the Edgar Fellows Program, and in 2017, Clerk Figgs was President and the first African American Commissioner of the Calumet Memorial Park District.

Clerk Figgs’ Statutory Duties and the 2021 Election

19. Clerk Figgs was initially appointed by former Mayor, Michelle Qualkinbush, as the City Clerk of Calumet City in 2011 and has performed her statutorily directed duties as City Clerk and Collector, without interruption, since she was first appointed. *See* Ex. A, at ¶ 4.

20. After her first term in 2011, the residents of Calumet City chose to re-elect Clerk Figgs in 2014, 2017, and 2021, demonstrating Calumet City’s voters’ confidence in her ability and competence as City Clerk. *Id.*

21. In 2021, when she was once again re-elected as City Clerk of Calumet City, Clerk Figgs received 2,411 votes during the election. *Id.*

22. As City Clerk, some of Clerk Figgs’ duties include preparing notices for special meetings, issuing business licenses, retaining custody and control of all municipality records, and acting as City Collector. *Id.*, at ¶¶ 6-9

23. Also in 2021, Mayor Jones, who is also an Illinois State Representative for the 29th District, was elected to the Office of Mayor of Calumet City for the first time, having received 2,057 votes.

24. Mayor Jones was sworn into office as the Mayor of Calumet City on May 1, 2021.

Clerk Figgs Notifies Mayor Jones of His Failure to Follow Policies and Mayor Jones Removes Clerk Figgs' Statutory Duties Relating to Special Meetings

25. In early June of 2021, one month after Mayor Jones was sworn in, Clerk Figgs brought to Mayor Jones' attention that he was failing to post proper notice and agendas for special city council meetings as required by the Calumet City Municipal Code. *See* Ex. A, at ¶¶ 10-11.

26. In response, Mayor Jones sent Clerk Figgs an email on June 3, 2021, notifying her that he would be removing her statutory duties for the drafting and posting of city council agendas and special meetings, effective that day, and instead would be transferring those duties to Mayor Jones' office. *See* Ex. A, at ¶ 13; *see also* 9:15 a.m. email dated, June 03, 2021, attached hereto as Sealed Exhibit "B".

27. Mayor Jones removed this duty from Clerk Figgs even though the Calumet City Municipal Code specifically directs that the City Clerk shall receive all requests for special meetings in writing stating the time, place, and purpose for such meetings, and prepare notice for any special meeting to be delivered at least 24 hours before the meeting. *See* Calumet City Municipal Code § 2-63.

28. Notably, the Calumet City Municipal Code can only be amended by a majority vote of the City Council.

29. Mayor Jones did not provide any reason or authority for taking such drastic action in transferring Clerk Figgs' duties to his own office and there were no ordinances passed, nor amendments to the Calumet City Municipal Code that provided Mayor Jones with such authority. *See* Ex. A, at ¶ 15.

30. The day after Mayor Jones sent Clerk Figgs the email removing her duties for special meetings, Mayor Jones sent another email to Clerk Figgs accusing her of canceling a

meeting. *See* Ex. A, at ¶ 16; *see also* 6:16 p.m. email dated, June 04, 2021, attached hereto as Sealed Exhibit “C”.

31. Clerk Figgs responded that evening, communicating to Mayor Jones that she did not cancel a meeting, but that she only canceled a calendar invitation prior to an official agenda being posted, and further explained to Mayor Jones that the official agenda serves as notice, not a calendar invitation. *See* 7:09 p.m. email dated, June 04, 2021, attached hereto as Sealed Exhibit “D”.

32. Importantly, Clerk Figgs brought to Mayor Jones’ attention that there was no agenda posted at City Hall in the first place. *See* Ex. A, at ¶ 16; *see also* Sealed Ex. “D”.

33. On June 5, 2021, continuing to escalate the dispute, Mayor Jones sent Clerk Figgs an email demanding her to submit meeting minutes to him for approval. *See* Ex. A, at ¶ 17; *see also* 2:19 a.m. email dated, June 05, 2021, attached hereto as Sealed Exhibit “E”.

34. In response, Clerk Figgs communicated that she would submit the minutes when completed and prepared and reminded Mayor Jones that the Calumet City Municipal Code requires records to be made available only after being approved or accepted by the corporate authorities. *Id*; *see* 11:13 a.m. email dated, June 07, 2021, attached hereto as Sealed Exhibit “F”.

**Mayor Jones Unlawfully Removes Clerk Figgs’ Statutory Duties
Relating to Animal and Business Licenses and Residential Permit Parking**

35. Following the exchange between Mayor Jones and Clerk Figgs over Mayor Jones’ improper demand for meeting minutes, on June 7, 2021, Mayor Jones retaliated and took away additional statutorily mandated duties of Clerk Figgs. *See* Ex. A, at ¶¶ 18-20.

36. Specifically, Mayor Jones emailed Clerk Figgs notifying her that he was removing Clerk Figgs’ duties pertaining to the city’s business licenses and animal licenses and that these duties would be transferred to the City Administrator and Mayor Jones’ office. Again, Mayor

Jones' conduct prevented Clerk Figgs from conducting her essential job duties that she was elected to perform. *See* 8:21 a.m. email dated, June 07, 2021, attached hereto as Sealed Exhibit "G".

37. Also, Mayor Jones informed Clerk Figgs via email that he was removing her ability to issue an annual residential permit parking sticker to every resident that resides in a residential permit parking zone, again stating that this duty would now be the responsibility of the City Administrator and Mayor Jones' office. *Id.*

38. Because the Calumet City Municipal Code directs the City Administrator to be appointed by the Mayor and report directly to the Mayor, the unlawful transfer of Clerk Figgs' duties to the City Administrator is equivalent to Mayor Jones himself usurping Clerk Figgs' statutory duties and taking control of her office against her and her voters' will. *See* Calumet City Municipal Code § 2-402; *see also* Ex. A, at ¶¶ 21-22.

39. Mayor Jones removed these duties from Clerk Figgs even though she is responsible for overseeing the applications for all business licenses and animal licenses, along with the authority to issue business licenses and permit parking stickers, which are statutory duties supported by Calumet City Municipal Code. *See* Calumet City Municipal Code §§ 54-33; 54-34; 10-8(b); and 90-601; *see also* Ex. A, at ¶¶ 21-22.

40. There have been no ordinances passed nor amendments to the Calumet City Municipal Code providing Mayor Jones with this authority, and thus, any actions taken by Mayor Jones in complete disregard of the required procedures for amending an ordinance and thus altering an elected official's duties is highly improper.

**Mayor Jones Unlawfully Removes Clerk Figgs’
Statutory Duties as City Collector**

41. Included in Mayor Jones’ June 7, 2021, 8:21 a.m. email to Clerk Figgs was also a notice regarding change in supervision, directing all of Clerk Figgs’ staff to report directly to Mayor Jones’ office and not Clerk Figgs. *See* Sealed Ex. “G”.

42. As City Clerk, Clerk Figgs also holds office of the City Collector, and as such, Clerk Figgs supervises and oversees the City Cashiers, who are responsible for executing the Calumet City collection process, which includes collecting various fees owed by city residents. *See* Calumet City Municipal Code § 2-362.

43. In addition, Clerk Figgs serves as the City’s Adjudication Officer, where she oversees the adjudication of fines pertaining to parking and traffic court, as well as housing court. *See* Ex. A, at ¶ 22.

44. Oversight and supervisory duties are an integral part of Clerk Figgs’ position as City Collector. *Id.*

45. By removing Clerk Figgs’ oversight of her staff, Mayor Jones has effectively prohibited Clerk Figgs from performing her essential job duties as City Collector.

46. After Mayor Jones removed Clerk Figgs’ supervision over her staff in early June, Mayor Jones continued to retaliate against Clerk Figgs by denying Clerk Figgs access to city resources and public works.

47. Subsequently, Mayor Jones restricted his office from assisting and responding to Clerk Figgs’ requests. *See* Ex. A, at ¶ 23

48. Furthermore, during a meeting in June, Mayor Jones blocked Clerk Figgs from accessing the municipality’s legal department, although Calumet City’s attorneys work for the City—not Mayor Jones. *Id.*

49. These actions have forced Clerk Figgs to retain separate legal counsel for which she has not been reimbursed.

50. Despite all of Mayor Jones' actions, Clerk Figgs has attempted to continue performing all her duties for which she was elected.

51. However, the conditions that Mayor Jones has created are so hostile that Clerk Figgs has been forced out of her office and has had to start working in the park across the street from City Hall. *See* Ex. A, at ¶ 24.

**Mayor Jones Unlawfully Violates Clerk Figgs' Statutory Duties
to Retain Custody and Control of Municipality Records**

52. In July of 2021, Mayor Jones' hostile behavior towards Clerk Figgs escalated.

53. Specifically, on July 20, 2021, Mayor Jones threatened Clerk Figgs with re-keying the locks to her office because she was not willing to provide extra keys to unauthorized employees that would enable them to enter her office which contains municipality records and funds with monies. *See* Ex. A, at ¶ 25; *see also* 10:19 a.m. email dated, July 20, 2021, attached hereto as Sealed Exhibit "H".

54. Clerk Figgs attempted to explain to Mayor Jones that it would be irresponsible to give employees keys to her office because they would then have unfettered access to all records, including confidential information. *See* Ex. A, at ¶ 26; *see also* 11:40 a.m. email dated, July 20, 2021, attached hereto as Sealed Exhibit "I".

55. As City Clerk of Calumet City, Clerk Figgs' duties include retaining custody and control of all papers belonging to the municipality. Calumet City's Municipal Code and the Illinois Municipal Code state that the municipal clerk shall attend all meetings of the corporate authorities, retain a full record of the meeting proceedings, and keep the corporate seal along with all papers

belonging to the municipality. *See* Calumet City's Municipal Code § 2-331 and Illinois Municipal Code 65 ILCS 5/3.1-35-90(a).

56. It is grossly irresponsible of Mayor Jones to compromise Clerk Figgs' safekeeping of Calumet City's office records and funds.

Mayor Jones Prevents Clerk Figgs from Hiring Her Own Staff and Subsequently Hires an Office Manager to Take Over Clerk Figgs' Office

57. Since Clerk Figgs was appointed to City Clerk in 2011, she has continuously had the ability to hire, supervise, and discipline her own staff to assist her in performing her statutorily directed duties. Clerk Figgs has also always had oversight regarding payroll and scheduling for her staff.

58. Clerk Figgs' oversight of her staff has been critical for her to be able to effectively execute the duties she was elected to perform as Clerk of Calumet City.

59. However, Mayor Jones has begun an assault on Clerk Figgs' ability to manage her own office and staff.

60. On July 26, 2021, Clerk Figgs inquired about a previous request for a part-time employee for the City Clerk's office to enable the digitization of all Calumet City records to promote efficiency and organization. Mayor Jones used this opportunity to force Clerk Figgs to jump through arbitrary hoops for her request. *See* Ex. A, at ¶ 27; *see also* 6:45 p.m. email dated, July 26, 2021, attached hereto as Sealed Exhibit "J".

61. When Clerk Figgs made such a request, Mayor Jones asked her to explain and clarify her needs for a part-time employee. Notably, more than 50 other position requests were granted without requiring explanation. *Id.*; *see also* 10:12 a.m. email dated, July 27, 2021, attached hereto as Sealed Exhibit "K".

62. Additionally, prior to Mayor Jones being elected Mayor, Clerk Figgs asked the previous administration about hiring a second deputy to assist her office with administrative tasks and various job duties. *See* Ex. A, at ¶ 28.

63. Clerk Figgs was informed by the previous administration that this position would technically be an office manager and that she would need to request approval while the city budget was being discussed by City Council. *Id.*

64. On July 29, 2021, Mayor Jones held a special meeting to discuss approval of this position as requested by Clerk Figgs. *See* Ex. A, at ¶ 29; *see also* Meeting Minutes dated, July 29, 2021, attached hereto as Sealed Exhibit “L”.

65. At the special meeting, Mayor Jones refused to let Clerk Figgs speak or explain her need for the requested position. *See* Ex. A, at ¶ 30; *see also* Ex. “L”.

66. However, after the special meeting, on September 3, 2021, an individual named Cleo Jones appeared at Clerk Figgs’ office declaring that he was Clerk Figgs’ new office manager, but that he would be reporting directly to Mayor Jones, per Mayor Jones’ orders. *See* Ex. A, at ¶ 31.

67. Mayor Jones has used funds from Clerk Figgs’ budget to pay Cleo Jones’ \$60,000 salary, even though Cleo Jones reports exclusively to Mayor Jones. *See* Ex. A, at ¶ 32.

68. Mayor Jones did not allow Clerk Figgs to have any input in hiring Cleo Jones and she did not have a chance to discuss any of his qualifications or approve his hiring. *See* Ex. A, at ¶ 33.

69. Cleo Jones also currently holds the position of Park Commissioner for the Dolton, Illinois Park District.

70. In fact, the Dolton Park District falls within Mayor Jones' district as an Illinois State Representative.

71. Further frustrating Clerk Figgs' ability to perform her duties, after the hiring of Cleo Jones, Clerk Figgs noticed that all her statutorily directed duties that have been removed from her by Mayor Jones are now being transferred to Cleo Jones, circumventing the will of the voters of Calumet City who elected her.

72. Mayor Jones is directly interfering with Clerk Figgs' office by preventing Clerk Figgs from hiring and having oversight of her own staff, which is impeding Clerk Figgs' ability to act in her official capacity and creating potential liability for Clerk Figgs in the absence of having such control.

73. Given the fact that Clerk Figgs has no supervision or authority over Cleo Jones, and the fact that he is reporting directly to Mayor Jones, the hiring of an office manager for Clerk Figgs' office was nothing more than Mayor Jones' calculated plan to misappropriate Clerk Figgs' office and duties for his personal agenda.

74. As a result of Mayor Jones' wrongful conduct, Clerk Figgs made repeated attempts to resolve this situation with Mayor Jones.

75. Clerk Figgs' legal counsel sent letters to Calumet City's legal counsel in hopes of an amicable resolution, however matters have only escalated and thus, Clerk Figgs found it necessary to bring this Verified Complaint seeking declaratory, injunctive, and other relief.

Mayor Jones Assumes Clerk Figgs' Budget

76. On September 3, 2021, the same day that Cleo Jones started as office manager, Clerk Figgs discovered that money was being spent out of the City Clerk's budget without her approval. *See* Ex. A, at ¶ 36.

77. Clerk Figgs cannot determine who, specifically, is making the expenditures or exactly what the expenditures are, only that her budget is being utilized by a third party at the direction of the Mayor. *See* Ex. A, at ¶ 38.

78. Clerk Figgs has also lost the ability to utilize her own budget and has been completely locked out of accessing such budget even though as City Clerk, she is responsible for various court reporting invoices, adjudication services, and legal fees. *See* Ex. A, at ¶¶ 39-41.

79. Clerk Figgs has continued to request from Mayor Jones and the City Administrator rightful access to her own budget but has not received any response.

80. In assuming control over Clerk Figgs' budget without any formal process or proceeding, Mayor Jones has made it impossible for Clerk Figgs to meet the obligations with her budget or to understand if those duties are being fulfilled. Yet legally, Clerk Figgs remains liable for all outstanding bills and invoices.

Mayor Jones Puts Clerk Figgs' Bond at Jeopardy

81. In addition to Mayor Jones taking control over Clerk Figgs' duties, staff, and budget, Mayor Jones has also put Clerk Figgs' bond in jeopardy.

82. Each elected official of Calumet City has their own bond.

83. As City Clerk, Clerk Figgs has a bond provided by the City to be used in a situation whereby she is sued in her official capacity.

84. The use of her bond would include, for example, instances where Clerk Figgs was sued for allegedly misappropriating her budget, mishandling collections, or failing to exercise her duly elected duties.

85. As recent as September 24, 2021, while Clerk Figgs was out of the office, Cleo Jones appeared and requested from Clerk Figgs' staff that he be granted access to her office. *See* Ex. A, at ¶ 43.

86. Cleo Jones stated that he needed access to Clerk Figgs' office and the vault containing public records. *Id.*

87. Upon being denied entry, Cleo Jones stated that he would gain permission from Mayor Jones. *See* Ex. A, at ¶ 44.

88. After Clerk Figgs received notice that Cleo Jones had tried to gain access to her office, Clerk Figgs informed Mayor Jones that any boxes containing classified records located in her office should not be removed or viewed by anyone other than Clerk Figgs as all such records are to be maintained by the Calumet City Clerk. Clerk Figgs did not receive any response from Mayor Jones. *See* Ex. A, at ¶¶ 45, 50.

89. However, following Clerk Figgs' email to Mayor Jones, Cleo Jones entered Clerk Figgs' office and began rearranging records without Clerk Figgs' permission. *See* Ex. A, at ¶ 51.

90. Then, on October 12, 2021, Clerk Figgs was notified that Cleo Jones was in her office removing boxes containing confidential records despite her previous request that he did not do so without her being present. *See* Ex. A, at ¶ 52.

91. On September 27, 2021, Clerk Figgs discovered that her register was short and Cleo Jones, who counted the register, did not inform Clerk Figgs of such, as he purportedly reports exclusively to Mayor Jones. It is unclear whether Cleo Jones has reported it to Mayor Jones, or anyone at all. *See* Ex. A, at ¶¶ 46-47.

92. Even though Clerk Figgs was not informed about the register discrepancy, as City Clerk, it is Clerk Figgs' bond that is now in jeopardy.

93. Additionally, on September 29, 2021, Cleo Jones began training on Calumet City's Payment System Network, which is the database used to collect various fees owed by Calumet City's residents. *See* Ex. A, at ¶ 48.

94. Clerk Figgs has maintained control over the Payment System Network to oversee collections as the City Collector. However, this is yet another example of Mayor Jones' attempt to overtake Clerk Figgs' office and duties.

95. Because Mayor Jones has restricted Clerk Figgs from any knowledge of how Clerk Figgs' staff is operating, should such staff mishandle City business, Clerk Figgs could be held liable for such acts and simultaneously be required to use her bond to protect and defend herself.

Mayor Jones Fails to Enforce the Laws and Ordinances within the Municipality

96. Mayor Jones' recent actions demonstrate that he is systematically taking control of the City Clerk's office and Clerk Figgs' official duties as the elected City Clerk and Collector of Calumet City, thus preventing her from fulfilling her obligations to her constituents. *See* Ex. A, at ¶ 52.

97. Rather than dutifully enforcing the laws and ordinances of Calumet City, Mayor Jones is obstructing the administration of such ordinances by wrongfully removing Clerk Figgs' statutory duties.

98. Moreover, Mayor Jones has a duty to lawfully enforce the ordinances of Calumet City pursuant to Illinois Municipal Code 65 ILCS 5/6-4-7, which provides in part, that the duties of the mayor shall be to enforce the laws and ordinances within the municipality.

99. As such, Mayor Jones should be enforcing the Calumet City Municipal Code as it stands, which requires protecting Clerk Figgs' ability to perform each duty statutorily prescribed

to her, instead of unlawfully transferring her duties and enforcing his own version of the Illinois Municipal Code.

COUNT I – DECLARATORY JUDGMENT
(REINSTATEMENT OF CLERK FIGGS’ DUTIES
PER THE CALUMET CITY MUNICIPAL CODE)

100. Clerk Figgs incorporates and realleges paragraphs 1-98 as though fully set forth herein.

101. As the elected City Clerk of Calumet City, Clerk Figgs has the duty to perform the official powers and duties statutorily directed to her by the Calumet City Municipal Code.

102. Per Calumet City Municipal Code § 54-33 and § 54-34, business licenses are handled and issued by Clerk Figgs’ office. However, Mayor Jones removed this statutorily directed duty and instead transferred it to Mayor Jones’ office, although the City Council has not amended nor altered the Code to state otherwise, nor did the City Council provide Mayor Jones with the authority to remove such duty.

103. According to Calumet City Municipal Code § 90-601, vehicle parking stickers are to be issued by Clerk Figgs. However, Mayor Jones removed this statutorily directed duty and instead transferred it to the Mayor’s office, although that City Council has not amended nor altered the Code to state otherwise, nor did City Council provide Mayor Jones with the authority to remove such duty.

104. Calumet City Municipal Code § 10-8(b) provides that all applications for animal licenses are to be handled by Clerk Figgs. However, Mayor Jones removed this statutorily directed duty and instead transferred it to the Mayor’s office, although the City Council has not amended nor altered the Code to state otherwise, nor did the City Council provide Mayor Jones with the authority to remove such duty.

105. Per Calumet City Municipal Code § 2-362, Clerk Figgs additionally holds the office of City Collector. Despite this, Mayor Jones has removed Clerk Figgs' supervisory role over the collection clerks, which is an integral aspect of acting as City Collector, and her role as the City's Adjudicator where she oversees the adjudication of fines for parking, traffic, and housing court. Thus, Mayor Jones is directly interfering with Clerk Figgs' statutory authority to perform her duties as City Collector.

106. Calumet City Municipal Code § 2-63 governs the procedure for special meetings, requiring those calling the special meeting to provide notice to Clerk Figgs, and Clerk Figgs thereafter to provide official notice of the meeting. However, Mayor Jones removed this statutorily directed duty and instead transferred it to the Mayor's office, although City Council has not amended nor altered the Code to state otherwise, nor did the City Council provide Mayor Jones with the authority to remove such duty.

107. Clerk Figgs asks that this Court reinstate all such duties prescribed by the Calumet City Municipal Code that have been illegally removed from her by Mayor Jones.

WHEREFORE, Plaintiff Nyota Figgs respectfully requests this Court enter an Order awarding the following relief:

- a. Declare Nyota Figgs, as elected to the office of City Clerk for Calumet City, is entitled to serve as City Clerk and Collector and perform all such acts and duties that are statutorily directed to those offices by the Calumet City Municipal Code;
- b. Reinstatement of all her duties that have been directed to Clerk Figgs by the following authority:
 - i. Calumet City Municipal Code § 2-331;
 - ii. Calumet City Municipal Code § 54-33;
 - iii. Calumet City Municipal Code § 54-34;
 - iv. Calumet City Municipal Code § 90-601;

- v. Calumet City Municipal Code § 10-8(b);
 - vi. Calumet City Municipal Code § 2-362; and
 - vii. Calumet City Municipal Code § 2-63;
- c. Preliminarily enjoining Mayor Jones from unlawfully removing Clerk Figgs' statutory duties as Clerk Figgs has an established right pursuant to the Calumet City Municipal Code to perform such duties prescribed to the City Clerk and Collector of Calumet City, as Clerk Figgs was duly elected to such positions. As such, Clerk Figgs' right requires protection from the current unlawful removal of her duties and misappropriation of her budget by Mayor Jones;
- d. Finding that in the absence of a Preliminary Injunction, Clerk Figgs will suffer immediate, irreparable harm due to the ongoing nature of Mayor Jones' unlawfully removing Clerk Figgs' duties, misappropriating her budget, and subjecting her to liability of other's actions. Finding that Clerk Figgs does not have an adequate remedy at law as money damages will not protect Clerk Figgs nor compensate her for the irreparable harm caused as a result of Mayor Jones' unlawful removal of her statutorily directed duties;
- e. Finding that Clerk Figgs is likely to succeed on the merits as she has a statutory right to perform such duties statutorily directed to her as City Clerk and Collector by the Calumet City Municipal Code;
- f. Finding that the balance of equities between the parties supports the requested injunctive relief as Mayor Jones would suffer no harm in ceasing the unlawful transfer away of Clerk Figgs' duties, nor would Mayor Jones suffer harm by Clerk Figgs having her statutorily directed duties reinstated. Finding that the benefits of

granting injunctive relief therefore outweigh any remote or possible injury that Mayor Jones could suffer as a result thereof;

- g. Finding that the public interest weighs in favor of supporting injunctive relief as the residents of Calumet City elected Clerk Figgs to perform such City Clerk and Collector duties as prescribed by statute; and
- h. Clerk Figgs' attorneys' fees, and any other relief this Court may deem appropriate.

COUNT II – DECLARATORY JUDGMENT
(REINSTATEMENT OF CLERK FIGGS'
DUTIES PER THE ILLINOIS MUNICIPAL CODE)

108. Clerk Figgs incorporates and realleges paragraphs 1-106 as though fully set forth herein.

109. Per Illinois Municipal Code 65 ILCS 5/3.1-35-90, Clerk Figgs shall have other duties prescribed by the corporate authorities, which include her designated duties regarding business licenses, animal licenses, and vehicle stickers, as specifically directed by the Calumet City Municipal Code.

110. The Illinois Municipal Code also provides that Clerk Figgs shall attend all meetings of the corporate authorities, retain a full record of meeting proceedings, and keep the corporate seal along with all papers belonging to the municipality.

111. Despite these statutorily prescribed duties, Mayor Jones has given unauthorized employees access to Clerk Figgs' office, where the records and money funds belonging to the municipality are kept, of which the Illinois Municipal Code directs to be retained within the custody and control of the City Clerk.

112. Mayor Jones has impeded Clerk Figgs' duties with respect to the safekeeping of all records and funds belonging to the municipality, which has put Clerk Figgs in jeopardy of bearing liability should any unauthorized individual engage in misconduct.

113. Because Mayor Jones has unlawfully violated and removed duties directed to Clerk Figgs, Mayor Jones has therefore violated the Illinois Municipal Code.

WHEREFORE, Plaintiff Nyota Figgs respectfully requests this Court enter an Order declaring that Nyota Figgs, as elected to the office of City Clerk for Calumet City, is entitled to serve as City Clerk and Collector and perform all such acts and duties that are statutorily directed to those offices by the Illinois Municipal Code as well as awarding similar relief as that sought by Count I. Specifically, Nyota Figgs respectfully requests that this Court reinstate all duties that have been directed to her by Illinois Municipal Code 65 ILCS 5/3.1-35-90(a).

COUNT III—WRIT OF MANDAMUS
(PLED IN THE ALTERNATIVE TO COUNTS I AND II)

114. Clerk Figgs incorporates and realleges paragraphs 1-98 as though fully set forth herein.

115. Clerk Figgs has a clear right to the relief requested pursuant to the Calumet City Municipal Code and the Illinois Municipal Code, and to specifically act as and perform such duties prescribed to City Clerk and City Collector of Calumet City. These same duties are required to be lawfully enforced by Mayor Jones.

116. Mayor Jones has a clear non-discretionary duty under Illinois Municipal Code 65 ILCS 5/6-4-7 to enforce the laws and ordinances within the municipality.

117. Mayor Jones has failed to exercise his non-discretionary duty to enforce the laws and ordinances within the municipality by directly providing for the transfer away of Clerk Figgs' statutorily directed duties to his own office.

118. Mayor Jones is legally required to enforce the Calumet City Municipal Code as promulgated, which requires protecting Clerk Figgs' ability to perform each duty statutorily prescribed to her, instead of interfering with the enforcement of the Code by usurping Clerk Figgs' duties.

119. Mayor Jones' failure to exercise his non-discretionary duty has deprived Clerk Figgs of her statutory right to perform such acts and duties that she was elected to perform as City Clerk and Collector.

120. There is clear authority for Mayor Jones to comply with this Court's writ of mandamus.

121. Mayor Jones' on-going failures to exercise his non-discretionary duties requires this Court to issue a writ of mandamus requiring Mayor Jones to exercise his duties and directing Mayor Jones to act pursuant to Illinois Municipal Code in enforcing the laws and ordinances within the municipality and thereby enforcing ordinances that direct duties solely to Clerk Figgs as City Clerk and Collector.

WHEREFORE, in the alternative, Plaintiff Nyota Figgs respectfully requests this Court issue a Writ of Mandamus requiring Defendant Thaddeus Jones to exercise his mandatory duties in enforcing the laws and ordinances within the municipality of Calumet City and thereby enforcing ordinances that direct duties to the City Clerk and Collector.

Dated: October 13, 2021

Respectfully submitted,

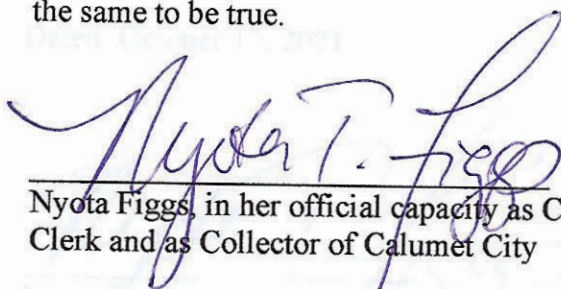
NYOTA FIGGS, in her official capacity as
City Clerk and Collector of Calumet City

By: /s/ Samuel G. Royko
One of Her Attorneys

Samuel G. Royko
Mathew D. Dudek
Alyssa H. Friedman
The Royko Group, LLC
300 S. Wacker Drive, Suite 1700A
Chicago, Illinois 60606
Telephone: (312) 600-8105
sroyko@roykogroup.com
Firm ID: 65729

VERIFICATION

Under penalties as provided by law pursuant to § 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in the instant Verified Complaint are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.


Nyota Figgs, in her official capacity as City
Clerk and as Collector of Calumet City

Dated: October 12, 2021



EXHIBIT A

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CHANCERY DIVISION**

Nyota Figgs, in her official capacity as City
Clerk and as Collector of Calumet City,

Plaintiff,

vs.

Thaddeus Jones, in his official capacity as
Mayor of Calumet City,

Defendant.

**AFFIDAVIT OF NYOTA FIGGS IN SUPPORT OF PLAINTIFF'S VERIFIED
COMPLAINT FOR DECLARATORY JUDGMENT, INJUNCTIVE RELIEF,
OR IN THE ALTERNATIVE WRIT OF MANDAMUS**

Nyota Figgs, under oath, hereby states as follows:

1. I am the plaintiff in the present matter.
2. I am a resident of the State of Illinois.
3. I have personal knowledge of the facts set forth below.
4. I was appointed City Clerk of Calumet City in 2011 and have served as City Clerk since that time, having been most recently re-elected as City Clerk in 2021.
5. As City Clerk, my duties are prescribed by the Calumet City Municipal Code and Illinois Municipal Code.
6. Per the Calumet City Municipal Code, as City Clerk, my duties include, but are not limited to, the following:
 - a. Overseeing applications for business licenses;
 - b. Issuing business licenses;
 - c. Issuing residential permit parking stickers;

- d. Overseeing applications for animal licenses;
- e. Receiving requests for special meetings; and
- f. Preparing notices of special meetings.

7. As City Clerk, the Calumet City Municipal Code designates that I additionally hold office as City Collector.

8. As City Collector, my duties include, but are not limited to, the following:

- a. Supervising and overseeing the City Cashiers for the collection process;
and
- b. Holding office as City Adjudicator and overseeing the adjudication of fines for parking, traffic, and housing court.

9. Per the Illinois Municipal Code, as City Clerk, I also am charged with keeping the corporate seal and all papers belonging to the municipality.

10. Shortly after Mayor Jones took office, I alerted him to policies and procedures that he was not following properly.

11. Specifically, I alerted Mayor Jones that he was not properly posting notices for meetings as required by the Calumet City Municipal Code.

12. Days after I notified Mayor Jones of this issue, Mayor Jones started unlawfully removing my statutory duties as City Clerk and Collector and instead transferring them to his own office and/or to individuals under his control with instructions to report to him.

13. Mayor Jones sent me an email on June 3, 2021, removing my duties for drafting and posting city council agendas and special meetings and transferred those duties to Mayor Jones' office.

14. I informed Mayor Jones that I did not understand why he was removing my statutorily protected duties.

15. Mayor Jones did not provide and has never provided any basis or explanation for removing my duties and has refused to return them to me.

16. On June 4, 2021, the day after Mayor Jones removed my duties for drafting and posting city council agendas, Mayor Jones sent me an email accusing me of cancelling a meeting. However, I did not cancel any meeting. I only canceled a calendar invitation prior to an official agenda being posted, and I further explained to Mayor Jones that the official agenda serves as a notice, not a calendar invitation. I also brought to Mayor Jones' attention that there was no agenda posted at City Hall.

17. On June 5, Mayor Jones sent me an email demanding I submit meeting minutes to him for approval. I responded that I would submit the minutes when completed and reiterated that the Calumet City Municipal Code requires records to be made available only after being approved or accepted by the corporate authorities.

18. On June 7, 2021, Mayor Jones emailed me notifying me that he was also removing my duties pertaining to the city's business licenses and animal licenses and that these duties would be transferred to the City Administrator and Mayor Jones' office.

19. Mayor Jones also notified me on June 7, 2021, via email, that he was removing my ability to issue a residential permit parking sticker to every resident that resides in a residential permit parking zone and informed me that this duty would now be the responsibility of the City Administrator and Mayor Jones' office.

20. Also contained within Mayor Jones' email correspondence dated June 7, 2021, Mayor Jones informed me that I would no longer be supervising my staff, and that my entire staff should now be reporting directly to Mayor Jones' office.

21. I informed Mayor Jones that I did not believe he had the authority to remove the supervision of my staff from me and transfer that authority to his office.

22. Oversight and supervisory duties are integral parts of my position as City Clerk, City Collector, and my role as City Adjudicator, and Mayor Jones' interference with these duties has had and continues to have an adverse impact on my ability to perform my duties.

23. Later in June of 2021, Mayor Jones restricted all remaining staff from assisting and responding to my requests. He also blocked me from accessing the municipality's legal department, forcing me to retain separate legal counsel.

24. By late June, Mayor Jones' behavior towards me was so hostile that I felt I could not work in my office, and I had to start working in the park across the street to fulfill my duties and continue representing my constituents.

25. On July 20, 2021, Mayor Jones threatened to re-key the locks to my office because I was not willing to provide extra keys to enable unauthorized employees access into my office, which contains municipality records and funds with monies.

26. I tried to explain to Mayor Jones that it would be irresponsible to give employees keys to my office as the office needed to always be monitored to ensure the safekeeping of the records and funds.

27. On July 27, 2021, I requested a part-time employee for the City Clerk's office to enable digitization of all Calumet City records to promote efficiency and organization. I was

informed by Mayor Jones that I needed to explain my needs although over fifty (50) other position requests had been granted by the Mayor's office without the need for any explanation.

28. Prior to Mayor Jones being elected, I asked the previous Mayor's office about hiring a second deputy. I was informed that this position would technically be an office manager.

29. When I subsequently made a formal request to hire an office manager to Mayor Jones, he held a special meeting on July 29, 2021, to discuss approval of my selected office manager with city council.

30. At the special meeting, Mayor Jones prohibited me from speaking at the meeting and explaining my needs with regards to hiring an office manager.

31. On September 3, 2021, an individual named Cleo Jones showed up in my office, declaring that he was the newly hired office manager and that he would be reporting directly to Mayor Jones and not me.

32. Mayor Jones also used funds from my budget to hire the new office manager with a \$60,000 annual salary without my authorization.

33. I did not have any input in the hiring of Cleo Jones, nor did I know that Mayor Jones was hiring him and instructing him not to report to me, the Clerk of the City of Calumet, but instead to Mayor Jones himself, circumventing my ability and authority to run the office I was elected to serve.

34. Following the hiring of Cleo Jones as the new office manager, the duties that Mayor Jones removed from me have been transferred to Cleo Jones, and effectively placed under Mayor Jones' control.

35. Mayor Jones has also informed my staff that they are no longer reporting to me, but instead, they have been ordered to report to Mayor Jones' office. Mayor Jones has removed my

ability to oversee my staff, to schedule payroll, and to schedule other essential functions as they relate to my office.

36. On September 3, 2021, I discovered that money was being spent out of my budget without my approval.

37. Again, Mayor Jones was improperly authorizing himself or another individual at his direction to appropriate funds from my budget without my involvement or approval.

38. I am unable to determine who is making the expenditures or exactly what the expenditures are, but I can see that my budget is being utilized by a third party.

39. I have also been locked out of my budget even though I am responsible for various bills regarding court reporting, legal fees, and adjudication services.

40. By locking me out of my budget, Mayor Jones has made it impossible for me to meet the obligations connected with my budget or to understand if those duties are being fulfilled. I believe I may remain liable for all outstanding bills as the City Clerk.

41. As an elected official of Calumet City, I have a bond provided by the City to be used in situations where I am sued in my official capacity.

42. Mayor Jones has restricted me from obtaining knowledge of how my staff is operating, and if my staff mishandles City business, both myself and the City of Calumet may be required to use my bond to protect and defend me.

43. Mayor Jones' interference with my elected duties has continued to escalate. Most recently, on September 24, 2021, Cleo Jones appeared outside of my office while I was not present and demanded that he be given access to my office and the vault containing city records.

44. Upon being told that he could not gain access, Cleo Jones informed my staff that he would seek permission from Mayor Jones.

45. I informed Mayor Jones that I believe that any boxes containing classified records that are located in my office should not be moved or viewed by anyone without me being present as such records are to be maintained by the City Clerk.

46. On September 27, 2021, I discovered that my register was short and Cleo Jones, who counted the register, did not inform me that the register was short.

47. On September 28, 2021, I discovered that the registers were not reconciled, and again, I was not informed by Cleo Jones or anyone else at the Mayor's direction

48. On September 29, 2021, Cleo Jones began training on the City's Payment Service Network.

49. The Payment Service Network is the program the City of Calumet uses to process various bills that residents must pay and is the system I oversee as City Collector.

50. On September 30, 2021, I emailed Mayor Jones about he and his office removing records from my office and requested that it not happen without my permission. I never received a response from Mayor Jones.

51. On October 2, 2021, Cleo Jones rearranged records contained within my office without my knowledge or permission.


52. On October 12, 2021, I was notified that Cleo Jones was in my office removing boxes containing confidential records despite my previous request that he did not do so without me being present.

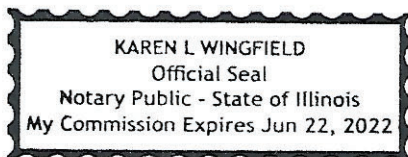
53. Mayor Jones' recent actions demonstrate that he is attempting to take control of my office and duties and preventing me from fulfilling my obligations to my office and constituents and his behavior has escalated to the point of an emergency and I believe it will continue to escalate unless the Court intercedes.

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this Affidavit are true and correct, except as to matters herein stated to be on information and belief, and, as to such matters, the undersigned certifies that she verily believes the same to be true.

Dated: October 12, 2021


Nyota Figgs


Notary



SEALED EXHIBITS B-L

(Motion for Protective Order to be filed)