



**CITY COUNCIL MEETING  
CLOSED SESSION  
ALDERMANIC LIBRARY  
2<sup>ND</sup> FLOOR  
MAY 26, 2009**

**PRESENT:**

Aldermen Fiske                      Alderman Tendam  
Alderman Wynne                      Alderman Grover  
Alderman Wilson                      Alderman Rainey  
Alderman Holmes                      Alderman Burrus

**ABSENT:**

Alderman Jean-Baptiste

**STAFF:**

Chief Eddington, Rolanda Russell Interim City Manager

**PRESIDING:**

Mayor Tisdahl

**START:**

9:45 p.m.

**Personnel**

Chief Eddington thanked the Council and Mayor for allowing him the opportunity to communicate actions of Police personnel and the incidents leading up to the shooting and loss of life to Mr. York. He prefaced his remarks by saying any loss of life is always tragic when it comes to a violent end. He also stated some of the public statements do not match privately what's going on, with the counseling and other factors as it relates to Mr. York's significant other and family members. He is also concerned about the officers involved, because many times after an incident where a life is terminated, 50% of the officers leave the force. He is also concerned about the officer who was wounded, because the wound got infected and the Officer is back in for medical treatment.

Chief Eddington gave the unfolding detailed report of the incident to the Council: There had been multiple phone calls about a man chasing another man down the street with a knife. Mr. York and his landlord became engaged in an argument over money. Mr. York wanted his deposit back even though he was still living on the premises. The handyman

was in the apartment with Mr. York's common-law wife and was able to distract Mr. York's attention from the landlord whom he had backed up into a corner of the house. This allowed the landlord to escape the house and run down the street, as Mr. York refocused on the landlord he began chasing him, gave up the chase and returned to the house where he confronted the handyman downstairs in the basement. The handyman is trapped by Mr. York and when the officers came down the stairwell, they found the handyman on his back on the floor with his hands and feet up trying to keep Mr. York off of him. The officers observed Mr. York standing over the handyman with a knife. They identified themselves and ordered Mr. York to put the knife down. Mr. York then turned and began moving toward the officers to the point their backs were literally against the wall with the knife still in a threatening position.

Fearing for their lives the officers opened fire and one of the officers round hit the other officer's ring finger and into Mr. York's chest. Mr. York continued to move towards the officers and the third officer also opens fire, and by the time it was all over (about 3 seconds) eleven shots were fired into Mr. York. The Chief then stopped to allow for questions or concerns from the Council.

Alderman Rainey wanted to know what kind of stories are on the street. Chief stated there were domestic disturbances between Mr. York and his common-law wife (that was the one the Chief was most familiar with), but he said there were probably more out there.

Alderman Grover wanted to know which officers discharged their weapons and how many times did the one coming down the stairs discharge. Her second question, "were Mr. York and his family already in our system. Chief Eddington replied the officer coming down the stairs fired two rounds, the officer who was wounded fired four times, and the second officer fired five times. The York family was not in the system.

Alderman Holmes informed the Council that the Chief had come to her Ward meeting and explained the bizarre circumstances with Mr. York and his wife and significant other, and the mother of his twins and the twins were at the meeting as well. She wanted to let the Council know that the Chief did an exceptional job trying to answer all the questions as well as giving details of the events. She also stated the rumor was three to five shots and she never heard anything more than that until they received the report.

Alderman Fiske was concerned about the eleven shots fired and whether the officers were very young, and did they give any thought to the handyman on the floor about being injured with one of the rounds possibly hitting him. Are the police officers trained enough to stop firing? Can a person still move forward after being shot?

Chief answered yes, he had been shot and was still able to assist and take the person into custody. He went on to explain how, even after being shot in the heart, a person still has ten to fifteen seconds of functional oxygen in his brain to accomplish what he want to do for those remaining seconds. It takes a quarter of a second to fire a shot, and within three

seconds eleven shots were fired. He also brought a pocket knife similar to the one Mr. York used to show the Council.

Alderman Fiske questioned the lack of stopping the victim with a shot to the leg or another body area. Chief Eddington answered we are trained to shoot for center mass. Realistically it's the quickest way to stop the threat because it causes the most damage to the human body.

Alderman Wynne announced the word going around the High School is that he had a machete. Do we know what his alcoholic level or any other drugs in his system? Chief stated they had called the examiner's office and discovered they do not routinely check for cannabis. The alcohol level was high.

After Chief Eddington had answered all of the questions directed to him, the Mayor then thanked him and the Chief left the session.

### Personnel

Interim City Manager Rolanda Russell stated she received an email from Mayor Tisdahl asking her to cease the process for hiring of Department Directors, because the candidates wished to hire their own Directors. She will not do any more than collect resumes for the open positions, except for the First Assistant Corporate Counsel. Jack Siegel the Corporation Council has the authority for the Legal Dept. They have worked together with an interview team and narrowed the search down to two finalists. The past Council said to go forward and find a person with experience in litigation. At this time no one in the department can litigate any of these cases. She stated it is extremely expensive for the City. The Interim First Assistant Corporate Council did not have the experience and so she did not make the second round of interviews. We have been interviewing for the past few months and have received over forty applications. The plan was to have the legal staff to meet with the two candidates this week and then make an offer. One of the candidates is an Evanston resident Bob Eagan. The other candidate Adam Kingsley has over twenty years of experience in a private firm with litigation and municipal experience, and has worked with Jack Siegel before. Ms. Russell clearly understands the new City Manager would like to recruit their own Department Directors, but she would like to go forward with hiring the First Assistant.

Alderman Rainey said she didn't know how many others had talked to Mr. Siegel, but every time you talk to him he is constantly complaining and moaning and she feels we should stop using him. She believes he will do anything to get back in the game, but he just isn't up to par as he was in the past. She stated when she asked the question she did not make any distinction between the Public Works department and the Legal and she feels that Mr. Siegel is pushing his friends. She then asked if Mr. Eagan ran for Judge once.

Alderman Wynne directed everyone's attention to the last paragraph on the page from Mr. Siegel's letter starting with we must have someone on board who is competent....She

felt that he just wrote his resignation letter and that they haven't gotten much value from him in the last three or four years.

Alderman Grover stated she was fine with allowing Ms. Russell to go ahead and obtain the assistants to the Directors, and felt we are spending too much money on outside help if we could get someone in house to do the same work.

Alderman Holmes asked if we knew why Mr. Siegel has not been involved more, and if he's the head of the Department why haven't we used him more.

Aldermen Wynne and Rainey replied it was his responsibility to supervise these people that's what his job has been, and Alderman Wynne does not think he has done that.

Alderman Rainey stated he used to be here all the time, but lately whenever he shows up he always have to leave to go somewhere else and that has been going on for years.

Alderman Holmes wanted to know why he hasn't been working with staff, because that is her biggest concern.

Ms. Russell interjected that according to Mr. Siegel, Julia Carroll had stated she no longer wanted to use his services and had instructed staff not use him.

Alderman Wilson is very concerned about how we use attorneys and the legal staff we have in the City. Especially the fees we are paying to outside legal advisers. He also felt that some of the cases handled by Mr. Siegel were not in the best interest of the City of Evanston. He also questioned the free services that a firm offered and he refused to accept, and was surprised that Mr. Siegel kept the case for himself and not avail himself the offered services of a distinguished law firm.

Ms. Russell explained that they did not use the "free services" because after staff investigated the offer it was not so free after all. Any of the cost associated with the case we would pay and we didn't know how protracted it would be.

Alderman Wilson said what he is reading is that Mr. Siegel is looking for someone to send work his way.

Alderman Holmes asked about the attorneys who handled the Township was that from our legal department?

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~~Alderman Wynne said Hoover & Hoover were the Township attorneys.~~

Alderman Holmes asked if the second set of Attorneys came from Mr. Siegel. Thanks to Aldermen Jean-Baptiste and Moran they were able to get the Attorney fees down from their original amounts, because we refused to pay them.

Alderman Rainey said we can't disregard the Hoover expenses.

Alderman Wynne would like to look again at the stack of candidates. She believes that Mr. Eagan does not have the experience we need to get the job done. She said we need to get someone in quickly because our legal staff is in a shamble, but we don't want to make a mistake.

Ms. Russell replied the second outside firm was a recommendation from our legal department (Ian Johnson). Also she stated we had paid Mr. Siegel approximately \$50,000.00 for the past year for daily correspondence and projects. Ms. Russell proposed setting a limit so that he would not exceed a total amount of fees whether it is \$10,000 or \$20,000. In her conversations with individuals concerning Bob Eagan even though a lot of his experience is in criminal law, he has done a lot of teaching as well, and the young attorneys in our law department may need some coaching and teaching.

Alderman Wynne said any experienced lawyer who has done zoning or contract litigation is negotiating counsel. Alderman Wynne believes that anyone who has done mostly criminal work has a different aspect of the law than all of these other issues. We need someone who can look at all of these police cases that come through the door. We continue to have problems with supervising outside Law firms. Brian who lost a thirteen million dollar case that almost bankrupted the City of Evanston, is still with a law firm that we use and it is inconceivable.

Ms. Russell stated she instructed the legal department not to use him twice before.

Alderman Fiske asked if Brian was selected by the legal staff or by Mr. Siegel. She also disclosed her son works for Holland & Knight, and he used to work for the City of Evanston. He has never worked for Mr. Siegel and he does not disclose anything to her (she and her son do not discuss City issues). She pointed out when Julia Carroll came on board Jack Siegel was not being used any more, and that he was no longer welcomed to do services for the City of Evanston. She also stated that other municipalities contract out legal instead of paying hourly fees, and if we could do that she would really like to know. She is not ready to throw Mr. Siegel out yet, but she does want some explanations of how he's been failing, and if he has been failing then who do we go to. She believes if Mr. Siegel is promoting someone from Holland & Knight he is doing it for his own benefit. All the communities he represents are his communities and not the law firm's. She would like to know if there are any other candidates from the pile of applications they could look at again because she doesn't feel entirely comfortable with either of the two candidates.

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~~Ms. Russell stated they received applications, interviewed about fifteen individuals and the two that you have come close as we can find with experience in personnel, trial experience, and municipal experience. There were some number threes and fours with less experience in all of those areas. Either they had all private experience, no municipal experience and they would be starting from scratch; or they didn't have the trial experience, nor did they possess any degree of negotiating skills. As a result these were~~

the top two in terms of experience. She felt that the new City Manager should keep Mr. Siegel at least a year, because he has the institutional knowledge.

Alderman Wynne expressed the discussion that was held with the previous council when Ms. Russell stated none of the candidates excited her and the Council agreed with her to not settle for less.

Ms. Russell continued by saying they kept interviewing and for whatever reason these remained the top two. They started this process in December and the advertisements have been posted.

Alderman Wilson's fundamental problem with these candidates is they are very heavy on litigation, but what we need is someone who is very strong in land use, municipal law, and personnel issues because these are all the things that will prevent lawsuits from happening. So the person in house must be the person who keeps us out of trouble. He stated that today you will find a lot of Lawyers on the streets in droves, and these are people with a lot of experience because they are senior people who don't have businesses. Going with someone with a lot of litigation experience is more of a reactive strategy than a proactive one.

Alderman Rainey agrees with everything that was said by Alderman Wilson and Wynne. She believes our attorneys need someone who has been in the business for awhile, and who has a firm municipal background. There are firms that hire City Managers and Lawyers and she felt this is the one area the Council should not be doing themselves. There has got to be another option and a pool of people out there whom we would never have reached. She feels that they should instruct the new City Manager to make this a priority, and when they get here to hire a Corporate Lawyer.

Alderman Grover stated that hiring the Corporate Counsel falls to the City Manager. It sounds like we are looking for someone who understands Risk Management, but also managing lawsuits and avoiding them. Her question was who reviews these bills, and the answer was the law department.

Alderman Burrus wanted to know what the best practices were, whether in-house or not, and how can we find that out. We need to reconstruct our legal department because people are laughing at our legal staff. Is Elke running the show? What is her background and how many people are in the legal department?

Ms. Russell replied we have five Attorney positions and two executive secretaries. Each Attorney has their own specialty, Ken Cox is zoning, Beth tries cases. As for best practices, each City uses its own strengths and will either keep cases in or contract them out to a private firm.

Alderman Burrus stated she was not very impressed with the advice we get from the legal department and Ms. Purze did not impress her either and she believes she will not take a

stand on the hard decisions. Finally she asked if the legal department is told not to hire someone and they continue to do so, why then are they still here.

Ms. Russell said she told Ms. Purze not to hire them again, and Ms. Purze response was that she did not know that Mr. Cox had gone ahead and she had not communicated that to him. Ms. Russell said she has not fully investigated the incident as of yet but she will.

Mayor Tisdahl said she agrees that we have problems with our legal department because one of the top zoning attorneys in Chicago said oh if you have nothing to do just sue Evanston and that works for him. She appreciates Ms. Russell's search efforts because this is the first time she has come across where she can't trust her attorneys. It's like walking through a mind field that could explode any moment. If Alderman Wilson believes that there would be more possibilities that are present now than when Ms. Russell began the search, we should look back through the pile.

Alderman Rainey does not believe that either candidate will fit the bill for what we are looking for in First Assistant Corporate Counsel, and she was wondering if Ms. Russell should get a headhunter to perform the search. She also felt that Mr. Siegel while on the interviewing team is not the most impartial person to have.

Ms. Russell said the previous Council said to find someone with trial experience, which is the most significant thing we need right now – trial experience and municipal experience with emphasis on trial so that person will understand when to send something out and when to hold. She also had been working with Ms. Voorhees on the Community Development and Public Works resumes. When she received the hold request she instructed her to call the really good ones, and inform them it will be a couple of months before they would get back to them. She stated that Ms. Voorhees would be a good person to tap into for an additional search, but we must be very clear on what we are looking for.

Alderman Wynne said we need someone who can look at what is going on in litigation matters and understand where it is and be able to make judgment calls and assess whether it is of value. We need someone with land use, zoning, municipal as well as trial experience.

Alderman Holmes questioned the rejection of both candidates just from looking at their resumes, because after talking to someone they may appear better than the resume portrays them. What makes you think that Mr. Kingsley would be giving Mr. Siegel work?

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Aldermen Rainey and Wilson answered because he works for him and if he gets the job because of Mr. Siegel's recommendation, the first time he can farm out business he would give to Mr. Siegel.

Ms. Russell explained that as of February Mr. Kingsley was no longer associated with Holland & Knight. He has a degree from both Cornell and Duke. He not only has

experience in municipal law he has experience in court, land use, TIF, zoning, employment law, and preservation – everything that we do.

Alderman Wilson would like to run some ads in Chicago Law Book, Crain's and see what kind of response we get. Maybe we won't get a large response, or we might just get lucky now that so many lawyers are now unemployed.

Alderman Fiske said she was a little bit troubled with the discussion with Mr. Siegel and the candidates, but whatever the decision concerning Mr. Siegel she will support it. She wanted to know what the current contract with Mr. Siegel entails. She then gave a brief synopsis of his qualifications and then suggested to take Mr. Kingsley's name off the top of the resume and disassociate him from Mr. Siegel. What this suggests to her then is that this is the kind of person we want and she strongly supports his candidacy.

Alderman Rainey disagrees with Alderman Fiske and states you can not separate the two men especially with the great push Mr. Siegel has for Mr. Kingsley. She feels that Ms. Voorhees should be used to look for the Corporate Lawyer.

Ms. Russell stated she would have no problem working with Ms. Voorhees. That is why she used her in the previous searches because of her strong connections and sense of understanding. She can engage Ms. Voorhees with your suggestions, but she is willing to bet after \$15,000 later (approximate fee is for this search); she will not come up with anyone with as much experience both private, trial, municipal, all the items we have discussed with some additional time loss. She said she could place ads again to see what will come up.

Mayor Tisdahl then asked for a motion for adjournment at the conclusion of everyone's comments and concerns about the First Assistant Corporate Counsel. Mayor adjourned the meeting at 11:30 p.m.

Respectfully submitted,  
Rodney Greene / City Clerk

**A COPY OF THIS SESSION IS ON A CD IN THE CITY CLERK'S OFFICE,  
ROOM 1200.**