

**Evanston City Council
Closed Session Minutes
Aldermanic Library
Monday, August 13, 2007**

PRESENT: Aldermen Wynne, Bernstein, Holmes, Moran, Tisdahl, Rainey,
Wollin, Jean-Baptiste

ABSENT: Alderman Hansen

STAFF: Judith Aiello, Julia Carroll, Herb Hill and Elke Purze

PRESIDING: Mayor Morton

START: 10:58 p.m.

Minutes

Closed session minutes of June 25, 2007 were approved as submitted.

Closed Session Minutes Challenge

First Assistant Corporation Counsel Herb Hill stated aldermen had one item to decide, whether to proceed and release minutes requested by Robert Atkins under the Freedom of Information Act or as a result of the conclusion reached by the attorney general's office. Corporation Counsel Jack Siegel and Mr. Hill disagreed with the assistant attorney general's opinion that the minutes of March 22, 2007 should be released. They believe that the assistant attorney general misunderstood the incidental discussion on the related parcel.

Alderman Tisdahl suggested releasing the minutes to Atkins. Alderman Moran agreed with Siegel and Hill; thought they were correct to be in a closed session and that the assistant attorney general did not understand the issue. Siegel cited the authority used for her opinion was not correct. Moran did not think that Bob Atkins was entitled to the minutes; that Council will take up this issue and debate it in due course. He thought they were correct and should stand by their course. He saw a temptation by some, if they don't stand by with their normal way of proceeding, that Council will have more difficulty maintaining the confidentiality of their executive session minutes.

Mayor Morton asked if Council was willing to go to court with Mr. Atkins. Alderman Moran noted Atkins has taken the Council to court many times and this one would be the cheapest by far.

Alderman Wynne asked the next step if the Council disagrees with the assistant attorney general's opinion. Can they have a further discussion with her in order to point out she is not citing the correct authority.

Mr. Hill said that Mr. Atkins could take action under the Freedom of Information Act or attempt to take action under the Open meetings Act. The next step is for the City to deny his FOIA request.

Alderman Wynne asked if the City has exhausted its appeal process or discussions with the assistant attorney general? Mr. Hill thought it possible the assistant would admit an error, but not probable. If the City says no, the ball is in Mr. Atkins court. Alderman Moran suggested writing to her and providing Jack Siegel's opinion.

Alderman Wynne asked if the FOIA period was up? Mr. Hill had spoken to Mr. Atkins and explained he would call him the next morning regarding the closed session. Officially it was up but unofficially Atkins agreed to extend the time. Alderman Wynne suggested they send her Jack Siegel's opinion. Mr. Hill would contact Mr. Atkins and provide him with a copy of Jack Siegel's letter so that he knows the City's position.

There being no further business to come before Council, Mayor Morton declared the meeting adjourned at 11:17 p.m.

Mary P. Morris, City Clerk