



CITY COUNCIL EXECUTIVE SESSION
Monday, November 7, 2011
Lorraine H. Morton Civic Center
Aldermanic Library

Present: Alderman Wilson Alderman Rainey
Alderman Holmes Alderman Fiske
Alderman Tendam Alderman Braithwaite
Alderman Grover Alderman Wynne

Absent: Alderman Burrus

Others Present: City Attorney Farrar, City Manager Bobkiewicz, Mr. Bill McKenna, Foley & Lardner

Presiding: Mayor Elizabeth B. Tisdahl

Mayor Tisdahl called the meeting to order at 7:00 p.m.

Litigation

City Attorney Farrar introduced Bill McKenna, the attorney representing the City in the JDBY pending litigation case to update Council on the developments.

He reported that after initial depositions, both sides filed motions asking the judge to rule on portions of the case. He does not expect the ruling to happen until early next year.

Mr. McKenna advised Council to not engage in settlement discussions until there is something on the table worth talking about.

He then told Council that he thinks this case will go to trial next year with Judge Mason and that it will be a big-stakes case. When, next year, would depend on the judge's calendar. But, he said, he doesn't know if Judge Mason would be handling the case because JDBY has made a jury demand. He is not convinced however, that they are entitled to a jury demand under the law and is also not convinced that we want a jury. If, in fact, it is a jury trial, it probably won't happen until late 2012 or early 2013.

In other business, Mr. Farrar said Ian Johnson told him about a sales tax case where Kankakee and Channahon are being sued by the RTA and the City of Chicago for loss of sales taxes and wants to know if Evanston would like to join about 15 other

municipalities at no cost to us. Alderman Rainey made the motion to join and it was seconded. There were no objections.

Personnel

City Manager Bobkiewicz called on Mr. Farrar to report on a letter the City received from a New York attorney retained by a City employee who is accusing another City employee of harassing and bullying her. She has also filed a formal complaint with HR. Mr. Farrar stated that the letter claims gender discrimination, race discrimination, harassment and bullying and threatened legal action. The accused also filed a complaint with HR claiming defamation of character and slander and has denied the allegations.

Mr. Farrar said there has been no response so far to his phone calls and emails to the attorney but will follow up with a letter. He will keep Council advised.

Mr. Bobkiewicz told both employees that because there were no witnesses to the altercation, he could not take disciplinary action on either of them. However, he felt it was appropriate to move forward with training of all directors on how to deal with bullying. It will be scheduled after the budget process.

Minutes

Motion was made and seconded to approve the Minutes of October 17, 2011. By unanimous voice vote, the Minutes were approved.

Being no further business, the meeting adjourned at 7:30 pm.

Respectfully submitted by Elaine Autwell, Deputy City Clerk