

**Motion** to convene an Executive Session to discuss pending litigation pursuant to 5 ILCS 120, Section 2(c)(11).

<b>RESULT:</b>	<b>CARRIED [5 TO 1]</b>
<b>MOVER:</b>	Dakotah T. Norton, Trustee
<b>SECONDER:</b>	Ray Semple, Trustee
<b>AYES:</b>	Norton, Rekus, Russell, Kim, Semple
<b>ABSENT / NOT VOTING:</b>	Abernathy

**CALL TO ORDER**

Mayor Lentz called the Executive Session to order at 8:29PM.

**ATTENDANCE**

Clerk Timmerman took the roll. It indicated the following:

Board Attendance

PRESENT: Trustees Kim, Norton, Rekus, Russell, and Semple; Mayor Lentz

ABSENT: Trustee Abernathy

Village Attendance

PRESENT: Attorney Evans, Assistant Village Administrator Flynn, Attorney Marino

**FOIA REQUEST / POTENTIAL LITIGATION**

Mayor Lentz stated that the purpose of the meeting is to discuss the FOIA request pertaining to Trustee Abernathy.

Attorney Marino stated that the FOIA request regards Trustee Abernathy's use of her Village email account for several emails concerning her campaign. The question is whether there was a possible violation of the state ethics law. Attorney Marino explained that the State's Attorney decided to take no action and that the Village of Mundelein is now being extremely judicious and has retained Attorney Tim Evans as Special Counsel to investigate.

Trustee Rekus requested clarification of the chain of events; Attorney Marino and Assistant Village Administrator provided this. Trustee Rekus then asked why the Village needs to pursue this after the State's Attorney determined there is no need for action. Attorney Marino stated that it is the Village's responsibility.

Attorney Evans described the process and research he conducted, which included an interview with Trustee Abernathy and her attorney. He then detailed his conclusion that there was no intentional violation, with no sufficient probable cause to prosecute. He added that moving forward would be tenuous and recommended declining any further action to prosecute.

Trustee Kim asked if this situation is over now and Attorney Evans replied that it should be since there is no standing for lawsuits.

Trustee Rekus asked if the FOIA requester can take further action. Attorney Marino replied that they could make an issue of it in the campaign but can not take legal action.

Trustee Semple sought clarification that Trustee Abernathy did not originate an email on her Village account regarding her campaign but rather replied to one. Attorney Evans answered affirmatively, stating that she merely wanted to respond to a constituent. He reminded elected officials to exercise caution with email, texting and all social media. Trustee Semple noted that this is the first situation since the ethics ordinance was passed 15 years ago and referred to it as a good wake-up call.


Trustee Norton inquired about recommendation for changes to the ordinance to update it. Attorney Marino replied negatively, stating that it follows the state statute.

**ADJOURNMENT**

Motion to adjourn the Executive Session

<b>RESULT:</b>	<b>CARRIED [UNANIMOUS]</b>
<b>MOVER:</b>	Dakotah T. Norton, Trustee
<b>SECONDER:</b>	Holly Kim, Trustee
<b>AYES:</b>	Norton, Rekus, Russell, Kim, Semple
<b>ABSENT / NOT VOTING:</b>	Abernathy

The Executive Session was adjourned at 8:50PM.

  
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Village Clerk