

**Schmidt, David F.**

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**From:** Everette M. Hill [EMHill@KTJNET.com]

**Sent:** Monday, March 10, 2008 12:40 PM

**To:** Schmidt, David F.

**Subject:** RE: Condemnation

Dave, I'm trying to walk a line here that is defined only by facts as I know them. I'm not afraid of walking this line, I just want to keep it defined by the facts and not by speculation. I don't think that the reading of the "statement" or the would be "resolution", if you will, has any legal effect; although I'm not sure exactly what you mean by "legal effect". I also agree, that under Illinois law, you did nothing illegal by making your releases to the press. In telling me what he wanted in the document from which he read, the Mayor didn't ask that an allegation of illegality be made. Dave, this thing is what it is (how's that for ponderous triviality?) I believe my actions in this were consistent with my actions with previous mayors and I don't think my advice was incorrect. I did not advise the mayor one way or the other as to how other aldermen might sign on to the document. As he read it, I assumed he would ask for a show of support from the other aldermen in some fashion. Instead, he read the names of the supporters into the record. Despite my not knowing where that was coming from, I don't think it was illegal. He made the statement publicly, he declared the others' support for it at a public meeting in which each was in attendance, I think. No matter how we look at this or how you or I might characterize it, I don't believe it was in any way illegal. I understand your argument. But once again, we disagree. If I thought it was improper or illegal, I would call it as I see it. Buzz

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**From:** Schmidt, David F. [mailto:dschmidt@cmn-law.com]

**Sent:** Mon 3/10/2008 12:13 PM

**To:** Everette M. Hill

**Cc:** hfrimark@parkridge.us; frankwsol@juno.com; docboc7957@ameritech.net; jallegretti@sbcglobal.net; richd@crosstechinc.com; bibandrobert@comcast.net; carey407@comcast.net; jmaller@parkridge.us; jjohnson@pioneerlocal.com; news-pr@journal-topics.info

**Subject:** RE: Condemnation

Let's see if I can summarize this. It is your view that this statement by the mayor did not constitute a resolution or any other formal action reflecting the will or the sense of the Council, because otherwise, an open vote would have been required, since the Council cannot take any formal action through private one on one conversations between the mayor and other aldermen. Do I have that right?

However, even if that is your position, and that you will stick to it, I am troubled by what was clearly a back door attempt by the mayor to portray his "statement" as something which was approved by a majority of the other aldermen. He asked you to prepare a strong "resolution", he portrayed it to the aldermen as a "resolution", and he effectively read it as a "resolution." If all he was doing was making a statement, then who cares if anyone "approved" it? Once he mentioned that a majority of the other aldermen approved, joined, whatever, he stepped over that legal line. No Buzz, this looks and smells like a resolution that the mayor did not want to put through proper channels because to do so would have been even more embarrassing to him and the others involved than it turned out to be, and would have allowed me and other citizens time to respond and to force the aldermen to justify their use of closed sessions. Instead it was delivered as a brazen sneak attack. Not a big surprise, and not a smart move, a sentiment the public has unanimously expressed in significant numbers since the last Council meeting.

I appreciate that you provided me with the background. However, as you might have expected, I do not agree with your legal conclusion. This was an illegal resolution, pure and simple. More

**EXHIBIT**

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3/10/2008