AGENDA

I. CALL TO ORDER / DECLARATION OF QUORUM
With a quorum present, Madam Chair Holmes called the meeting to order at 7:35 p.m.

Citizen Comments
There were six citizen comments.

II. SPECIAL ORDER OF BUSINESS

HH1 – Evanston Animal Care and Control Operations
City Manager Wally Bobkiewicz indicated that staff was given the assignment to look at the policies and procedures at the Evanston Animal Shelter. It was presented in four areas.

1. Animal Control Policy which was contained in the standing operating procedures used by the Police Department and made appropriate changes pursuant to the discussion that the committee has had over the past few months. The policy began on page 31 and Mr. Bobkiewicz went highlighted the main headings in the policy.

2. The Animal Shelter Fund which was an issue that has been raised with a lack of clarity to where funds that are donated that goes to support the animals. The City has not had a formal place for residents and others interested to make donations to the animal shelter. The proposal was the creation of this fund.

3. Board of Animal Care and Control which proposed that the Mayor with the approval of the City Council would approve a seven member board that would include two City Council members, one person representing the volunteer animal organization, and four members at large. The board would talk about duties; provide feedback and revisions to the Animal Control Policy, fund raising efforts and to look after the operations that would reside within the Police Department.
4. The qualifications and disclosures of any animal volunteer organization that the City would partner with. This would include copies of audited financial statements, disclosure of certain board member information, disclosure criteria of the election to their board, names of full and part-time staff and sharing communications among all volunteers.

Mr. Bobkiewicz reiterated that this was a brief overview of the documents provided. The draft was made available to the committee and members of the public early last week. Also included was a summary of the 26 emails that were received with comments which largely fell into three categories. The first was that the Animal Control Policy did not address enough about the care of cats and the issues regarding the cats needed to be flushed out more. The plan would be to come back before the next meeting with an additional section with cats. The second question raised was regarding fundraising for the shelter and questions as to why the City would raise funds for the shelter and also about what would happened to the funds raised by C.A.R.E. that were collected to support the shelter. There are certainly needs for the shelter and the money would go toward those items. Finally the third major issue raised had to do with the disclosures that there should be additional information disclosed including notes from the audit and mission, values and experience.

Mr. Bobkiewicz indicated that the plan would be to come back with a revised policy at the next meeting after the discussions of the evening. If the committee determines that this in moving in the right direction then the law department would help to create the appropriate ordinances. It would all be brought for Monday and will be on the agenda for City Council for Tuesday.

Alderman Grover expressed that it was what she had envisioned for the City to head into which was to be more explicit about the expectations of the operations of the shelter and role the volunteer agency. She stated that she wanted to make clear that in her mind it is not about C.A.R.E. it is about operations about the shelter and filling in the holes has to the roles that everyone plays. She thought it was a good product to find the right volunteer agency. She expressed her uncertainty of whether or not the current volunteer agency has the leadership or capacity to help the City achieve their goals. She stated that there are terms of this policy that would be non-negotiable and too important to compromise on. She thought it should be sent to C.A.R.E. for them to determine if they could operate under these conditions and if they weren’t interested then we would turn it around to issue an RFP for a successor to run the shelter. The shelter will be on better footing six months from now and there will be a difficult transition as the terms are implemented.

Alderman Burrus asked Mr. Bobkiewicz if we have received a response from C.A.R.E. She also asked if there were any board members from C.A.R.E. at the meeting.

Mr. Bobkiewicz responded they he believed there were members present and they could identify themselves if they wished to speak. He shared that an emailed was received that morning and provided to the committee.

Alderman Burrus thought it was important for the people present to hear what C.A.R.E.’s response was.

Alderman Fiske thought this was going in the right direction. At this point the recommended action would be to negotiate a one year contract with C.A.R.E. and she indicated that it was not an action she could support at this time. She stated that it would be in the best interest of the City to reach out to as many agencies as possible to find out how they operate and their best practices. She thought we would be limiting ourselves if we move forward with just C.A.R.E.

Alderman Tendam stated that he did not understand what the email from C.A.R.E. meant and wasn’t clear on C.A.R.E.’s intentions.

Mr. Bobkiewicz asked Linda Gelb from C.A.R.E., who was present, if she would like to come forward to explain further and she declined.
Alderman Tendam said he cannot support a direction where we are trying to make a connection with an organization and they couldn’t even give us the slightest of feedback except to say it didn’t meet with the committee’s request.

Alder Grover thought that C.A.R.E. wanted to negotiate with the City Manager and not in the public. She thought the agreement was in agreement with the committee’s direction. The leadership of C.A.R.E. may not feel that the goals that we are hoping to achieve are C.A.R.E.’s goals and in which case they would be the wrong agency for this. As long as they understand that there are certain things that are non-negotiable and if they are not willing to collaborate then we would move on.

Alderman Holmes followed Alderman Tendam’s thought about determining what C.A.R.E.’s email really said and believes that we have been more than fair and thought that we deserved a response.

Alderman Fiske stated we are elected officials and we represent the people in our wards and there have been a lot of public outreach and on this. It may be that what C.A.R.E. is looking for but we don’t know because they won’t step up to the microphone is that they want to sit down behind closed doors and negotiate with the City Manager and frankly she is not willing to do that. She indicated that all of the parties involved are at the meeting and it was the time for everyone to be talking about it and she couldn’t understand why C.A.R.E. was not responding. If C.A.R.E. requests to negotiate with the City Manager she will request that it would be an open meeting.

Alderman Grover thought the questions should be to care if they want to negotiate and do they agree to these terms. She indicated that it was still preliminary because we haven’t even finalized our own terms and policy which would be in the next week.

Alderman Braithwaite believed that they were all in agreement on how to move forward but they need a timeline on this.

Alderman Tendam asked Mr. Bobkiewicz if the intention of this meeting was to make that decision tonight to put that draft to C.A.R.E. This meeting was the point where C.A.R.E. needed to determine if they could meet these terms and if not the obvious question would be what more do they need. The notion of a closed door meetings sets us back a year ago. I don’t think we can turn this ship around and needs to just sail.

Mr. Bobkiewicz explained that the thought was for this meeting to be an open discussion about the draft and knowing that it would come back in seven days with adjustments and then have the full City Council to weigh in on the April 8th.

Alderman Tendam asked if anyone on the C.A.R.E. Board indicated that they wanted to meet privately.

Mr. Bobkiewicz responded no and that he had sent the policy to Ms. Gelb when it was made public and he received a thank you email back. The last response provided by them was the email from that morning.

Alderman Fiske asked if we approve Mr. Bobkiewicz to negotiate with C.A.R.E. there are other things that she wants to make sure is in there especially surrounding the money and what money they are willing to devote to making improvements to the animal shelter.

Mr. Bobkiewicz stated that his recommendation would be to package up what the committee wants to see and send it to City Council. That could be added to the revision that would be presented in a week. It would be important to keep the process moving forward.
Alderman Fisk said that we can’t keep it moving forward if we aren’t able to get a response from the organization that we are supposed to be working with.

Mr. Bobkiewicz stated that with the longstanding relationship the City has had with C.A.R.E. it would be appropriate to bring back a new draft to the committee based on comments.

Alderman Fiske asked what he would be doing during the next week prior to their next meeting.

Mr. Bobkiewicz answered that he would be preparing a new draft and anything else suggested.

Alderman Fiske asked if he would be meeting with C.A.R.E.

Mr. Bobkiewicz replied that he had not planned to because it would be appropriate to go to C.A.R.E. with the desires of the full City Council and act as the full council’s representative to communicate with C.A.R.E.

Alderman Grover asked that while he incorporates the three areas into the new draft could we require that C.A.R.E. has one week to send a letter of intent to engage and if not we would revise the policy for another agency.

Alderman Holmes asked Alderman Fiske if that would satisfy that there are concerns with the funds that they have and where we stand with that.

Alderman Fiske said that they would need to be more specific.

Alderman Grover stated they still needed to sort out how we want to address the fundraising.

Mr. Bobkiewicz addressed that topic by stating that going forward if we have the fund it would be used for the shelter. The larger question is the money raised by C.A.R.E. in support of the Evanston Animal Shelter. It is a non-profit organization and he doesn’t believe that we have the ability to retrieve those funds. If a million dollars was raised for the Evanston Animal Shelter and they are no longer affiliated with the Evanston animal shelter will they use that money to operate elsewhere? It appears that C.A.R.E. may have other plans to go someplace else but will they use that money and it will be up to the council to determine if that will be pursued.

Alderman Fiske said it would be critical to her that if C.A.R.E. remains that a sizable amount of that money would go to help with the improvements of the Animal Shelter. It was the basis for why a lot of the residents gave the money to C.A.R.E. and if they decide not to do that than they would have to explain why to the residents if we have no charge in recouping those funds. She included that she would like to see in the agreement more specifics about how the rescue team would work with C.A.R.E. She believes based on a citizen comment that over $10,000 had been spent to rescue the dogs that were recommended for euthanasia and she would like to know how that money will be reimbursed. She would like to see those people reimbursed whether it is by the City of C.A.R.E. and believes it would be important to do so.

Alderman Burrus asked Mr. Bobkiewicz if we reached out to the IRS or consulted an attorney that is specialized in philanthropic issues because Alderman Fiske was talking about what they should or shouldn’t do with their money we don’t have any say in that. It is a legal issue because if they disband because their mission is no longer Evanston based then what do they do with that?

Grant Farrar, corporation counsel, stated that he has looked at that issue preliminarily and based on IRS regulations it was quite clear that the organization itself is the port of call as to how it represents its use of fund, the expenditures of the funds and reports those funds. They have done some work to look at the tax returns but really in terms the one on one interface with a donation with an organization it is between the donor and the organization. There were no specific agreements or
documents that the City initiated with the organization about this. Any donor upon demand can inspect the books and the treasurer has to make those available for a reasonable time of inspection.

Alderman Burrus was speaking in regards to the public that if there are donors that want to band together to pursue what C.A.R.E. has done with their money than they can. This is a strong right of donors.

Alderman Tendam – would it be appropriate to contact the attorney general’s office to get a sense of whether C.A.R.E. was in fact representing itself properly to donors. It seems that the IRS might have some interest in this but it will depend on how C.A.R.E. promoted itself to solicit funds.

Alder Grover asked Alderman Fiske if she was requesting that the provisions about working with the rescue team be included for any organization and not just C.A.R.E. We would want to spell out how they would with any organization, correct?

Alderman Fiske responded that it would be the rescue team that was spelled out in the policy. There would be a rescue team operating with the animal warden but also having C.A.R.E. working side by side or any organization. We need to have specifics on how the people are going to work together in the shelter.

Mr. Bobkiewicz stated that we are shooting for a policy that is applicable to any partner organization is. He also said he was still confused on what needed to be done in regards to the funds.

Alderman Holmes said she saw it as separate issue. She thought they ought to deal with the document and then if we want to deal with the funds then we do that at another time. If we have concerns then we can list them and send them to council.

Alderman Fiske asked what the value was that we have given to C.A.R.E. by providing free rent and what the City has provided in terms of food.

Mr. Bobkiewicz replied that they could look into it but it should be balanced with the volunteer hours.

Alderman Grover asked if we could get a legal opinion of what we can do about the funds already received by C.A.R.E. and leave it at that. She wanted to distinguish between the volunteers and the C.A.R.E. Board because there are wonderful people serving the animals that aren’t reflected by the C.A.R.E. Board.

Alderman Tendam said his use of the word C.A.R.E. is mostly for the C.A.R.E. Board and leadership and not the volunteers.

Alderman Grover moved that we approve the draft documents presented tonight with the incorporation of the additional language about the cats, disclosures by the volunteer animal organization and working with the rescue team. We ask as part of this motion that C.A.R.E. would respond within a week as to whether they want to engage with us by next week. It would then come before this committee with the fully revised procedures and the answer by the current C.A.R.E. Board.

Alderman Burrus seconded.
A voice vote was taken for the approval of the motion and all were in favor 6-0.

III. ADJOURNMENT
Alderman Braithwaite motioned to adjourn. Alderman Tendam seconded. The meeting was adjourned at 6:59 p.m.

Respectfully Submitted, Melissa Parker, Administrative Secretary