

**CITY COUNCIL
HUMAN SERVICES COMMITTEE
Monday, August 6, 2007
Civic Center - Room 2404
7:00 P.M.**

MEMBERS PRESENT: Aldermen Bernstein, Holmes, Jean-Baptiste, Moran, and Tisdahl

STAFF PRESENT: Police Chief Richard Eddington, Judy Aiello, Ken Cox, Harvey Saver, Rafael Molinary, Doug Gaynor, Evonda Thomas, Audrey Trotsky

OTHERS PRESENT: Rosemary Jean-Paul, Evanston Township; Sharon Eckersall, Township Assessor, Bennett Johnson, Madelyn Ducre', Albert Gibbs, Kristin Doll, Gordon Soto

PRESIDING: Alderman Moran

I. CALL TO ORDER

Alderman Moran called the meeting to order at 7:25 p.m.

II. APPROVAL OF THE MINUTES OF THE JUNE 4, 2007 MEETING AND JUNE 19, 2007 SPECIAL MEETING

The minutes of the June 4, 2007 meeting were called and unanimously approved (4-0).

The minutes of the June 19, 2007 Special Meeting were called and unanimously approved (4-0).

(Alderman Bernstein was not in attendance at this time.)

III. CONSIDERATION OF THE JULY 2007 TOWNSHIP BILLS

Alderman Tisdahl moved for approval, seconded by Alderman Jean-Baptiste. Alderman Jean-Baptiste questioned the Assessor's equipment maintenance bill for \$1,110.50 from Computer Bits, Inc. Ms. Eckersall responded an amount of this bill was held over from last year's budget that has to be corrected. She brought this up when going over the budget for her office. Alderman Moran suggested removing that item for payment until the Assessor can supply information about the bill in question, and that the motion to approve the bills incorporate all matters excluding that bill.

Alderman Jean-Baptiste moved to approve the Township July 2007 bills with the exception of the Assessor's bill for Computer Bits, Inc., as reflected in the amount of \$1,110.50. Motion unanimously approved (5-0).

IV. APPROVAL OF SPECIAL EVENT DAR-US-SUNNAH PICNIC IN TWIGGS PARK, AUGUST 19, 2007

Alderman Tisdahl moved approval, seconded by Alderman Jean-Baptiste. Alderman Jean-Baptiste inquired regarding the process of approving City events for the year and asked about the provision for people who make requests later in the year. Mr. Gaynor said the same procedure is followed going through the Special Event Committee. There are some 60 or 70 events that are brought to City Council for approval in March after our January/February deadlines and we did not feel we were providing customer service by telling people they missed the deadline.

Alderman Holmes noted this group purchased a building the beginning of this year and this event is to try to introduce themselves to the community they're moving into. They want this event to be a get to know their neighbors for the people who will be using the center as well the community people in the area.

Alderman Tisdahl remarked Alderman Holmes helped connect them with Over the Rainbow and they were very helpful with the wheelchair wash. They did a terrific job and are serious about trying to be a part of the community.

Alderman Bernstein asked where the parking plan came from. Mr. Gaynor said a member of each City department is on the Special Events Committee and the Parking Department created this plan because they are going to be bringing so many folks into the City and will be using bus transportation from their location in town. Alderman Bernstein remarked they're talking about 500 people, 200 people coming from Devon, how are people going to be bussed to the various locations, will there be signage or specific reserved spaces on certain blocks, or will people be driving around the blocks looking for parking. Alderman Holmes said this was not discussed and she will bring the issue up to them. Everything is close by and there will probably be about 150 people from that neighborhood.

Alderman Moran called for a vote on the motion for approval of the Dar-Us-Sunnah Picnic in Twiggs Park. The motion was unanimously approved (5-0).

V. CONSIDERATION OF ORDINANCE 44-O-07 AMENDING THE LANDLORD TENANT ORDINANCE

Alderman Bernstein moved and Alderman Tisdahl seconded approval for discussion.

Rafael Molinary, Human Relations Specialist for the past eight years, said these revisions were recommended by the Human Relations Commission. He was asked what might be done to improve the ordinance to help with the enforcement of it. One of the main things they thought was important was, up until this point people could have oral agreements to cover almost an entire year. After years of experience they felt it would be clearer when people call them about what the issues, obligations, and liabilities are, is if these agreements were in writing. They found when ordering the ordinances there was nothing to prevent asking that this be put in writing regardless of what the agreement is. When people call them they can bring a copy for them to know what they did and did not agree to, what the amendments are, and what the addendums are. They ask that this Committee consider allowing this change for it to be clear whatever agreement they have is in writing. It's also very clear that the underlying precondition to this is none of the rights that the Landlord/Tenant Ordinance already outlines can be abrogated by anything that's put in writing. Everything in our ordinance has to be guaranteed within any lease agreement because in effect it's incorporated by reference as the overriding law in Evanston, and since Evanston has Home Rule you have every right to do that. We also thought it would be consistent with another problem they have that throughout the ordinance there are 4 or 5 provisions that refer to material non-compliance. No one knew what material non-compliance means, it was just a word thrown out years ago when the ordinance was enacted. We talked about whether material non-compliance was a provision either for the landlord or the tenant because we did not have any definition of what material non-compliance meant. After talking with the Legal Department and the City Manager's Office we recommended there be a definition of material non-compliance in the ordinance because what was referred to in the rules as code violations, any significant violations already enumerated in our own ordinance and other material issues we believe are relevant to rising to the level of being material non-compliance which is self explanatory in that ordinance. They wanted to get rid of the old model lease which does not work, the print is so small no one reads it because no one can read it, which they figured is a problem because if its something people aren't using. Why are we printing it out and selling it at .35 cents a copy? Every time the law is changed or amended they have to go back, not only to change our printed law but also the lease that no one reads. The attempt to summarize it doesn't always incorporate the full meaning of the law in our ordinance, which they thought was non productive. They thought the best thing to do was to eliminate it, not draft it up or amend it any more or worry about someone trying to read it to amend it. They just want to make sure every landlord gives the tenant a copy of the amended ordinance. The law already says you have to give the new ordinance to a new tenant any time at least when there's a renewal of any changes or updates in the ordinance, which was the other main reason they did this. The definition of "rental agreement" is now a written lease agreement.

Alderman Bernstein thought even though the lettering is small the fact that the lease is on a model of an Evanston form is a much better practice. To the extent the analysis are different we will have to make them coincide with that, but he wouldn't give them up, we can just print the letters larger. Using a lease prevents a lot of problems. This doesn't mandate that all leases be in writing, all it does is say if it's not in writing it's not subject to enforcement which is what the real estate law is about. He does not know what will be accomplished by this change. Regarding material non-compliance, it seems in the ordinance you defined what material non-compliance is and then go on to say, "**A single instance of non-compliance may be serious. Any failure to comply may be serious of continuing if it either actually, or potentially, increases risk of adversely affects the rights and welfare of the landlord or tenant(s).**" He has no idea what that means and wanted to know who wrote that. Mr. Molinary said they interfaced with the Legal Department's Ms. Purze who drafted that definition. Alderman Bernstein wanted to know what Ms. Purze intended that to mean because he thought it was confusing and did not understand why its there. It's clear that material non-compliance is a problem that affects the rights of the tenant. There is always the question of proof and he does not think it belongs in the ordinance nor does he understand why its there and what it means. Mr. Molinary said their discussion was about correcting the 30 day notice, where the landlord gives someone a 30 day notice which they do not abide by and proceeds to again break the rules. There was the discussion if the tenant does this again, which he thought was if they do something after the 30 day window where they theoretically conformed, possibly one single event after that 30 day mechanism was completed, could be enough for then say they're out, which he believes was part of the underlying discussion. Alderman Bernstein suggested discussing this with Ms. Purze.

Alderman Jean-Baptiste wondered why we're eliminating the lease. Mr. Molinary said it was all based on the idea that no one could read the lease and enlarging the print could help tremendously. Alderman Jean-Baptiste said landlords and tenants are glad to have a lease authorized by the City of Evanston; lets not get rid of the lease.

Alderman Moran found the wording a bit unusual on the rental agreement because if the notion is to mandate the written lease maybe we should say, all leases must be in writing. He thought the material non-compliance section could be tightened up a bit on the verbiage and should have a larger and better font. Alderman Jean-Baptiste thought the lease should be left alone, if there needs to be some corrective language, add that. The people who use the leases have not called for its abolishment.

Alderman Moran told Mr. Molinary they appreciate the work he has done as it seems that we're going in the right direction. We'll hold this ordinance until next month to be able to discuss it with Ms. Purze, who will tighten this up and with some proposed new language and we can then pass it.

VI. **CONSIDERATION OF ORDINANCE 52-O-07 AMENDING THE NUISANCE PREMISE SECTION OF THE CITY CODE**

Alderman Tisdahl motioned for approval, seconded by Alderman Holmes.

Ken Cox, attorney for the City's Law Department, said the Nuisance Premise Ordinance the City now has is based on Chicago's 1994 Drug and Gang House Ordinance. Chicago amended its Drug and Gang House Ordinance in late 2005 and the Nuisance Premises Ordinance has not changed since then. This is an update based upon the 2005 changes the City of Chicago put into place. As far as an overview of the sections of the ordinance, **Section A, expands the violations that can render properties to be considered a nuisance premises.** Before there was a specifically enumerated list, there now is still such a list, however, it says, **"including but not limited to."** There can be other violations of Federal, State, or City law to lead a property to be deemed a nuisance premises by the Chief of Police.

Section B, renders property owners or managers liable for failing to abide by the terms of notices of violations which are discussed in Section D. Section C, requires the imposition of nuisance abatement measures on those found liable for violating the ordinance. One problem that can occur is if a property is deemed a nuisance premises then it goes through the Administrative Hearing Process. Frequently hearing officers will only impose a fine and therefore no positive action is taken to remedy the nuisance and abatement measure. By requiring City Staff or Police Staff or the hearing officers to impose proper nuisance abatement measures will hopefully reduce if not eliminate a future possible citation for the same underlying conduct.

Alderman Moran said we've had problems enforcing this ordinance and asked Mr. Cox to comment on the difficulties in trying to enforce this ordinance when a proposed violation is being presented. Mr. Cox remarked we defined the relevant language that's been the source of most of that difficulty. The declaration comes from the Chief of Police's office. Once a property meets the ordinance defined definition of a nuisance premises the Chief can deem it to be a nuisance premises, send notice and the property owner can then be issued a citation, go to Administrative Hearing and go through the process there deeming a property a nuisance premises when we get to the hearings process. **On page 4, of the Draft Ordinance, "Upon failure to implement the corrective measures identified in the notice or other corrective measures which successfully correct the nuisance within the thirty (30) day period following the notice, the issuer of the notice may issue a citation against the person who owns, controls, or manages the premises for a violation of the subsection. The Chief of Police may, upon good cause shown, extend the time for implementation of a plan of correction."** Mr. Cox clarified that anything in the ordinance that is not struck through is current; anything that is underlined is the new text. In this case Section C has been replaced in its entirety. **Section C, that is currently on the books and is structured on the draft and the portion previously described is where we've had difficulty in administrative hearings.** Some of the hearing officers have read and found this either to be ambiguous at best and sometimes very restrictive at the worst. The way this has been read by some of the hearing officers is that if the property owner or manager implements nuisance abatement measures they essentially quiet the building for 30 days after then the building drops off the nuisance premises list immediately without any further action. The second sentence was thought to correct that in order to mean that the Chief of Police in the nuisance premises declaration letter that is sent to the owner would state that the property could remain considered off for the 30 days and would remain on the nuisance premises for a year or two years. However that particular sentence has been interpreted to mean that the Chief can extend the time granted to the property owner to implement nuisance abatement measures greater than 30 days, to say you have 90 days to implement these measures and that if your building is quiet for those 30 days or after then it goes off the list. Based upon those liberal readings of the ordinance text, hearing officers have regularly taken buildings off the nuisance premises list if a subsequent violation happens 31 days or more after the notice of violation is first sent. By eliminating that limit we eliminated the ambiguity and made the intent of the ordinance clearer.

Alderman Bernstein asked if an offense is what you are arrested for or convicted of, if we're discussing arrests we should say arrests. **Regarding nuisance premises the ordinance states, "the offense for which the premises is used is punishable by imprisonment,"** does that mean if a person is arrested and subsequently acquitted an offense has occurred. Mr. Cox, responded, yes, to which Alderman Bernstein asked, why. Mr. Cox said in order for the courts to have any effect in this at all given the fact that criminal proceedings can take months if not years to reach their conclusion. If the Chief of Police were to wait until such time that there was a conviction, the building may well have been the site of many more crimes or may be ideally self cured. Alderman Bernstein said that is why he is suggesting that we use the word "arrest" because that's what you're talking about. Mr. Cox noted some of the items on the violations list especially City law aren't arrest able. Alderman Bernstein's concern was either a finding of guilt in a criminal jurisdiction or a finding by preponderance by the administrative law Judge. If he was representing someone on these charges, there would be no offenses created because he was acquitted. What we're talking about is multiple arrests at a particular location which gives one the belief that things are going on at that location.

Alderman Moran asked if this is the Chicago language. Mr. Cox responded if the committee would like to amend the definition section a motion can be made and the language can be amended. Alderman Moran said he has places in his ward where people are not behaving correctly, who know how to manipulate the system. Some of these issues have been outstanding for over a year and they proceed to continue to do these things. There has to be some way to move on these people.

Alderman Bernstein suggested lessening the standard, we mean arrest, therefore we should put in arrest and how many arrests you decide should be in the ordinance. That in itself allows the Chief to constitute fining on nuisance premises.

Alderman Jean-Baptiste suggested before we correct the language making this more effective, because the consequence of a premise being declared a nuisance also implies having other implications that can be undertaken by the Chief of Police or by the City even to take away these people's property. Alderman Moran remarked those are some of the consequences for this behavior. Alderman Jean-Baptiste said when we're trying to lower the bar for an arrest we subject ourselves to some legal action, i.e. legal rights violation, civil rights violation, etc. Do we think, for an arrest, we ought to be able to declare a property a nuisance premises and implement a number of measures that includes taking away peoples' property. Alderman Moran asked if this version has been challenged in court yet in Chicago. Mr. Cox did not believe it has but having worked for the City of Chicago knows these went through administrative hearings on a weekly basis and there were regular hearings, regular fines, and regular enforcement of the orders. Alderman Jean-Baptiste's example of an abatement measure which, as far as he knows, is seizure of the building was never attempted. If we're talking about the taking of property that is something our division of administrative hearings is not empowered to do. Such a hearing would have to be brought in Circuit Court and ordered by a Judge. Under those circumstances there would be clear due process and protection of the rights of the property owner involved. Even seeking such a measure would be reserved for only the most absurd cases that one can barely imagine. The abatement measures that are imposed are things such new locks, new lights, putting up signs for no loitering or no trespassing and things of that nature. Also, if a person has been arrested multiple times, barring that person from being on site, or if they're a tenant seeking eviction, abatement measures have to be reasonably designed in order to abate the current nuisance not simply to harass or abuse the property.

Alderman Moran thought using "arrest" is more of a lightening rod than an "offense". Maybe we are stuck between a rock and hard place as far as trying to be descriptive enough without getting ourselves into legal difficulty by using the word "arrest" in the absence of "conviction." Mr. Cox said this committee can make a motion for alternate language, it can arrest or citation because they elicited activity and because that is not a required conviction. Things such as building code violations are, in fact, illicit they are against the City ordinance which is a form of law.

Alderman Bernstein would like to create some language to that effect. We're talking about criminal violations versus code violations and for continued code violations we're going to have to get a Judge to take the property away, if they're egregious. His concern is enforcement, he wants to pass an ordinance that we can enforce. Alderman Jean-Baptiste remarked the ordinance has been enforced a few times if it's a serious consequence and the reason it's so difficult to get to, to which Alderman Moran said he is looking for something we can implement. Alderman Jean-Baptiste asked Alderman Moran what is the objective, to evict tenants or limit the rights of landlords. Alderman Moran responded he would ultimately evict and asked about the rights of the people living around these buildings. Mr. Cox noted you're talking about neighbors in adjacent buildings or on the block, their right isn't breached by a violation in a building next door, obviously the activities in the building next door can affect them negatively, henceforth the reason we're saying nuisance premise is the Chief of Police can deem this building as being a nuisance and then be abated through the enforcement of the ordinance. Alderman Holmes added she has met with landlords to talk about the number of calls coming to their building and to work with their tenants to make sure that doesn't happen because it is affecting the overall neighborhood.

Alderman Moran gave an example of people repeatedly disturbing the neighborhood with parties at their house given by both themselves and their children. We have not been able to stop them, we can write them a ticket, but they have their lawyers delay by getting continuances and carrying it on for a year or more. In the meantime they have 6 or 7 more parties. We have no way of enforcing them. These are people with money so the fines mean nothing to them. Alderman Jean-Baptiste noted this is a different problem than Alderman Holmes is talking about. Alderman Bernstein thought this should be addressed in stages. He knows we will get into problems if we try to take somebody's property away because their tenants have been arrested several times. Mr. Cox noted the expansion of the list of underlying offenses for which property can be deemed nuisance addresses in both types of situations. The noise ordinance violations of which Alderman Moran is speaking are included in here as well as much more serious criminal offenses which has to do with a reasonable determination by the Chief of Police. In Alderman Moran's case if we have a place where frequently, regularly, the peace of the neighborhood is breached by one particular property owner by allowing these noise violations to occur over and over again, the citations of peace are \$75 to \$200 which is very small. However, if the property is deemed a nuisance premises fines can increase and the failure to implement the abatement measures named in the notice can each bring a higher fine structure, can bring more and more citations, and allow greater leverage to bear upon what we might consider to mean a less serious nuisance premise ordinance. Given the fact that it still includes misdemeanors and more criminal acts within the City code it can also address buildings where we have multiple citations for drug sales or buildings that are falling down that are in violation of property maintenance code. The ordinance, as it is designed here, can address both citations effectively.

Alderman Jean-Baptiste felt we have to mask the consequences to the offense. If we say the Chief of Police can declare a property a nuisance premises where certain things happen and he has a problem with a number of citations, when we get to the consequences he does not think we need all those consequences for somebody who parties too much. He does not want to see us having the option to take away the property to deny relocation assistance; we need to match the

consequences to the offense so that property comes under close scrutiny by the Chief of Police. If somebody has been convicted of manslaughter and there are some other people living in the same house convicted of sexual assault he is going to move to do everything he can for these people not to be there because they represent some type of danger to the community, which is a different set of consequences. Mr. Cox said that is also built into the ordinance. Alderman Bernstein remarked what Alderman Jean-Baptiste is talking about is getting out the people who are breaking the law. By getting the bad guys out we can minimize what we need to do that legally which is what he hopes we can do. An offense to him is still not a conviction until a court adjudicates it as such. We want to establish a standard for a couple of different violations. If somebody is dealing drugs or conducting a house of prostitution or something that is going to be problematic to other people in the building and/or in the community, he wants a way to get those people out. Mr. Cox said one of the abatement measures that can be imposed is the eviction of tenants if they are arrested or cited on site.

Alderman Holmes noted sometimes the landlord is not responsible in terms of running their buildings right and maybe has not laid down the law in terms of what is and is not acceptable in that building. Alderman Bernstein added this ordinance also has to be a tool for the landlord because we have a very restrictive landlord/tenant ordinance that gives people 30 days within which to cure. We need the landlord to be able to evict these people; we can't evict them as we do not own the property. If the landlords are allowing loud parties all the time then they may be subject to it at the same time. Landlords say they are powerless unless they have some teeth in an ordinance that they can use to create an eviction situation, which is part of what we need to do. Mr. Cox noted, again, eviction is one of the abatement measures.

Alderman Tisdahl remarked all parties are not created equal, there are some students parties that you do want to have every control over that you possibly can because the student parties are very different affairs and she does not want to lose any clout in the ordinance on partying. Alderman Moran said under Penalties in the ordinance, there's a gradation of penalties geared to the severity of the offenses. Mr. Cox noted in this case the monetary fine is equivalent to that which the arrestee would receive. This fine structure is based directly off of Chicago's ordinance which has been in effect for almost a year. Our administrative hearing system is based on the same administrative hearings law that applies across the State of Illinois, any home rule municipality can set up such a division. The only restriction on fines is that the grand total of fines cannot exceed \$50,000. No where does it say that any individual citation or adjudication of liable for such citation is limited to "X" amount of dollars. Alderman Tisdahl asked what was the Chicago conviction rate, to which Mr. Cox said he did not have the number for that but based upon the notice of violations and then negotiating a meeting with the landlord, in most cases actually did not go to a hearing and were resolved due to an agreed order. The property owner or manager would sign an order saying, "I will do abatement measures A-X and if I don't then you can bring the citations back and I will also pay a fine on top of that and I will fix up my building. If I fail to do any of that in a predetermined amount of time you can then reinstitute all of the underlying charges for which the complaint was originally brought plus on top of that the City could then allege that every single day for which those abatement measures were not in tact by a separate violation of the ordinance itself." It allows for a great amount of leverage and also flexibility so we can not only get desired results but can also be sensitive to the particular situation.

Alderman Bernstein referred to penalties and said evictions appear almost as an afterthought. The only thing is says with ***respect to evictions is, "if you are evicted pursuant to this ordinance you're not eligible for relocation in the City."*** He does not care about fining the bad guys he wants them evicted and gone from the premises. If there are violations or concerns of health and safety to the tenants then we can take away the property which we have. Mr. Cox said in ***Section C of the ordinance, "Those measures may include, but are not limited to making improvements to real estate and installing lighting to enhance security,, the hiring of licensed and insured security personnel, the hiring of a receiver, the initiation and execution of eviction proceedings against tenants engaged in illegal activity or, at the request of the City Manager or his/her designee...."***

Alderman Jean-Baptiste thought if you have somebody disturbing the peace the landlord can take independent action against them to try to evict them. If you have somebody who is arrested and is able to prove himself innocent why should he suffer the consequences of that? Mr. Cox noted the City of Evanston has had this for a number of years and the standard has always been arrest, it has never been conviction. Alderman Moran added that is why we use the term offense.

Ms. Aiello remarked part of our Civil Enforcement Team is trying to get at some of these properties and the problem in some cases is the landlord is not doing what he needs to do. In some of the cases the City had to go in and literally take strong measures. We feel with these changes it will be easier for us to try to get to some of these problem properties where we are having a damaging control on the entire block. Alderman Jean-Baptiste said we would all agree with that, how we move on people depends on what the substance of our complaint is. Alderman Moran thought what this is about got lost in the discussion. This gives us a means by which these people can be drawn in to meet with the Chief to try to get things right and the way we can get it right is to draw up an abatement plan. It's not an adjudication of anything but somebody coming out having a rational discussion with the Chief, coming up with a plan, going back to the administrative adjudication center saying here's our plan where he agrees to pay a fine, if the problem doesn't stop there are consequences. With this you have the opportunity to make the situation better on a uniform basis. This isn't just to hammer people but to get them to be good neighbors. In the case of property owners it is to get them to do what they need to do to. This has to have some teeth or it will not resolve anything.

Alderman Jean-Baptiste pointed out that we have lost track of our objective which is get the Chief to be able to have some leverage in trying to get the landlords to comply. We need to define our objectives much more clearly so that everybody who reads this nuisance ordinance sees that ultimately it is to achieve better compliance with City policies and regulations. Alderman Bernstein asked what if these people do not agree to meet with the Chief. There are two situations here, one of which is the tenant who is doing these bad things that we have to create some method which we as the City can get around. The other situation is does that now invoke our rights over the landlord's rights. We have two distinct reasons for this ordinance. We don't want any landlord to allow ongoing criminal activity or bad parties or numerous violations but we also want to get rid of the bad guy as quickly as we possibly can. Pressure can be brought on the landlord but we have to give the landlord the wherewithal to go beyond the Landlord/Tenant ordinance. He does not want it to be an offense because to him an offense means a conviction, and he does not necessarily want it to be an arrest because that's too little.

Chief Eddington said one of the things he would ask is for your assistance on the current nuisance premise system. It has broken down because of the ad ministry of Judges' perception of this time limit. In the past it has been somewhat effective, we are now on hold and have not had a nuisance premise meeting since he's been here in Evanston. We're waiting for this to be enacted so we can go forward, and therefore is asking for your assistance in moving this along in whatever direction you give the Law Department, whether its an additional preamble to articulate what we're attempting to do, or whether attempting to get this done through compliance or whatever. There is a frustration in the community that there is no impact on something being declared a nuisance premise. Alderman Bernstein asked how the timeline is being impacted by administrative adjudication can be defined. Chief Eddington said if it were outside that 30 day notice it's done and whatever we did before has gone away and will show up on the 31st day, then there is now another 30 days.

Alderman Jean-Baptiste commented there are other modifications that came from the Chief being unable to declare a property a nuisance premise to enforce abatement measures. He does think the preamble helps out in terms of bringing greater enforcement power to the Chief to be able to set a process for correction. Once he has set the process for correction and the landlord violates that, our adjudication process should be able to take into consideration that these people are in a particular category and therefore fines can be escalated to a high level. The tenant issue is part of the corrective measure that the landlord will be asked to evict those people. If they don't they pay a certain amount of a fine, maybe even forfeiting the rent can be escalated to put pressure on the landlord.

Alderman Bernstein noted, with respect to the involvement by the Chief that's criminal in nature, the Chief doesn't have any jurisdiction over multiple code violations which also should render the premises a nuisance premises which is why he's concerned about putting all this together. We should pull out some of these items for clarification of the violations that give the Chief full authority. Alderman Moran said that's the problem we're trying to cure with this ordinance. Alderman Jean-Baptiste thought we can proceed with this but with some preamble that establishes what we're trying to achieve, this just gives the Chief the authority to bring people in and to set an abatement measure. Mr. Cox explained the Chief issues the notice of violation, unless in the unlikely but not impossible circumstances the property owner can reverse health is responsible for the violation; we will be talking to the tenants. **Section C, on page 4 says, "Notice of violation must include the opportunity for the property owner/manager to meet with the Chief within 30 days of issuance of the notice."** They have to meet and discuss an abatement order. The Chief will draft an abatement order, which Mr. Cox is working on with the Chief, which the Chief will reasonably determine to be appropriate, and at which point it will be presented to the property owner and the property owner can either ignore the letter or the offer and will immediately be cited after 30 days has elapsed, or they can comply or sign the order. If they sign the order and fail to comply with any of the abatement measures included, or there is more activity on site that indicates the nuisance has not been properly abated, then we go to administrative hearings and seek fines against the property owner. That can include evictions, new locks, new lights, fixing the building, etc.

Alderman Bernstein moved that Ordinance 52-O-07 Amending the Nuisance Premise Section of the City Code be passed for review and discussion of the Human Services Committees' concerns. This will be reviewed with Mr. Cox. Motion seconded by Alderman Tisdahl, motion unanimously accepted (5-0).

VII. CONSIDERATION OF ORDINANCE 59-o-07 AMENDING THE CITY CODE TO CREATE A NEW SECTION ENTITLED "GANG LOITERING"

Alderman Holmes moved approval, seconded by Alderman Moran for purpose of discussion. Alderman Tisdahl voiced the fact that she has a lot of trouble with this ordinance. Alderman Jean-Baptiste also noted he has trouble with the ordinance. Alderman Bernstein remarked when this was last discussed he had some concerns about the designation of people as gang bangers. The ordinance talks about a group that intimidates somebody. A group of kids might intimidate some people regardless of their ages.

Alderman Holmes did not want to see kids being labeled as gang bangers because of lack of recreation or places to go or places to hang. Alderman Bernstein remarked there seems to be a different kind of a kid out there now; they may not be gang bangers but just irreverent kids who don't listen to authority. He does not want every group of kids standing on a corner to be dispersed and is concerned about labeling these kids standing on the corners. At the same time he wants police officers respected and to be able to tell people to disburse and have those people disburse. Right now they have a right to be on the corner and we're trying to get an ordinance to give the police the right to disburse these kids.

Chief Eddington thought we are talking about multiple different issues. This is something that was done before he came to Evanston and there doesn't seem to be much support to do it. He's a proficient technician and can implement it if you want it; if you don't want it he'll find another way to do this.

Alderman Holmes said what bothers her is that in some areas you can have the right to be on the corner, but in other areas you don't have that right even though you're not doing anything. If you are on a corner doing something that you shouldn't be doing she certainly wants that element moved, as we all do and the neighborhood does. Alderman Jean-Baptiste remarked the police have the authority now to do that.

Mr. Bennett Johnson, from the audience, said one has to understand about order and gang members. Gangs do not stand on corners. Gangs are organized, structured and disciplined. Kids standing and hanging around and talking, that's a problem. You cannot do anything with an ordinance like this, it has to be done by developing trust and some way of communicating with these children to move along which can be done without a new ordinance.

Ms. Kristin Doll, resident, lives in the 8th Ward near the corner of Foster and Brummel, said she worked a good deal with Alderman Rainey and with help of her, this committee, and the Police Department got the camera on that corner. That corner is well known as a large loitering spot and once the camera was put in the loitering scattered. Obviously the people are doing something they don't want the police to see. She understands you are very sensitive to criminalizing innocent kids who have no where else to go, but the fact of the matter remains that many of these people are engaged in very intimidating types of activities. She walks by some of them and smells pot smoke, she sees alcohol in their hands, she's been harassed just for being a white female and walking on the street, she's been called names she will not repeat. There needs to be something that the police can do because so often we are deeply frustrated and call the police because these kids are being loud, throwing things, starting fights or something like that. The police come, the kids scatter, the police leave, the kids come back and keep engaging in what they were doing before. The frustration that they feel is that the police have no teeth in the matter, there's nothing that they can use, nothing they can say. These people are not certified gang members but they're still engaged in activity that is disruptive and intimidating to members of the community. She thinks that needs to be taken seriously and addressed.

Alderman Jean-Baptiste asked Ms. Doll if these kids are not certified gang members why do you advocate labeling them as gangs and why do you advocate moving on them because they've gathered. The reality is the examples you've raised, such as you walk past them and they have alcohol in their hands, the police officers can arrest them for that. The Police Department has laws that it can enforce, disorderly conduct. If the police come on the scene and find there is disorderly conduct taking place they can arrest people. He has heard people labeling kids walking together commenting that they looked like a pack of wolves and people had to walk two blocks out of their way to get away from all of that. About three years ago that same problem was dealt with at Northwestern University. We worked with these young people to try to improve the situation there. In this instance there are all kinds of criminalization of intent. The ordinance says, **"Aggressors comparing organization membership of person is supposed to be some kind of crime."** The ordinance also says, **"any ongoing organization, association if fact or group of 3 or more persons, whether formal or informal, having one of its substantial activities the commission of one or more of the criminal acts enumerated in certain paragraphs."** First of all if they had done those things they ought to be arrested. Are we saying because these people are gathered together and serve a certain profile they intend to commit a crime, are we getting to the point of some kind of fascistic treatment of some of these people. We are creating the kind of society where there will be a camera on every corner and will still not be able to address the issues. At some point we had some problems, worked with youth and did a number of things to try to change the behavior which is what will address these types of issues. The City of Evanston is still small enough to be able to reach out to those youth who we think are not certified gang members but who may be behaving in a way that disturbs the community to try to work to change those things. Some would criticize him as being accommodating to that behavior, he is not, but he has been advocating trying to reach out and work with these kids, which is why we now have a Youth Initiative Engagement Division and Director trying to do something for the long term. This type of thing only gives the police more reason to move on folks in a way that is enforcement because they're gathered. In all of the neighborhoods, young people loiter. He knows the Chief has been to many meetings to clarify this to neighbors who are intimidated by young people who loiter. There is a truth to what you think is going on and then there's the truth to what is really going on. Loitering and gathering does not automatically mean that is a threat or danger to you as your fear now controls you. Alderman Jean-Baptiste said he cannot support this particular ordinance.

Alderman Bernstein thought the Chief was telling us he is not necessarily pushing this particular ordinance. **Alderman Bernstein moved not to introduce Ordinance 59-O-07, motion seconded by Alderman Tisdahl. Motion unanimously approved, (5-0).**

Alderman Bernstein noted with respect to Ms. Doll, if you see pot or alcohol call the police. Ms. Doll said she does call the police; the citizens need to be protected. Alderman Jean-Baptiste asked Ms. Doll protected from what, help us so we can help you. Ms. Doll said she deeply respects Alderman Jean-Baptiste but there seems to be more that can be done in a proactive way. Citizens in her neighborhood say they feel threatened, this is not a potential theory, she has witnessed violence and has not been personally attacked as yet, but fully expects for it to happen. Alderman Moran said they very

much respect what Ms. Doll is saying and ask that she please not take this vote as disregarding her concerns. Your concerns are real. The Human Services Committee, in conjunction with the Police Department and other divisions within the City, works hard to try to strike a balance. He very seriously takes the situations which Ms. Doll is describing and she is entitled to be outraged. Nobody should feel it is a bad idea to go out their front door. The question is how we come to peace as a community. Sometimes you want to go with a more social approach and a more personal interaction approach. There is no doubt there is a social tension between doing what's right in keeping people safe and not coming down hard on people who do not warrant that treatment. He appreciated Ms. Doll's coming tonight and giving us her viewpoint. Having this discussion helps all of us here to understand each other a little better whether or not we pass a law.

Mr. Bennett said the problem is not the Police Department it is a community problem. These kids are not aliens, they don't come from Mars, they come from down the street, up the street, around the corner. This cannot be solved by over strict laws that put them in jail for raising their voices. We have to find a way to cultivate, accommodate and develop some trust to change the behavior and we have to do that as a community of parents, leaders, and adults, not by constantly arresting kids and then letting them back out. That just does not work. Until the community addresses the problem it won't go away.

Alderman Holmes wanted to put in a plug for Partnering Toward a Safer Evanston because we as a community have to come together block by block to say what's acceptable and what we will tolerate in our neighborhood. We're going to work very hard to have that kind of partnership with the police because we certainly need them to do their part but there is a part that the community has to do and she's hoping that can be done through Partnering Toward a Safer Evanston.

Alderman Bernstein thought what has to be done in Ms. Doll's situation is to get the neighbors together. He's not looking for vigilantes to run the streets but there used to be group in Evanston called Co-Moms, Co-Pops who personalized these kids. These are kids that are just hanging out sometimes they get a little goofy. The neighbors have to come out and take back the community. Maybe we can send Sol Anderson, the new Director of the Youth Initiative Engagement, to interact with these groups. He does not know how the Chief feels about walking patrolmen, police officers who became known to the neighborhoods and had a great impact which in his experience was one of our best programs.

Alderman Jean-Baptiste wanted Ms. Doll to know that the problem she perceives is a problem that he has spent numerous hours on outside of everything else, because he thinks the crisis is in the home. There are a number of kids who have not learned to be polite or considerate and we have a lot of work to do. These kids are also being victimized because they're left out there, in many cases they're not successful in any of the institutions we have, they go to jail and ultimately that life is wasted. He agrees with Ms. Doll but thinks we have to be more creative. He's an advocate of investment of more money to take advantage of the diversity that we have here in Evanston.

Mr. Gordon Sotos, from the audience, a former Chicago school teacher, suggested that Ms. Doll contact the Guardian Angels, a New York City based organization, to see if they'll visit our fine City of Evanston and help with the situation.

VIII. FURTHER CONSIDERATION OF CITIZEN REVIEW OF POLICE COMPLAINTS

Alderman Holmes asked if people who attended previous meetings were informed this item was to be on tonight's agenda. Chief Eddington said he spoke to Judith Treadway who informed him there was a School Board meeting that would take a lot of attention of the NAACP from this evening's meeting.

Chief Eddington said with the lack of representation we will have to revisit this again. It is his hope he can get his memorandum out to additional members of the NAACP so they can look at and comment on his Citizen Complaint Process. We're talking about better, faster, cheaper; the alternates to institute a civilian review board are extremely expensive. In his report to this group he has laid out the informal complaints which has not been seen in the past and will address a significant amount of issues brought to your attention by some of the citizenry in attendance tonight and some that are absent. If we identify this as a pilot project and this group or the citizens are unhappy with this, after 12 or 18 months we will go back and do this again. Given the expense of the citizen review board if we utilize the talented brain power we have here in this room coming back with the complaints he thinks most of the issues can be addressed. That is the gist of his memo.

Alderman Moran stated the decision of the committee is to come back and discuss this issue at next month's Human Services Committee meeting with a broader audience. The next Human Services Committee meeting is scheduled for Monday, September 17th.

Alderman Jean-Baptiste remarked Schona Buranda, formerly the Chair of the Human Relations Commission, indicated the Commission had discussions and did a lot of research on this subject and he wanted to know if the committee has been able to get any of their information. Alderman Holmes said Assistant City Manager Russell forwarded to her what they were able to find in the Human Relations office and will email this information to the committee as well Chief Eddington. Alderman Holmes added there was not very much information found on this.

IX. DISCUSSION OF DOWNTOWN PANHANDLING

Alderman Jean-Baptiste noted the this item is on the agenda because of a meeting downtown about the theater district with theater management, restaurant management, garage management, the Police Chief with a number of officers, and the President of the Condo Association at Optima Views in attendance. A number of concerns were raised about the general situation and the need to maintain civility in the area. At that particular point in time the panhandling was perceived to be getting out of hand and becoming more aggressive than it had been in the past and a number of complaints were coming through. Sergeant Prieto who led that meeting and some other security personnel wanted to talk about the Panhandling Ordinance to figure out what it is, how is it being implemented, has it been implemented at all, and are we enforcing anything, so they can better manage the situation. That is the reason he asked for this item to be on the agenda for discussion. He is now going to ask that this item be held until the next meeting because Sergeant Prieto and his Problem Solving Team wanted an opportunity to be here. Also, some of the downtown security force wanted to be here for this discussion.

Alderman Holmes said panhandling has extended itself particularly to the area of Green Bay and Foster by the carwash, and a resident on Wesley informed her they had actually been going up and down the street and knocking on the doors. It's coming westward now and is not just staying in the downtown area. This certainly needs to be discussed. Alderman Jean-Baptiste asked if we can get a report on the current status of the situation. Chief Eddington said they are tracking all the complaints and calls and found they are mostly coming from the downtown area and those areas immediately adjacent to downtown.

Brochures from Skokie on Teenagers & the Law", were distributed to committee members by Alderman Holmes. She felt Evanston should have something similar because it concerns police matters. We don't have to reinvent the wheel but we can borrow from them as this would be a very helpful piece of information that could be offered to parents in terms of trying to help understand what can happen with kids and the law. Alderman Jean- Baptiste noted that from time to time when the Nation's Cities Weekly comes in the packets we should look at some them to try to take advantage of this information as other communities and people are working on a number of the same problems we're discussing.

X. ADJOURNMENT

The meeting was unanimously adjourned at 9: 27 p.m.

Respectfully Submitted,

Audrey Trotsky, Department of Health and Human Services