

**CITY COUNCIL
HUMAN SERVICES COMMITTEE
Monday, March 3, 2008
Civic Center - Council Chambers
7:00 P.M.**

ROLL CALL- PRESENT: Alderman Bernstein, Alderman Holmes Alderman Tisdahl
Alderman Jean-Baptiste Alderman Moran

A Quorum was present.

NOT PRESENT:

STAFF PRESENT: Carla Bush, Nicola Whyte, Herb Hill, Lisa Woods, Adelita Hernandez, Doug Gaynor

OTHERS PRESENT: See attached list of attendees

PRESIDING: Alderman Bernstein

I. CALL TO ORDER

Alderman Bernstein called the meeting to order at 7:10 p.m.

II. APPROVAL OF THE MINUTES OF THE FEBRUARY 18, 2008, MEETING

Alderman Bernstein moved for approval of the minutes of the February 18, 2008 meeting; Alderman Holmes seconded. Motion unanimously approved 5-0

III. CONSIDERATION OF FEBRUARY 2008 EVANSTON TOWNSHIP MONTHLY BILLS

Alderman Holmes moved for Approval: Alderman Moran seconded. Motion unanimously approved 5-0

Alderman Holmes asked about the cost of the housing on the YMCA; why is there a difference in price? Rosemary from the Township responded that the YMCA monthly rates are broken down into weeks so the rates are different per month depending on the rooms rented. Alderman Holmes stated that the rates were different on 443,446,448 and she assumed that they were all on the same floor. Rosemary replied that residents could have made partial payment on their rent. Alderman Holmes asked if the Township pays the difference. Rosemary responded they pay when the residents are behind after a ten day notice.

Alderman Holmes asked about the medical bills; she noticed that there were bills for the same procedures and asked if they were for the same person or different people getting the same procedure. It was clarified by indicating the case numbers and the bills were one case.

Alderman Bernstein had questions on the Assessors bills, two checks 1) 2185 City of Evanston Health Life insurance in the amount of \$446 who was being covered and the 2) Illinois Property Assessment.

Alderman Bernstein called a motion to accept the bills with the exception of the two Assessors bills in question. Alderman Moran seconded, Motion unanimously approved 5-0.

IV. ORDINANCE 38-O-08 AMENDING SECTION 8-21-5 OF THE EVANSTON CITY CODE "PROHIBITION OF SMOKING"

Consideration of Ordinance 38-O-08 Whereby the Evanston City Council would amend the City Code to prohibit smoking at all City Beaches, Playgrounds and Tot Lots

Alderman Tisdahl moved for approval, Second by Alderman Holmes.

Doug Gaynor said the amendment was made due to calls from citizens who felt it was inappropriate to smoke on playground, tot lot and on the beaches; it does not prohibit smoking in parks.

Mark Sloan, 2512 Hartzell Ave. Recreation Board member; its is the Boards intention to minimized second hand smoking especially to children and the additional cost to clean up cigarette butts and the Board supports outlawing smoking in these areas. Alderman Jean-Baptiste asked if a tot lot was in a park would the entire park be smoke free. Mr. Gaynor responded that tot lots areas in parks are usually separated from the general park area and only that section would fall under this ordinance along with beaches and parks that are designated as tot lots only. Alderman Jean-Baptiste also asked if you cannot smoke at the beach but can smoke at the park how do you isolation the second hand smoke from floating over to the tot lot area. Mr. Gaynor replied that it's not just the smoking on the beaches but the cost to clean up the

cigarette butts off the beach, children have stepped on cigarettes that were not extinguished, it's a safety and health issue; Chicago Park District have adopted a similar ordinance and they felt it was a positive move towards safety. Alderman Holmes asked can you smoke on the outside of the beach fence. Mr. Gaynor responded yes. Alderman Bernstein pointed out that there is an ordinance that prohibits smoking within 25 feet of a prohibited area. He also asked to define a playground. Mrs. Gaynor responded where there is play apparatus.

Alderman Bernstein called for a motion to pass the ordinance. Unanimously approved 4-0

V. PROPOSED CALENDAR OF 2008 SPECIAL EVENTS

Alderman Jean Baptiste move for approval. Alderman Tisdahl second.

Alderman Jean-Baptiste asked Mr. Gaynor on the lakefront policy. Did the Park, Forestry, Recreation department reject any applicants due to the City of Evanston policy change. Mr. Gaynor responded that we are in compliance with the policies, before a permit is sign off on they have to have complete compliance. Alderman Jean-Baptiste asked what extent are all the groups complying. Mr. Gaynor said that we are to capture all city costs and each dept has a representative on the committee, the cost is complied and an invoice is sent. There are only three organizations the City Council has waived the fee for the 4th of July, First Night and the Garden Fair everything else that has a cost has to be recapture.

Alderman Bernstein moved to approve the proposed calendar of 2008 special events. Motion unanimously approved 5-0.

VI. CONSIDERATION OF A PROPOSED RESOLUTION CALLING FOR HUMANE AND JUST TREATMENT FOR IMMIGRANTS AND THEIR FAMILIES

Wesley Thorne, 1623 West Farragut, Chicago: Mr. Thorne brought up a few points, 1) the Resolution puts the City at risk to lose hundreds of thousands of dollars for earmarked projects 2) If you forbid the police to cooperate with immigration investigating what would prevent the committee from passing a resolution preventing the police cooperating with federal investigations also 3) its not about hate or discrimination the law should be supported 4) Chicago has illegal immigrants living there and taxes are increasing and its because of kids of immigrants flooding the schools, public health care system, incarceration and felt if the resolution is passed the City will be open to possible litigations.

Alderman Bernstein clarified that the resolutions does not state that the police should not cooperate with federal government investigating immigration what it does say is that the Evanston Police will not profile for immigration status. The police will comply with all lawful authority.

Rick Biesada, lives in Lindenhurst, he referenced the Immigration National Act 1996 Section 274 and felt it nullified the council members. If the members pass the resolution and if an illegal immigrant attacks a citizen the committee members open themselves for legal action, "consider yourselves warned, you people are getting yourselves into something I don't think you understand, illegal means illegal."

Dan Maloney, 1516 Brummel St. affiliated with St. Nicholas Church: Mr. Maloney wanted to raise a question concerning drawing attention to Evanston. He wanted to know if Alderman Jean-Baptiste if he had something in his experience that he is not free to say that would make him concern about bringing unwanted attention to Evanston. Mr. Maloney did not feel that Evanston would be singled out by immigration because other communities have passed similar Resolution without issue.

Jerry Bromley 128 South Staffire Drive, Schaumburg he represents the Fire Coalition which is the Federal Immigration Reform Enforcement Coalition. Regarding the protection of immigrant's rights, he forwarded the dissenting opinion by the citizens from Lexington Kentucky it finds sanctuary cities violate Federal law. Laws should be followed he asked the committee to abandon the resolution.

Emily Romas, 2220 Washington St; 8th grader at Pope John; Ms. Romas stated that immigrants are human beings, working hard to survive and should be treated as such.

Dawn Mueller, 43 South Boulevard, Oak Park; a lawsuit was filed in her home town against the town and police officers and the action filed was a civil rights complaints concerning wrongful death and other serious charges. During the pursuit of an illegal immigrant who had killed an elderly citizen a police officer shot and killed the murderer. Ms. Mueller felt the lawsuit was filed because of her advocating against the resolution at the January 7th committee meeting; the lawsuit was filed February 4, 2008. She asked the alderman and members of the committee to consider whether or not it would be appropriate for those aldermen with a potential ethical conflict of interest remove themselves from further consideration of these matters. She pointed out Alderman Jean-Baptiste because of his advocacy of civil rights, Alderman Bernstein because he is an attorney and his wife a judge and Alderman Moran because he handles constitution and civil rights law. In her opinion she has connected the dots and found a correlation between the committee members and the lawyers behind her hometown lawsuits. Ms. Mueller urged the members to reconsider the resolution

John Drennan, 400 Main St; wanted to know what public inclusion has been put into the drafts? He was concerned about 1) hate language and it was not a humane and just way should not be included, 2) remove any endorsement of specific immigration platform, 3) distinguish between legal and illegal immigrants in resolution 4) matricula de counselor a form of identification be removed it is not a reliable form of identification 5) the third draft was not available on the website and if public inclusion is important it should have been available to the public.

Guillermo Grua is a resident of Skokie; he is an engineer and a citizen and when a person sees him they automatically think that he is an illegal immigrant. He felt the resolution will help with the public perspective to see immigrants as human beings not illegal or legal.

Lawrence McCarthy 1104 Harvard Terrace; is upset about the negative talk and feels the Federal government should do their jobs. He supports the resolution.

Diego Juanisati of the Illinois Coalition Refugee Rights feels that minor changes in the resolution would solve the issues. He read a statistic from the US Dept of Justice bulletin on people incarcerated 1.5 million people in jail and of that number 91,117 are foreign born may 2006. Immigrants are not here to cause trouble but to reunite with their families, work or find refuge. Mr. Juanisati supports the resolution.

Bennett Johnson what would Martin say about the border fence or border parole, families are broken up kids are left here orphaned, employees are punished but not the employers, burden on the prison system highest prison population in the world. The resolution says it's the Federal government to solve the problem and Evanston has the responsibility to support and be kind and live together in peace. This land is your land this land is my land and it should stay that way.

Lisa Woods, legal staff attorney focused on the third resolution and gave it a detail review of the legalities. "Essentially there are two key federal laws that are important in this situation 8. U.S.C 1644 and 8 U. S.C. 1373; 1373 is the broader of the two and prohibits local government from preventing employees or department from sending or receiving information regarding immigration status through the Immigration and Naturalization Service. The City cannot prohibit voluntary disclosure of immigrants' status information." There are two sections in the third resolution that do prohibit voluntary disclosure and on that basis and it is her opinion that it those sections are preempted by federal law. The remainder of the resolution does not preempt the federal law. Alderman Tisdahl asked if the Resolution calling for comprehensive reform is completely. Ms. Woods replied that it contains calls to action and policy statement and upon review is completely legal. Alderman Moran asked if the language was change in paragraph 5 that states ...police department to not assist... if the wording was removed and replaced with do not inquire about or record any information related to.... And the following line...*such inquiry or investigation*... remove the word *investigation* and replace with *such inquiry or recordation*... if those changes were made would it be sufficient to remove the concerns raised in the legal memo. Ms. Woods agreed it would.

Alderman Moran motioned to amendment Resolution three with removal of ...*Police department to not assist in the investigation of...* and replace with *do not inquire about or record any information related to ...and remove... unless such inquiry or investigationreplace investigation with recordation. No Second, Motion failed.*

Alderman Moran motioned to delete the 6th paragraph from the Resolution. No Second, Motion failed.

Alderman Moran motioned to recommend to City Council that the third Resolution calling for Humane and Just Treatment of Immigrants and their families and for Comprehensive Immigration Reform for adoption. No Second, Motion Failed.

Alderman Tisdahl motioned for the second Resolution calling for Comprehensive Immigration Reform is recommended to the City Council. Seconded by Alderman Jean-Baptiste.

Alderman Moran commented about the memo from Ms. Woods and the changes that he suggested to the Resolution that was not accepted by the Committee and felt the changes he suggested would have removed any potential legal shortcomings listed in the memo. The compiled documents included a compilation of resolutions similar to the third proposal and it show that 80 local and state jurisdictions have adopted similar proposals and have not encountered any legal difficulties due to it. He also asked Chief Eddington about the particular characteristic of this community, the Chief's replied in a memo stating that Evanston does not have characteristic that ICE would target and also he is unaware of ICE raids based on the passage of the resolution. Alderman Moran felt that what Alderman Jean-Baptiste is urging in his proposal is critical important to all the resolution namely comprehensive immigration reform however he felt it was thin because it doesn't signal to the residents that we are making an expressions of support fair and humane treatment to the citizens. He felt what was happening was that the committee did not want to adopt a resolution that requires action of OUR people in the City so that it would signal to Washington that Evanston is serious about this issue. That is why the

third resolution calling for Humane and Just Treatment of Immigrants and their Families and for Comprehensive Immigration Reform should be adopted.

Alderman Jean-Baptiste commented that in Evanston we act in a way that is fair and humane and the resolution has to target the national policy. If fair and humane treatment is the criteria then Evanston is already there. If there is a departure from that practice then at that time it will be addressed. The resolution calling for Comprehensive Immigration Reform asks for the federal government to provide a path for legalization for illegal immigrants living in the U.S. and that has not committed crimes against society. He felt that all is not lost if the third resolution is not adopted because Evanston already does humane and fair treatment. The perception is that Evanston can protect people from ICE but that is not so and the second proposal targets the federal government.

Alderman Bernstein motioned on Resolution two calling for Comprehensive Immigration Reform to recommend to City Council, approved (4-1).

ADJOURNMENT

The meeting unanimously adjourned at 9:03 p.m.

Respectfully submitted,

Nicola Whyte
Department of Health and Human Services