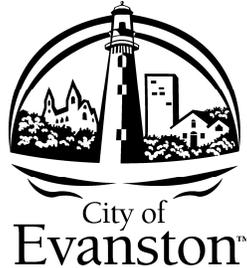


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CITY OF EVANSTON, ILLINOIS

SPECIAL CITY COUNCIL MEETING

Tuesday, November 29, 2011

7 p.m.

Council Chambers

Lorraine H. Morton Civic Center

2100 Ridge Avenue

Evanston, IL

Roll Call:

**Alderman Grover
Alderman Rainey
Alderman Burrus
Alderman Fiske**

**Alderman Wynne
Alderman Wilson
Alderman Holmes
Alderman Tendam**

Presiding: Mayor Elizabeth B. Tisdahl

Mayor Tisdahl opened the Special Meeting at 7:07 p.m. on completion of the Roll Call.

Alderman Braithwaite arrived at 7:20 p.m. after Roll Call had been completed. She then asked the City Manager if he had any announcements to make and his answer was yes. He asked Ms. Suzette Robinson, Director of Public Works to come forward to introduce the new Mr. James Maron, Superintendent of Streets and Sanitation. Ms. Robinson gave a summary of the new Superintendent's qualifications.

Citizen Comment

The Mayor decided to have comments from the citizens for both the Council and Township at the same time without separating the two by recessing into Township to deal with the Township issues. She disregarded the advice of the City/Township Clerk to recess from the Council to the Township to deal with Township comments and issues.

Junad Rizki, Sherman Ave. had concerns for the idea of taking over the Township by dissolving it and its services. He also stated there will not be any savings to the City or citizens with the closing of the Township. Alderman Rainey suggested to the Mayor to allow citizens to speak on whatever concerns they had for either the Township or Council issues to prevent having two lists and two lines, and the Mayor agreed and then she

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asked Mr. Rizki was there anything else he wanted to say. His answer was yes and he began to address his concerns of the Council's actions as follows: 1) The Electric rate issue (he does not believe the citizens who don't opt out will get the best rates from the change over); 2) CIP process from the Goals list (the management of the funds are not properly managed).

Bonnie Wilson, Township Assessor spoke of her concerns for the Township Levy Ordinance 102-O-112-00 and the legality of the Resolution to dissolve the Township. She also stated she had legal opinion that she passed out to the Council members, as well as having invited to Lawyers to speak on behalf of Township government.

Greg Pelini, Champain, IL stated he was an Attorney who has practiced Township Law for over thirty (30) years, and he announced the coterminous units that he had represented in the pass including Evanston Township. He stated the language in the code does not allow for the dissolution and discontinue the Township government. He also stated the transfer of funds from the Township to the City would amount to a gift from one political jurisdiction to another, and it is not permissible. If the City proceeds with any of these actions this Council/Board to proceed would be inviting a lawsuit, and with both lawsuits you would loose in his opinion.

Before the next speaker spoke Mayor Tisdahl stated in theory we are limiting this to 3 minutes per speaker.

Ali Elsatfar, 142 N. Austin, Oak Park speaking on behalf of the Township as a guest of Bonnie Wilson, Township Assessor. He has held the position of Oak Park Assessor for ten and a half years and he is an Attorney. He stated what the City of Evanston is proposing can not be done, at least not City wide but County wide. He stated what happens in Evanston will reverberate across Cook County and there are concerns throughout the Townships. He also stated that Township Government is very important, and he suggested if you have problems with the Township then fix it don't discontinue it.

Ethel Perrin, 647 Dodge Ave. spoke in favor of retaining the Township because you can obtain one-on-one service, and if you have to go downtown people will have to wait in long lines and still go away not knowing what happened.

Betty Ester, 2031 Church stated her concern for the Resolution of placing a referendum on the ballot and her concern of the GA program and wanted a clear understanding of what is happening. On the budget she questioned the \$50,000 and \$250,000 that will be coming from the Township and what services will be eliminated. She also questioned the rates that will be offered due to aggregation

The following speakers spoke on Aggregation Ordinance 103-O-11:

Jonathan Newsma, 1408 Dempster stated he was supportive of the ordinance as a citizen and a member of the board "Citizens for a Greener Evanston".

Nathan Kipnis, 1642 Payne stated his support for the Ordinance and he too is a board member of "Citizen's For a Greener Evanston". He said he sees no downside of the proposal and it will decrease the carbon footprint and save the citizens money on their bill.

Joel Freeman, 2151 Hartrey stated his support and was pleased that City staff forged forward to get it on the ballot. He believes it will save the citizens money as well.

Ron Fleckman 1657 Church stated his support for the Ordinance and that he is the President of Citizens for a Greener Evanston. He stated this proposal will allow the citizens to spend less for their electricity. He stated each resident could save \$150.00

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annually. These funds could assist the residents in many different ways for their use.

Steve LeVon, 1738 Chicago Ave. stated he is all in favor of cleaner energy. He stated he would choose clean energy even if he had to pay more and he is very much in favor of aggregation.

Mayor Tisdahl then stated citizen comments for both the City and Township have been concluded and asked if someone would motion to recess and convene as the Township. The motion was moved and seconded by voice and the motion was passed again as a voice vote.

The time for the recess was at 7:40 pm.

TOWNSHIP MEETING

Township Clerk R. Greene began the meeting at 7:40 p.m. when he then read the reason for the special meeting of the Township. He then asked for the nomination of a Moderator for the Township meeting. Elizabeth B. Tisdahl was nominated and was seconded. The Township Clerk then asked if there were any nominations from the floor since there were none he asked if anyone wanted to close nomination. It was moved and seconded. The Clerk asked for a vote and a unanimous voice vote was received. The Township Clerk then asked the Moderator to raise her right hand and take the oath of the Moderator.

Moderator Tisdahl then read the item that was before the Trustee Board which was

“Discussion and Evaluation Regarding Township Services, Public Aid

Service Delivery, and Government Structure” and on the completion of her reading, City Manager Bobkiewicz began talking stating he had several items to present to the Board, and at that time the **Township Clerk** called for a point of order. He mentioned to the Moderator and the City Manager the following: “Because this is Township business I am going to ask the City Manager to step down because you are not part of the Township as a Trustee”. **The Moderator** said but he can still talk and the answer from the Township Clerk was yes, but not from the Dias. **The Moderator** then asked if the Board wanted to vote and also asked **Alderman/Trustee Wynne** if she wanted to make a motion. **Trustee Wynne** then made a motion to let Wally Bobkiewicz to sit on the Dias to participate during the discussion and was seconded by **Trustees Burrus and Grover**. The Moderator then called for the vote by asking all in favor say “I” and the resounding voice vote was approval to allow the City Manager to sit on the Dias.

The City Manager thanked the Moderator and Township Board as he continued with his presentation of a document concerning the dissolution of the Township of Evanston. He then went on and introduced Mr. Grant Farrar, the City Attorney as the Township Attorney who had prepared a memorandum which is a part of the packet on page 14 which also includes the referendum question 3T-R-11. He suggested postponing the Resolution until December 12, 2011 because the Township Supervisor is not present and it would be useful to have her present. He stated the Township Attorney, Mr. Farrar was here to answer any questions.

Trustee Rainey had a question concerning the question in the referendum to be placed on the ballot and she stated she would like to dissolve the Township but did not want all that stuff.

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City Attorney Farrar announced himself as Town Board Attorney/Corporation Counsel he stated the Board had asked the Legal Department to investigate the dissolution of the Township. He then pointed out articles 7 and 8 of the Illinois Constitution to support the decision to dissolve the Township. He also summed up his presentation from an article from 1972 by his predecessor.

Trustee Rainey responded to Mr. Farrar without being called on by the Moderator and she stated her knowledge of various areas of the Township, but was not aware of any other duties or obligations and she wanted Mr. Farrar to explain to her what they are. She stated she supports the GA, housing, but what are the other things.

Moderator Tisdahl recognized the Township Clerk and he read the following statement: "In my research of the dissolution of the Township this is what the Illinois Compiled Statutes says" (60 ILCS 1/25-5) Sec. 25-5 was revised on March 4, 2010 Petition and referendum to discontinue township organization. Upon the petition of at least 10% of the registered voters of each township of a county, as determined on the date registration closed before the regular election next preceding the last day on which the petition may be filed, that has adopted township organization, the county board shall certify and cause to be submitted to the voters of the county, at the next general election, the question of the continuance of township organization.

Moderator Tisdahl asked Mr. Farrar if he wanted to answer that and he stated he addressed that point in the 25 pages of research that he presented for the record.

Trustee Grover stated by listening to the guests from Oak Park and Champaign they suggest Township Government is a permanent fixture and that she can't believe that the electors of this Township can't make the decision at the voting box. She also wanted to know who would be the plaintiff if someone was to challenge the decision of this Board. Mr. Farrar stated anyone could file a challenge and if it happens he recues himself due to a conflict of interest and he would not be handling the case.

Trustee Wilson wanted a recap of the 60 ILCS 1 25-5. Mr. Farrar proceeded to defend his memo by sighting a past litigation that was not binding authority but persuasive authority in DuPage County in 1996 he believed. He also referenced article 7 in his memo. **Trustee Wilson** stated he located an Attorney General's statement that reference this subsection 25-5 which implements article 7 section 5 and it says 10% of the registered voters. He also stated he is not interested in pioneering and spending a lot of money to test the waters. He would prefer to do this but not taking a shot in the dark and hoping it will work.

Trustee Rainey wanted to know if we could avoid lots of legal expenses by asking a judge to declare his/her judgment to be declarative. No, there must be a statutory statement and most judges will not do advisory opinions (as stated by Mr. Farrar).

The City Manager stated they are trying to provide a roadmap if you choose to go down it. It's not a one step process, but a two step process to ask the voters of the Township and then go to the General Assembly to make amendments. He and Mr. Farrar believed it would be adventitious to go to the General Assembly with a vote from the voters of the Township.

Trustee Fiske wanted clarification on Trustee Wilson's statement.

Trustee Wilson stated the code provides a roadmap for a procedure and we are choosing not to follow it. He also stated he could not support it because of what the

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Township Clerk read, it takes 10% of the voters in the county who are the only ones to put it on the ballot.

Trustee Wynne wanted to know is there something else in Illinois Law that can allow us to place on the ballot. She stated she is concerned with the 10% registered voters which we are not doing.

Mr. Farrar once again quoted the 1996 DuPage case the judge declared the code unconstitutional.

Township Clerk then read the second part of 60 ILCS 1 25-5 which stated “**A signature on a petition shall not be valid or counted in considering the petition unless the form requirements are complied with and the date of each signature is less than 90 days before the last day for filing the petition. The statement of the person who circulates the petition must include an attestation (i) indicating the dates on which that sheet was circulated, (ii) indicating the first and last date on which that sheet was circulated, or (iii) certifying that none of the signatures on the sheet was signed more than 90 days before the last day for filing the petition**”.

The Clerk asked if that answered your question, and **Trustee Wynne** stated people have jumped through loops before. **The Clerk** stated because we have done it before we shouldn't continue doing it. **Trustee Wynne** finally stated it answered her question.

Trustee Grover wanted to know if the Evanston electors decide to dissolve the Township would it be a strong signal to the State Legislature and perspective petition signers that this is what Evanston wants. **Mr. Farrar** stated he was not competent enough to answer that question.

Trustee Rainey suggested we do an advisory referendum with the very same verbiage on the ballot by asking the electors what they want to do.

Moderator Tisdahl wanted to know could we be sued by someone for asking what the voters want us to do. **Mr. Farrar** responded Madam Mayor that is something I can not speculate on.

Trustee Fiske asked when would the petitions be due with the 4200 signatures to have it placed on the ballot.

Clerk Greene responded as I stated before it would be 90 days before the last day for filing. December 19th would be the due date.

Trustee Burrus stated we should do something and not just be status quo, and she stated we should respect Mr. Farrar because we hired him to do a job for us.

Trustee Holmes wanted to know why this keeps coming up and she has not heard anyone wanting to get rid of Township, and if we know what the problem is with the Township then why not fix it. She believes there is another way to go instead of making it so difficult.

Trustee Wilson stated there is a procedural problem and we don't know how to proceed, he proposed to move to adopt a Resolution to request the Legislators to amend the statutes in such a way it creates a clear path for the dissolution of the Township and it was seconded by Trustee Wynne.

Trustee Burrus stated she does not believe they should put their faith Springfield, but to do something on their own. She stated she hears all the time why do we have a Township, let's get rid of the Township, and what a waste of money.

Trustee Grover she believes the Board should go forward with the motion made by Trustee Wilson and she supports the motion.

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Trustee Braitwaite stated he was uncomfortable with moving forward with this motion because his constituents have not said they wanted to dissolve the Township, they call more about trees than the dissolution of the Township. He would like to have a clear pathway to make him feel better and he believes we will be going down the same path again.

Trustee Tendam stated in his ward there has been a big request to dissolve the Township but with no specific ways of how to do it.

Trustee Wilson repeated his motion to have the Board vote on the motion. The Moderator called for a voice vote, but Trustee Burrus asked for a Roll Call vote that resulted in 6-3 for approval (Trustees Burrus, Braithwaite, and Tendam voted nay).

Trustee Grover made a motion to have a binding referendum placed on the ballot. The Roll Call was taken and the result was 5-4 against approval. Trustees Rainey, Braithwaite, Wynne, Wilson, and Holmes voted nay. She then made a motion to have an advisory referendum to go on the ballot and it was seconded. Trustee Wilson restated his objection because according to the Law we are choosing to go against what is directing us because a binding or advisory reaps the same consequences The Roll Call vote resulted 5-4 for approval. Trustees Braithwaite, Wynne, Wilson, Holmes voted nay.

Trustee Wilson motioned to have the Township Meeting to adjourn to meet at 7pm on Monday, December 5, 2011 and it was seconded. A Roll Call vote was taken which resulted in 9-0 to approve the motion.

A motion to adjourn and then reconvene as Evanston City Council was made by Trustee Burrus and it was seconded. A unanimous voice vote was received. The Township was adjourned to meet again on December 5, 2011.

CITY COUNCIL

The Trustee Board adjourned the Township Meeting and reconvened at 9:30 pm. as the City Council Board.

Mayor Tisdahl called the meeting back to order and stated the item before the Council was Ordinance 103-O-11. The Mayor called on the City Manager and he stated before the Council moves on to discuss Ordinance 103-O-11 he wanted to recognize the staff members who have been here to talk on the previous item on the Agenda for all of their work. Sarah Flax, Mary Ellen Poole from the Community Economic Department, Jonathan Webb from the Health Department, Matt Menkowski and Adelita Hernandez from the City Manager's Office, they prepared the documents for part of the packets this evening. He stated they did a lot of work in looking into what to do with General Assistance and other issues if the Township would be dissolved.

Ordinance 103-O-11: Submission of the Community Choice Electrical Aggregation Question to the Electors of The City of Evanston

Staff recommends passage of Ordinance 103-O-11, providing for the submission to the electors of the City of Evanston, the question whether the City should have the authority under Public Act 096-0176 to arrange for the supply of electricity for its residential and small commercial retail customers who have not opted out of such a program.

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For Introduction

The City Manager stated that Catherine Hurley and Dave Stoneback have worked on preparing the presentation that Ms. Hurley will present for both of them. She gave a ten slide presentation on the Aggregation Referendum and she thanked Mr. Stoneback for his help on the memo, the presentation and making sure all the data was compiled. Once Ms. Hurley had completed her presentation there were only a few questions and concerns from the Aldermen that she answered to their approval.

Alderman Grover motioned to introduce the Ordinance 103-O-11 it was seconded. A Roll Call was taken and the result 9-0 the motion passed. It was motioned to suspend the rules and it was seconded. A Roll Call vote was taken with the results 9-0 and it passed. A third motion was made to approve the Ordinance 103-O-11 and it was seconded. A Roll Call vote was taken and the results were 9-0 and the motion passed.

FY2012 City Council Priority Goals

It is recommended that the City Council select four of its FY 2012 Goals to be designated as "Priority" goals.

For Action

City Manager Bobkiewicz stated during the Council's September 19th meeting the Council set thirteen goals for the fiscal year 2012. The Council members were to pick their top four choices. Economic Development was the top goal and the next 4 highest were:

- Safety issues
- Efficiency & Effectiveness of Services
- Capital Improvement Program Planning
- Youth Engagement

Mr. Bobkiewicz suggested the Council prioritize the final 4 and to spend some time studying the goals and then come together to discover how we can implement these goals. He will keep the Council informed of the other goals as they progress along. Alderman Holmes motioned to accept 5 goals instead of 4 and it was seconded. A voice vote was unanimous and the motion passed.

Mr. Bobkiewicz stated he just wanted direction from the Council and sense he has that he will move forward.

A motion to adjourn was asked by Mayor Tisdahl and Alderman Wynne moved and it was seconded. A Voice vote was unanimous to adjourn and the meeting ended at 10:15 pm.

Submitted by,

Hon. Rodney Greene/City & Township Clerk