



CITY COUNCIL EMERGENCY MEETING

**CITY OF EVANSTON, ILLINOIS
LORRAINE H. MORTON CIVIC CENTER
JAMES C. LYTTLE COUNCIL CHAMBERS
Friday, June 30, 2017 10 a.m.**

ORDER OF BUSINESS

(I) City Council Roll Call – Begin with Alderman Wilson

(II) Public Comment

Members of the public are welcome to speak at City Council meetings. As part of the Council agenda, a period for public comments shall be offered at the commencement of each regular Council meeting. Public comments will be noted in the City Council Minutes and become part of the official record. Those wishing to speak should sign their name and the agenda item or non-agenda topic to be addressed on a designated participation sheet. If there are five or fewer speakers, fifteen minutes shall be provided for Public Comment. If there are more than five speakers, a period of forty-five minutes shall be provided for all comment, and no individual shall speak longer than three minutes. The Mayor will allocate time among the speakers to ensure that Public Comment does not exceed forty-five minutes. The business of the City Council shall commence forty-five minutes after the beginning of Public Comment. Aldermen do not respond during Public Comment. Public Comment is intended to foster dialogue in a respectful and civil manner. Public comments are requested to be made with these guidelines in mind.

(III) Special Order of Business:

(SP1) Ordinance 66-O-17, Amending City Code to Add Section Titled “Conflicts with Cook County Minimum Wage and Sick Leave Ordinance” in order to Opt Out of the Cook County Ordinance with a Sunset Period

Mayor Stephen H. Hagerty recommends City Council adoption of Ordinance 66-O-17 to amend Title 1, Chapter 11 by adding a new section 1-11-6 titled “Conflicts with Cook County Minimum Wage and Sick Leave Ordinances”.

Mayor Hagerty recommends suspension of the rules for Introduction and Action at the June 30, 2017 Emergency City Council meeting.

For Introduction and Action

(IV) Adjournment

Information is available about Evanston City Council meetings at: www.cityofevanston.org/citycouncil. Questions can be directed to the City Manager's Office at 847-866-2936. The City is committed to ensuring accessibility for all citizens. If an accommodation is needed to participate in this meeting, please contact the City Manager's Office 48 hours in advance so that arrangements can be made for the accommodation if possible.



Memorandum

To: Honorable Mayor and Members of the City Council

From: Wally Bobkiewicz, City Manager
Michelle L. Masoncup, Acting City Attorney

Subject: Ordinance 66-O-17, Amending City Code to Add Section Titled “Conflicts with Cook County Minimum Wage and Sick Leave Ordinance” in order to Opt Out of the Cook County Ordinance with a Sunset Period

Date: June 29, 2017

Recommended Action:

Mayor Stephen H. Hagerty recommends City Council adoption of Ordinance 66-O-17 to amend Title 1, Chapter 11 by adding a new section 1-11-6 titled “Conflicts with Cook County Minimum Wage and Sick Leave Ordinances”. *Mayor Hagerty recommends suspension of the rules for Introduction and Action at the June 30, 2017 Emergency City Council meeting.*

Livability Benefit:

Economy & Jobs: Retain and Expand Local Businesses
Expand Job Opportunities

Summary:

On October 5, 2016, the Cook County Commissioners passed Ordinance 16-4229, *An Ordinance Establishing Earned Sick Leave in Cook County* (“Cook County Sick Leave Ordinance”). The Sick Leave Accrual Ordinance provides that an eligible employee who has worked at least 80 hours in a 120 day period will accrue one hour of sick leave for every 40 hours worked, up to a maximum of 40 hours per twelve (12) month period.

On October 26, 2016, the Cook County Board of Commissioners passed Ordinance 16-5768, *An Ordinance Creating a Minimum Wage in Cook County* (“Cook County Minimum Wage Ordinance”) to regulate the minimum wage provisions within county cities and villages effective July 1, 2017. The Cook County Minimum Wage Ordinance requires businesses within the corporate limits of Cook County to pay minimum wages beginning July 1, 2017 of \$10.00 per hour and increasing annually to a minimum of \$13.00 per hour beginning on July 1, 2020. These amounts are greater than what is

required by the State of Illinois minimum wage requirement which is currently \$8.25 per hour.

Cities and Villages within Cook County must take legislative action to opt out of the provisions required by the Cook County Ordinance. To date several municipalities within Cook County have already chosen to opt out of these requirements. A list of these communities is attached to this memorandum which was obtained from the Village of Wilmette public packet for its own consideration of the Ordinance on June 27, 2017.

As of June 26, 2017, no contiguous city or village to Evanston was among the municipalities that opted out of the legislation. On June 27, 2017, the Village of Wilmette voted to opt out of the Cook County Ordinance. On June 28, 2017, the Village of Skokie announced its intention to opt out of the Cook County Ordinance. The Village of Oak Park called a special meeting for June 30, 2017 to consider creating a short sunset provision to opt out of the ordinance until further discussion in July 2017.

If Evanston opts out of the Cook County mandates, employers in Evanston would be required to follow applicable State and federal laws with regard to minimum wages and sick leave. That action would leave it up to each business in Evanston to choose what rate of pay they would pay their employees based on the need of the business.

The attached ordinance provides a very short time period (July 1 – July 11th) to opt out of the Cook County Ordinances until a more deliberative discussion can take place at the next regularly scheduled City Council meeting on July 10, 2017 after adequate public notice can be disseminated.

Attachments:

Ordinance 66-O-17

Cook County Ordinance 16-4229

Cook County Ordinance 16-5768

List of Opted Out Municipalities

66-O-17

AN ORDINANCE

Amending Title 1 “General Administration”, Chapter 11 “Finance Department”, by Adding a New Section 1-11-6 Titled “Conflicts with Cook County Minimum Wage and Sick Leave Ordinances”

WHEREAS, the City of Evanston (“City”) is a home rule unit of government as provided by the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the City is expressly empowered to perform any function pertaining to its government and affairs, including, but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, on October 5, 2016, the County of Cook Board of Commissioners adopted an ordinance that requires employers in Cook County to provide a minimum number of paid sick days to employees and on October 26, 2016, the County of Cook Board of Commissioners adopted an ordinance creating a minimum wage for employers in Cook County (collectively referred to as the “Cook County Ordinances”); and

WHEREAS, the Cook County Ordinances take effect on July 1, 2017 unless the City’s corporate authorities take action prior to that date with regard to the effectiveness of the Cook County Ordinances within the City’s jurisdiction; and

WHEREAS, Article VII, Section 6(c) of the Illinois Constitution provides that if a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction; and

WHEREAS, the City's corporate authorities finds that the Cook County Ordinances shall not take effect on July 1, 2017 pursuant to this Ordinance 66-O-17 and the City's home rule powers within the City's jurisdiction through July 11, 2017, when this Ordinance shall sunset and be repealed.

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS THAT:

SECTION 1: Recitals Incorporated. The above recitals are incorporated herein by reference as though fully set forth.

SECTION 2: Title 1 "General Administration", Chapter 11 "Finance Department" is amended by adding a new Section 6 titled "Minimum Hourly Wages and Sick Leave; Conflicts with Home Rule County Ordinances" to read as follows:

1-11-6. - CONFLICTS WITH COOK COUNTY MINIMUM WAGE AND SICK LEAVE ORDINANCES:

A. Employers located within the City shall comply with all applicable federal and/or State laws and regulations as such laws and regulations may exist from time to time with regard to both the payment of minimum hourly wages and paid sick leave. Employee eligibility for paid sick leave and minimum hourly wages shall also be in compliance with all applicable federal and/or State laws and regulations as such laws and regulations may exist from time to time.

B. No additional obligations with regard to paid sick leave, or minimum hourly wages, including, without limitation, any additional obligations by ordinance adopted by the County of Cook Board of Commissioners, shall apply to employers located within the City, except those required by federal and/or State laws and regulations as such laws and regulations may exist from time to time.

C. For the purposes of this Section, the term "employee" means an individual permitted to work by an employer regardless of the number of persons the employer employs, and the term "employer" means any person employing one or more

- (1) There has been a bona fide change in ownership or Control of the ineligible Person or Substantial Owner;
- (2) Disciplinary action has been taken against the individual(s) responsible for the acts giving rise to the violation;
- (3) Remedial action has been taken to prevent a recurrence of the acts giving rise to the disqualification or default; or
- (4) Other factors that the Person or Substantial Owner believe are relevant.

The CPO shall review the documentation submitted, make any inquiries deemed necessary, request additional documentation where warranted and determine whether a reduction or waiver is appropriate. Should the CPO determine that a reduction or waiver of the ineligibility period is appropriate; the CPO shall submit its decision and findings to the County Board.

(e f) A Using Agency may request an exception to such period of ineligibility by submitting a written request to the CPO, supported by facts that establish that it is in the best interests of the County that the Contract be made from such ineligible Person. The CPO shall review the documentation, make any inquiries deemed necessary, and determine whether the request should be approved. If an exception is granted, such exception shall apply to that Contract only and the period of ineligibility shall continue for its full term as to any other Contract. Said exceptions granted by the CPO shall be communicated to the County Board.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 74 Taxation, Article II Real Property Taxation, Division 2 Classification System for Assessment, Section 74-74 of the Cook County Code is hereby amended as follows:

Sec. 74-74. - Laws regulating the payment of wages and Employer Paid Sick Leave.

(a) Except where a Person has requested an exception from the Assessor and the County Board expressly finds that granting the exception is in the best interest of the County, such Person including any Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) shall be ineligible to receive any property tax incentive noted in Division 2 of this Article if, during the five year period prior to the date of the application, such Person or Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of committing a repeated or willful violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq., the Illinois Minimum Wage Act, 820 ILCS 105/1 et seq., the Illinois Worker Adjustment and Retraining Notification Act, 820 ILCS 65/1 et seq., the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101 et seq., the Employee Classification Act, 820 ILCS 185/1 et. seq., the Fair Labor Standards Act of 1938, 29 U.S.C. 201, et seq., or any comparable state statute or regulation of any state, which governs the payment of wages.

(b) The Assessor shall obtain an affidavit or certification from every Person and Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) who seeks a property tax incentive from the County as noted in Division 2 of this Article certifying that the Person or Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) has not violated the statutory provisions identified in Subsection (a) of this Section.

(c) If the County or Assessor becomes aware that a Person or Substantial Owner (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) has admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of committing a repeated or willful violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq., the Illinois Minimum Wage Act, 820 ILCS 105/1 et seq., the Illinois Worker Adjustment and Retraining Notification Act, 820 ILCS 65/1 et seq., the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101 et seq., the Employee Classification Act, 820 ILCS 185/1 et. seq., the Fair Labor Standards Act of 1938, 29 U.S.C. 201, et seq., or any comparable state statute or regulation of any state, which governs the payment of wages during the five year period prior to the date of the application, but after the County has reclassified the Person's or Substantial Owner's (as defined in Part I, Chapter 34, Article V, Section 34-367 of the Cook County Code) subject property under a property tax incentive classification, then, after notice from the Assessor of such violation, the Person or Substantial Owner shall have 45 days to cure its violation and request an exception or waiver from the Assessor. Failure to cure or obtain an exception or waiver of ineligibility from the Assessor shall serve as grounds for revocation of the classification as provided by the Assessor or by the County Board by Resolution or Ordinance. In case of revocation or cancellation, the Incentive Classification shall be deemed null and void for the tax year in which the incentive was revoked or cancelled as to the subject property. In such an instance, the taxpayer shall be liable for and shall reimburse to the County Collector an amount equal to the difference in the amount of taxes that would have been collected had the subject property not received the property tax incentive.

(d) The Assessor shall obtain an affidavit or certification from every Person and Substantial Owner who seeks a property tax incentive from the County that the applicant pays a Wage as defined in Section 42-8 to its employees in accordance with Sections 42-7 through 42-15 of the Cook County Code.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 54 Licenses, Permits and Miscellaneous Business Regulations, Article X General Business Licenses, Section 54-384 and Section 54-390 of the Cook County Code are hereby amended as follows:

Sec. 54-384. - License application.

All applications for a General Business License shall be made in writing and under oath to the Director of Revenue on a form provided for that purpose.

(a) Every application for a County General Business License shall be submitted and signed by the Person doing business or authorized representative of the Person doing business and shall contain the following:

- (1) Name of the applicant.
- (2) Business address.
- (3) Social security numbers, Tax ID number, and residence addresses of its sole proprietor or the three individuals who own the highest percentage interests in such Person and any other individual who owns five percent or more interest therein.
- (4) Pin number of the property or properties where the business is being operated.
- (5) A brief description of the business operations plan.

(6) Sales tax allocation code. The sales tax allocation code identifies a specific sales tax geographic area and is used by the State of Illinois for sales tax allocation purposes.

(7) Certification that applicant is in compliance with all applicable County Ordinances.

(8) For Business Licenses applied for or renewed following the effective date of this provision, certification that the applicant has not, during the five-year period prior to the date of the application for a Business License, admitted guilt or liability or has been adjudicated guilty or liable in any judicial or administrative proceeding of committing a repeated or willful violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1 et seq., the Illinois Minimum Wage Act, 820 ILCS 105/1 et seq., the Illinois Worker Adjustment and Retraining Notification Act, 820 ILCS 65/1 et seq., the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101 et seq., the Employee Classification Act, 820 ILCS 185/1 et. seq., the Fair Labor Standards Act of 1938, 29 U.S.C. 201, et seq., or any comparable state statute or regulation of any state, which governs the payment of wages.

(9) Certification that the applicant pays a Wage as defined in Section 42-8 to its employees that conforms with Sections 42-7 - 42-15 of the Cook County Code

(b) The Director of Revenue shall be the custodian of all applications for licenses which [sic] under provisions of this Code. All information received by the Department from applications filed pursuant to this article or from any investigations conducted pursuant to this article, except for official County purposes, or as required by the Freedom of Information Act, shall be confidential.

(c) The General Business License applicant may be subject to an inspection by the following county departments including, but not limited to, Health, Building and Zoning and the Environment, prior to licensing.

(d) It shall be grounds for denial and/or revocation of any license issued under the provisions of this article whenever the license applicant knowingly includes false or incomplete information in the license application or is in violation of a County Ordinance.

Sec. 54-390. - Failure to comply-Code of Ordinances.

(a) Failure to comply with applicable Cook County Code of Ordinances may result in general business license suspension or revocation.

(b) Persons doing business in unincorporated Cook County must comply with this article and, including but not limited to, the following Cook County Code of Ordinances:

(1) Chapter 30, Environment; or

(2) Chapter 38, Article III, Public Health and Private Nuisances; or

(3) Chapter 58: Article III, Offenses involving Public Safety, and Article IV, Offenses Involving Public Morals; or

(4) The Cook County Building Ordinance, adopted originally on March 11, 1949, as amended, and/or the Cook County Building Code; or

(5) Chapter 74 Taxation; or

(6) The Cook County Zoning Ordinance, as amended; or

(7) Chapter 42 Human Relations.

Effective Date: This Ordinance shall take effect immediately upon passage.

Approved and adopted this 26th of October 2016.

TONI PRECKWINKLE, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

Municipalities 'Opt Out' List

1. Alsip	42. Maywood
2. Arlington Heights	43. Melrose Park
3. Barrington	44. Midlothian
4. Bartlett	45. Morton Grove
5. Bedford Park * (Paid Sick Leave)	46. Mount Prospect
6. Bellwood	47. Niles
7. Berkeley	48. Norridge
8. Bridgeview	49. North Riverside
9. Brookfield	50. Northbrook
10. Buffalo Grove	51. Northlake
11. Burbank	52. Oak Forest
12. Burr Ridge	53. Oak Lawn
13. Chicago Heights	54. Orland Hills
14. Chicago Ridge	55. Orland Park
15. Cicero* (MW)	56. Palatine
16. Crestwood	57. Palos Heights
17. Des Plaines	58. Palos Hills
18. East Hazel Crest	59. Palos Park
19. Elgin	60. Park Ridge
20. Elk Grove Village	61. Prospect Heights
21. Elmwood Park	62. Richton Park
22. Evergreen Park	63. River Forest
23. Forest Park	64. River Grove
24. Glenview	65. Riverside
25. Hanover Park	66. Rolling Meadows
26. Harwood Heights	67. Rosemont
27. Hickery Hills	68. Schaumburg
28. Hillside	69. Schiller Park
29. Hinsdale	70. South Barrington
30. Hodgkins	71. South Chicago Heights
31. Hoffman Estates	72. South Holland
32. Homewood	73. Steger
33. Indian Head Park	74. Streamwood
34. Justice	75. Summit
35. La Grange	76. Thorton
36. La Grange Park	77. Tinley Park
37. Lansing	78. Western Springs
38. Lemont	79. Wheeling
39. Lincolnwood	80. Willow Springs
40. Lynwood	81. Worth
41. Lyons	