Rules Committee Meeting
MONDAY, JUNE 4, 2018
6:00PM
Lorraine H. Morton Civic Center, 2100 Ridge Avenue
James C. Lytle City Council Chambers

AGENDA

I. CALL TO ORDER/DECLARATION OF QUORUM: Ald. Melissa Wynne

II. CITIZEN COMMENT

III. ALDERMEN ATTENDANCE AT EXECUTIVE SESSION OF A BOARD, COMMISSIONS AND COMMITTEE MEETINGS

IV. TRANSPORTATION/PARKING COMMITTEE – UPDATE MEMBERSHIP/RESPONSIBILITIES*

V. CHANGE MEMBERSHIP FOR HOUSING AND COMMUNITY DEVELOPMENT ACT COMMITTEE*

VI. REVIEW OF CITY COUNCIL STANDING COMMITTEE PROCESS AND SCHEDULING OF MEETINGS

VII. RULES COMMITTEE MEETING SCHEDULE

VIII. PUBLIC AND COUNCIL INTERACTION – COMMUNICATION AND CIVILITY

IX. REVIEW OF CITY OF CHICAGO ORDINANCE ON LOBBYIST REGISTRATION*

X. NOTARIZATION ON FINANCIAL DISCLOSURE FORMS*

XI. REVIEW RULES REGARDING TIE VOTES DURING CITY COUNCIL STANDING COMMITTEE MEETINGS*

XII. REFERENDUM FOR NOVEMBER BALLOT – CHANGE CITY CLERK TO APPOINTED POSITION*

XIII. OUTDOOR CAFÉ REGULATIONS – STAFF AND WARD ALDERMAN APPROVAL ONLY*

XIV. DISCUSSION OF AMAZON PURCHASES

XV. NEW BUSINESS

XVI. ADJOURNMENT

*Denotes materials included in packet
Memorandum

To: Alderman Melissa Wynne, Chairman
    Members of the Rules Committee

From: Kimberly Richardson, Acting Administrative Services Director
    Jill Velan, Parking Division Manager

Subject: Resolution 38-R-18 Amending the Purpose and Composition of the Membership of the Transportation/Parking Committee

Date: June 1, 2018

Recommended Action:
Staff recommends the Rules Committee approve Resolution 38-R-18 that includes the following changes to the Purpose and Composition of the Membership of the Transportation/Parking Committee:

Decrease the number of Mayor-appointed Transportation/Parking Committee members from nine (9) to seven (7). This includes the Removal of the requirement for one (1) member to be a resident with multi-modal experience.

Decrease the membership quotient for members from City Council from four (4) to three (3).

Add that the Committee endeavors to cover various modes of transportation which would be able to be met by using the committee’s experience as a whole to fit any needs.

Remove non-voting ex officio members.

Update purpose to include the Committee will consider users of all ages and abilities, including children, youth, families, older adults, individuals with disabilities, Mobility Assistance Device users and the City’s Complete Streets policy when making recommendations.

Summary:
In May 2018 the Transportation/Parking Committee voted to recommend the above changes for consideration by the Rules Committee. These recommendations have come based on recent City Council policy decisions and quorum issues that the Committee has been experiencing over the last two years.

Attachments:
Resolution 38-R-18
38-R-18

A RESOLUTION

Amending the Purpose and Composition of the Membership of the Transportation/Parking Committee

WHEREAS, the City of Evanston currently has a Transportation/Parking Committee which was established pursuant to Resolution 42-R-97 and subsequently amended by Resolution 13-R-15;

WHEREAS, the Transportation/Parking Committee studies the intermediate and long term parking needs of the City and provides recommendations to the City Council regarding parking problems;

WHEREAS, Resolution 13-R-15 provided nine (9) members of the Transportation/Parking Committee are appointed by the Mayor: four (4) members are from the City Council, two (2) members are Evanston business owners or residents, one (1) member is an Evanston resident with multi-modal transportation experience, one (1) member is appointed by the Plan Commission from among its members, and one (1) member appointed by the Environment Board among its members. The Executive Director of the Chamber of Commerce shall participate as a non-voting ex officio member of the Transportation/Parking Committee;

WHEREAS, in May 2018, the Transportation/Parking Committee directed staff to draft this Resolution; and

WHEREAS, it is appropriate to amend the composition of the Transportation/Parking Committee to decrease the number of Mayor-appointed Transportation/Parking Committee members from nine (9) to seven (7); to decrease the
membership quotient for members from the City Council from four (4) to three; to eliminate the Executive Director of the Evanston Chamber of Commerce as a non-voting ex officio member of the Transportation/Parking Committee; to eliminate one (1) member who is an Evanston resident with multi-modal transportation experience; to update the purpose of the committee to cover various modes of transportation which would be able to be met by using the Committee’s experience as a whole to fit any needs; and to consider users of all ages and abilities, including children, youth, families, older adults, individuals with disabilities, Mobility Assistance Device users, and the City’s Complete Streets policy when making recommendations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: Section 1 of Resolution 13-R-15 is amended to provide that seven (7) members of the Transportation/Parking Committee are appointed by the Mayor: three (3) members are from the City Council, two (2) members are Evanston business owners or residents, one (1) member is appointed by the Plan Commission from among its members, and one (1) member appointed by the Environment Board among its members.

That the Committee shall study the intermediate and long term parking and multi-modal needs of the City, including but not limited to, bicycle, transit, and walking with consideration of environmental issues and shall provide to the City Council, and other relevant committees, recommendations to resolve parking and mobility challenges. The Committee endeavors to cover various modes of transportation which would be able to be met by using the Committee’s experience as a whole to fit any needs. The
Committee will consider users of all ages and abilities, including children, youth, families, older adults, individuals with disabilities, Mobility Assistance Device users, and the City’s Complete Streets policy when making recommendations.

SECTION 2: Resolution 38-R-18 shall be in full force and effect from and after its passage and approval in the manner provided by law.

________________________________________
Stephen H. Hagerty, Mayor

Attest: Devon Reid, City Clerk

Approved as to form: _____________________________
Michelle L. Masoncup, Interim Corporation Counsel

Adopted: ________________ , 2018
Memorandum

To: Honorable Chair and Members of the Rules Committee

From: Johanna Leonard, Community Development Director
       Sarah Flax, Housing and Grants Administrator

Subject: Ordinance 69-O-18, Housing and Community Development Act Committee

Date: May 31, 2018

Recommended Action:
Staff recommends adoption of Ordinance 69-O-18, amending Ordinance 103-O-16 that codified the Housing and Community Development Act (HCDA) Committee in line with other City boards and commission, and changes Section 2-4-2: Membership to delete the requirement of one member who is a representative of the Plan Commission. This also reduces the total membership of the committee to nine to facilitate quorum.

Background:
At the May 15, 2018 HCDA Committee meeting, Chair Rainey informed the committee that Carol Goddard, the Plan Commission representative, had tendered her resignation because she is unable to attend meetings due to a schedule conflict. In addition, no other Plan Commission member was willing to be the representative on the HCDA Committee. Discussion of the history and purpose of a Plan Commission representative on this committee followed.

A Plan Commission representative was included in the HCDA membership when the committee was founded in 1975 to oversee the City's Community Development Block Grant (CDBG) funding so that commission would be informed about CDBG funded projects that affect the built environment and to ensure alignment with the City's Comprehensive Plan. The current expansion of information sharing through online meeting agendas, packets and minutes, and video recordings of meetings enables other members of the HCDA Committee and the general public to remain informed about topics relevant to both bodies. The committee agreed that a Plan Commission representative on the committee was no longer a necessity. Also, as no other Plan Commission member was willing to take on this role, HCDA committee membership would likely remain out of compliance with its governing ordinance and make it difficult to achieve a quorum for meetings.

Attachment:
Ordinance 69-O-18
AN ORDINANCE

Amending City Code Section 2-14-1, “Membership” of the Housing and Community Development Act Committee

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

SECTION 1: Section 2-14-2, “Membership,” of the Evanston City Code of 2012, as amended (“City Code”), is hereby amended to read as follows:

2-14-2: MEMBERSHIP.

The Committee consists of nine (9) members who serve without compensation and are residents of the City of Evanston. The members must include the following:

(A) Five (5) members who are Aldermen;
(B) Three (3) members who are residents of predominantly low-moderate income Evanston neighborhoods; and
(C) One (1) at-large member.

A member may meet more than one qualification. No member may be a full-time or part-time employee of any agency, facility, or service that receives funds from the City.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be in full force and effect immediately after its passage.

SECTION 4: If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect
without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: ________________, 2018
Adopted: ________________, 2018
Approved: ________________, 2018

_______________________________
Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

_______________________________
Devon Reid, City Clerk

_______________________________
Michelle L. Masoncup, Interim Corporation Counsel
Memorandum

To: Members of the Rules Committee

From: Wally Bobkiewicz, City Manager
       Mario Treto, Jr., Assistant City Attorney

Subject: City of Chicago Municipal Code Section 2-156: Lobbying

Date: June 4, 2018

Recommended Action:
Pursuant to Alderman Fiske's request, staff submits portions the City of Chicago Code pertaining to lobbyists (Section 2-156, Governmental Ethics) for review by the Rules Committee. In addition, staff submits an article from the City of Chicago’s Board of Ethics titled “A Plain English Guide to Dealing with Lobbyists or Being Lobbied” that provides additional information related to the City of Chicago Ordinance.

Background:
The City of Chicago defines a lobbyist as “any person who, on behalf of any person other than [their] self, or as any part of [their] duties as an employee of another, undertakes to influence any legislative or administrative action,” such as zoning matters, concession agreements, the introduction, passage or other action to be taken on an ordinance, resolution, motion, order, appointment or other matter before the City Council, and the solicitation, award or administration of a contract. City of Chicago Municipal Code Section 2-156-010(p).

The City of Chicago Lobbying Ordinance: (1) requires registering as a lobbyist with the City of Chicago; (2) imposes post-employment restrictions on lobbying; (3) articulates prohibited conduct as related to lobbying; (4) requires the completion of a lobbyist ethics education seminar; (5) requires reporting of lobbying activities; and (6) imposes sanctions for non-compliance. City of Chicago Municipal Code Section 2-156-010, et seq.

Attachments:
City of Chicago Municipal Code Sections Regarding Lobbying
City of Chicago Board of Ethics Guidance
Municipal Code of Chicago

2-156-010 Definitions.

The following definitions shall apply for purposes of this chapter:

(a) “Administrative action” means any decision on, or any proposal, consideration, enactment or making of any rule, regulation, or any other official nonministerial action or non-action by any executive department, or by any official or employee of an executive department, or any matter which is within the official jurisdiction of the executive branch.

(b) “Agency” means the city council, any committee or other subdivision thereof, any city department or other administrative unit, commission, board, or other division of the government of the city.

(c) “Alderman” means any person holding the elected office of alderman of the city council.

(c-1) “Board of ethics” or “board” means the board of ethics established in this chapter.

(c-2) “Candidate for city office” means any person who seeks nomination for election, election to or retention in any elected office of the government of the city, whether or not such person is elected. A person seeks nomination for election, election or retention if he or she (1) takes the action necessary under the laws of the State of Illinois to attempt to qualify for nomination for election, election to or retention in public office, or (2) receives contributions or makes expenditures, or gives consent for any other person to receive contributions or make expenditures with a view to bringing about his or her nomination for election or election to or retention in such office. For purposes of this definition, the term “expenditure” has the meaning ascribed to that term in Article 9 of the Illinois Election Code, codified at 10 ILCS 5/9-1 et seq.

(d) “City” means the City of Chicago.

(d-1) “City council employee” shall mean an individual employed by an alderman or a city council committee, or bureau or other service agency of the city council, whether part-time or full-time, including an individual retained as an independent contractor by any of them.

(e) “City contractor” means any person (including his agents or employees acting within the scope of their employment) who is paid from the city treasury or pursuant to city ordinance, for services to any city agency, regardless of the nature of the relationship of such individual to the city for purposes other than this chapter. A “city contractor” shall not include officials and employees.

(e-1) “City property” means any building or portion thereof owned or exclusively leased by the city or any city agency. “City property” does not, however, include any portion of a building that is rented or leased from the city or any city agency by a private person or entity.

(e-2) “Clerical” means an employee who carries out tasks of a mechanical/secretarial/administrative nature (for example, copying, filing, word-processing) with no discretion on issues of substance.

(e-3) “Compensated time” means any time worked by or credited to an employee that counts toward any minimum work time requirement imposed as a condition of employment with the city, but does not include any designated city holidays or any period when the employee is on an approved vacation or leave of absence.

(f) “Compensation” means money, thing of value or other pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.

(f-1) “Confidential information” means any information that is exempt from disclosure under the Illinois Freedom of Information Act, codified at 5 ILCS 140/1, et seq.
(g) “Contract management authority” means personal involvement in or direct supervisory responsibility for the formulation or execution of a city contract, including without limitation the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.

(g-1) “Covered relative” means the spouse or domestic partner of any official, candidate for city office, or employee, or the immediate family, and relatives residing in the same residence with the official, candidate for city office, or employee.

(h) “Doing business” means any one or any combination of sales, purchases, leases or contracts to, from or with the city or any city agency in an amount in excess of $10,000.00 in any 12 consecutive months.

(i) [Reserved]

(j) “Employee” means an individual employed by the City of Chicago, whether part-time or full-time, but excludes elected officials and city contractors.

(j-0) "Executive director" means the executive director of the board of ethics established in this chapter.

(j-1) “Exempt position” means a position that is classified as exempt under the City's Hiring Plan, as amended from time to time, but excluding City Council employees.

(k) “Expenditure” means a payment, distribution, loan, advance, deposit, or gift of money or anything of value.

(l) “Financial interest” means an interest held by an official or employee that is valued or capable of valuation in monetary terms with a current value of more than $1,000.00, provided that such interest shall not include: (1) the authorized compensation paid to an official or employee for any office or employment; or (2) a time or demand deposit in a financial institution; or (3) an endowment or insurance policy or annuity contract purchased from an insurance company; or (4) any ownership through purchase at fair market value or inheritance of the shares of a mutual fund corporation, regardless of the value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended; or (5) any ownership through purchase at fair market value or inheritance of not more than one-half of one percent of the outstanding common stock of the shares of a corporation, or any corporate subsidiary, parent or affiliate thereof, regardless of the dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended.

(m) “Gift” means any thing of value given without fair-market-value consideration.

(m-1) “Hearing officer” means an administrative law officer appointed by the department of administrative hearings, in consultation with the board of ethics, to the dedicated function of conducting hearings on the merits pursuant to this chapter.

(m-2) “Inspector general” means the city's inspector general.

(n) “Legislation” means any ordinance, resolution, amendment, nomination, report or any other matter pending or proposed in the city council or a committee or other subdivision thereof, including any other matter which may be the subject of council action.

(o) “Legislative action” means the introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto or other official action or non-action on any ordinance, resolution, motion, order, appointment, application or other matter pending or proposed in the city council or any committee or subcommittee thereof.

(o) (1) “Lobby” or “lobbying” means the conduct described in subsection (p) of this Section 2-156-010.

(p) “Lobbyist” means any person who, on behalf of any person other than himself, or as any part of his duties as an employee of another, undertakes to influence any legislative or administrative action, including but not limited to:
(1) A bond inducement ordinance;

(2) A zoning matter;

(3) A concession agreement;

(4) The creation of a tax increment financing district;

(5) The establishment of a Class 6(b) Cook County property tax classification;

(6) The introduction, passage or other action to be taken on an ordinance, resolution, motion, order, appointment or other matter before the city council;

(7) The preparation of contract specifications;

(8) The solicitation, award or administration of a contract;

(9) The award or administration of a grant, loan, or other agreement involving the disbursement of public monies; or

(10) Any other determination made by an elected or appointed city official or employee of the city with respect to the procurement of goods, services or construction.

Provided, however, that a person shall not be deemed to have undertaken to influence any legislative or administrative action solely by submitting an application for a city permit or license or by responding to a city request for proposals or qualifications.

The term “lobbyist” shall include, but is not be limited to, any attorney, accountant, or consultant engaged in the above-described activities; provided, however, that an attorney shall not be considered a lobbyist while representing clients in a formal adversarial hearing. The term “lobbyist” shall not include any volunteer, employee, officer or director of a not-for-profit entity who seeks to influence legislative or administrative action solely on behalf of that entity. Provided further, that if (1) any person is paid or otherwise compensated to influence legislative or administrative action on behalf of a not-for-profit entity; and (2) such not-for-profit entity lobbies on behalf of for-profit entities or individuals engaged in a for-profit enterprise, such person shall be deemed to be a lobbyist within the meaning of this chapter.

(q) “Official” means any person holding any elected office of the city or any appointed, non-employee member of any city agency.

(r) “Person” means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, whether or not operated for profit.

(s) “Political activity” means:

(1) Serving as an officer of a political party, of a political club, or of an organization relating to a campaign for elected office (“organization”); as a member of a national, state or local committee of a political party, club or organization; as an officer or member of a committee of a political party, club or organization; or being a candidate for any of these positions;

(2) Organizing or reorganizing a political party, club or organization;

(3) Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contributions, or other funds for any political party, political fund, candidate for elected office, candidate for political party office, or any committee thereof or committee which contributes to any of the foregoing;

(4) Organizing, selling tickets to, promoting, or actively participating in a fundraising activity of a public officer holder, candidate in an election or political party, political club or an organization;
(5) Taking an active part in managing the political campaign of a candidate for public office in an election or a candidate for political party office;

(6) Becoming a candidate for, or campaigning for, an elective public office in an election;

(7) Soliciting votes in support of or in opposition to a candidate for public office in an election or a candidate for political party office;

(8) Acting as recorder, watcher, challenger or similar officer at the polls on behalf of a political party or a candidate in an election;

(9) Driving voters to the polls on behalf of a political party or candidate in an election;

(10) Endorsing or opposing a candidate for public office in an election or a candidate for political party office in a political advertisement, a broadcast, campaign literature, or similar material, or distributing such material;

(11) Serving as a delegate, alternate, or proxy to a political party convention;

(12) Addressing a convention, caucus, rally, or similar gathering in support of or in opposition to a candidate for public office or political party office;

(13) Initiating or circulating a nominating petition for elective office;

(14) Soliciting, collecting, or receiving a political contribution or a contribution for any political party, political fund, candidate for elected office, candidate for political party office, or any committee thereof or committee which contributes to any of the foregoing; or

(15) Paying or making a political contribution or a contribution for any political party, political fund, candidate for elected office, candidate for political party office, any committee thereof or committee which contributes to any of the foregoing.

“Political contribution” means any gift, subscription, loan, advance, deposit of money, allotment of money, or anything of value given or transferred by one person to another, including in cash, by check, by draft, through a payroll deduction or allotment plan, by pledge or promise, whether or not enforceable, or otherwise, for purposes of influencing in any way the outcome of any election. For the purposes of this definition, a political contribution does not include:

(1) A loan made at a market rate by a lender in his or her ordinary course of business;

(2) The use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for candidate-related activities; provided the value of the service provided does not exceed an aggregate of $150.00 in a reporting period as defined in Article 9 of the Illinois Election Code;

(3) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor.

“Political committee” means a political committee as defined in Article 9 of the Illinois Election Code, codified at 10 ILCS 5/9-1 et seq.

“Political fundraising committee” means any fund, organization, political action committee or other entity that, for purposes of influencing in any way the outcome of any election, receives or expends money or anything of value or transfers money or anything of value to any other fund, political party, candidate, organization, political action committee, or other entity.

“Professional services” means services in any occupation requiring advanced or specialized education and training, including without limitation law, accounting, insurance, real estate, engineering, medicine, architecture, dentistry, banking, finance, public relations, education or consulting.
“Prohibited political activity” means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to purchasing, selling, distributing, or receiving payment for tickets for any political fund-raiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum Question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election.

“Relative” means a person who is related to an official, candidate for city office, or employee as spouse or as any of the following, whether by blood or by adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister, half-brother or half-sister.

“Seeking to do business” means (1) taking any action within the past six months to obtain a contract or business from the city when, if such action were successful, it would result in the person's doing business with the city; and (2) the contract or business sought has not been awarded to any person.

“Domestic partner” means a “qualified domestic partner” as defined in Section 2-152-072 of this Code.

“Sexual harassment” means any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when (i) submission to such conduct is made either explicitly or implicitly a term or
condition of an individual's employment; or (ii) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual; or (iii) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(Prior code § 26.2-1; Added Coun. J. 5-16-90, p. 16204; Amend Coun. J. 5-17-00, p. 32667, § 1; Amend Coun. J. 6-23-04, p. 26935, § 1; Amend Coun. J. 7-28-11, p. 4941, § 1; Amend Coun. J. 7-25-12, p. 31123, § 1; Amend Coun. J. 2-13-13, p. 46730, § 1; Amend Coun. J. 7-29-15, p. 3567, § 1; Amend Coun. J. 2-10-16, p. 19348, § 3; Amend Coun. J. 11-8-17, p. 58447, § 2)

2-156-105 Post-employment restrictions on lobbying.

(a) Any person who serves as (i) a non-clerical employee of the Office of the Mayor, or (ii) a department head, shall be prohibited from lobbying the City of Chicago or any city department, board or other city agency for a period of two years after leaving that position.

(a-1) Starting on January 1, 2014, an alderman shall be prohibited from lobbying the City of Chicago or any city department, board or other city agency for a period of one year after leaving that position.

(b) Any employee who holds an exempt position in a City department, board or other city agency on or after May 16, 2011, other than a person described in subsection (a) of this section, shall be prohibited from lobbying the department, board or agency in which he or she was employed for a period of two years after that employment ends.

(c) Any person who is appointed by the Mayor to the board of any board, commission, authority or agency, on or after May 16, 2011, shall be prohibited from lobbying that board, commission, authority or agency for a period of two years after the date on which his or her service on the board ends.

(d) The prohibitions on lobbying set forth in this section shall not apply to any person who (i) occupied the position before May 16, 2011, and (ii) resigned from that position before November 16, 2011. Nothing in this section shall be construed to prohibit a person from lobbying on behalf of, and while employed by, another government agency.

(Added Coun. J. 7-28-11, p. 4941, § 5; Amend Coun. J. 2-13-13, p. 46730, § 1)

2-156-111 Prohibited conduct.

(a) No elected official or employee or the spouse or domestic partner of such official or employee, or any entity in which such official or employee or his or her spouse or domestic partner has a financial interest, should apply for, solicit, accept or receive a loan of any amount from any lobbyist or person who is either doing business or seeking to do business with the city; provided, however, that nothing in this section prohibits application for, solicitation for, acceptance of or receipt of a loan from a financial lending institution, if the loan is negotiated at arm's length and is made at a market rate in the ordinary course of the lender's business. This subsection shall not apply to an entity in which the only financial interest of the official or employee or his or her spouse or domestic partner is related to the spouse's or domestic partner's independent occupation, profession or employment.

(b) No elected official, or the head of any city department or agency, shall retain or hire as a city employee or city contractor any person with whom any elected city official has any business relationship that creates a financial interest on the part of the official, or city department or agency head, or the domestic partner or spouse of the official, or city department or agency head.

(c) No city employee or official shall knowingly negotiate the possibility of future employment with any person, except with a government agency, that has a matter currently pending before such employee or official.

(d) (1) No city employee or official shall make or participate in the making of any governmental decision for a period of two years from the date of employment or becoming a city official, in a matter that
benefits his or her immediate former employer or immediate former client who the employee or official represented or on whose behalf he or she acted as a consultant or lobbyist, prior to commencing his or her city employment or prior to becoming a city official, unless such employee or official has completely severed any ties with that former employer or client that would confer, or have the potential to confer, a monetary benefit on the employee or official. For purposes of this subsection, publicly traded securities or income therefrom, and vested benefits in a retirement plan, shall not be considered a monetary benefit.

(2) No city employee or official shall personally participate in any capacity in a matter on behalf of the City if the official or employee participated personally and substantially in that matter for his or her immediate former business or immediate former employer or immediate former client who the employee or official represented or on whose behalf he or she acted as a consultant or lobbyist, prior to commencing his or her city employment or prior to becoming a city official.


2-156-146 Lobbyist ethics education seminar.

Each lobbyist shall be required to complete in each consecutive twelve month period an ethics education training course developed by the Board of Ethics. Such a course may be offered in-person, through an internet-based program, or other manner prescribed by the Board of Ethics.

(Added Coun. J. 10-7-09, p. 73199, § 2; Amend Coun. J. 7-25-12, p. 31123, § 1)

ARTICLE IV. LOBBYIST REGISTRATION (2-156-210 et seq.)

2-156-210 Persons required to register.

Each lobbyist shall register and file reports with the board of ethics as provided in this article. This section shall extend to any person who undertakes to influence any legislative or administrative action as any part of his duties as an employee of another, regardless of whether such person is formally designated as a lobbyist by his employer.

(Prior code § 26.2-21; Added Coun. J. 5-16-90, p. 16204; Amend Coun. J. 7-30-97, p. 50892; Amend Coun. J. 5-17-00, p. 32667, § 1)

2-156-220 Persons or entities not required to register.

This article is not intended and shall not be construed to apply to the following:

(a) Persons who own, publish or are employed by a newspaper or other regularly published periodical, or who own or are employed by a radio station, television station or other news medium which, in the ordinary course of business, disseminates to the general public news, editorial or other comment, or paid advertisements which directly urge the passage or defeat of, action upon, any legislative or administrative matter. This exemption shall not be applicable to such persons insofar as they receive additional compensation or expenses from any other source for undertaking to influence legislative or administrative action;

(b) Officials and employees of the City of Chicago, or of any other unit of government, who appear in their official capacities before any city agency for the purpose of explaining the effect of any legislative or administrative matter pending before such body;

(c) Persons who participate in drafting Municipal Code or other ordinance revisions at the request of the city; or

(d) Persons who testify publicly before the city council, a committee or other subdivision of the city council, or any city agency, department, board or commission. This exemption (d) shall apply only to the
extent that such persons appear in the foregoing capacity. If such persons also engage in activities for which this article otherwise requires them to register, they shall so register for those activities.

(Prior code § 26.2-22; Added Coun. J. 5-16-90, p. 16204; Amend Coun. J. 5-17-00, p. 32667, § 1)

2-156-230 Information required of registrants.

No later than January 20th of each year, or within five business days of engaging in any activity which requires such person to register, every person required to register shall file with the board of ethics a certified written statement on a form prescribed by the board containing the following information:

(a) The registrant's name, permanent address and temporary address (if any) while lobbying;

(b) With respect to each client and each business entity on behalf of which the registrant expects to act as a lobbyist:
   
   (i) The name, business address, permanent address and nature of the business of the client or business entity;

   (ii) Whether the relationship is expected to involve compensation or expenditures or both; and

   (iii) The name of each city agency before which the registrant expects to lobby.

(c) If such registrant is retained by another business entity pursuant to a written agreement of retainer or employment, a copy of such agreement shall be attached. If the agreement of retainer is oral, a written statement of the substance thereof shall be attached.

(d) The registration statement required under this section shall be accompanied by a written statement certifying that all information contained therein is true and correct, and a registration fee of $350.00 per person identified as a lobbyist in the registration statement. In addition to this registration fee of $350.00 per person, there shall also be an annual fee of $75.00 for each additional registered client after the first client. Provided, however, that the board shall consider and may, in accordance with objective criteria established by rule, grant a waiver or reduction of the registration and client fees required under this subsection (d) for a specific lobbyist, upon written request in a format and accompanied by such proof as may be specified by the board, based on the following: The lobbyist is a person paid to lobby by a non-profit entity with for-profit members and either (i) the person's primary lobbying responsibilities are to foster small business initiatives primarily within a single official community area or neighborhood within the meaning of Section 1-14-010, or (ii) the non-profit entity has been approved or is pending approval by the city council to be a special service area service provider for the city.


2-156-240 Amendment of registration statements.

In the event any substantial change or addition occurs with respect to the information required by this article to be contained in the registration statement, an amendment to the statement shall be filed with the board of ethics within 14 days.

(Prior code § 26.2-24; Added Coun. J. 5-16-90, p. 16204; Amend Coun. J. 5-17-00, p. 32667, § 1)

2-156-245 Failure to register.

When the board of ethics determines that any person has failed to register as required in this article, the board of ethics shall notify such person, in a manner prescribed by the board, of his failure to register. Such person shall be subject to the penalty or penalties, as applicable, provided in Article VII of this Chapter.

The board of ethics shall suspend the registration of and not accept a lobbyist registration statement from any person who owes a fine pursuant to this chapter until the fine has been paid in full.
(Added Coun. J. 5-17-00, p. 32667, § 1; Amend Coun. J. 10-7-09, p. 73199, § 4; Amend Coun. J. 7-25-12, p. 31123, § 1)

2-156-250 Reports of lobbying activities.

No later than January 20th, April 20th, July 20th and October 20th of each year, each registrant shall file with the board of ethics a written report of lobbying activities during the previous three calendar months. The report shall be on a form prescribed by the board, which may include electronic submission, and shall contain:

(a) The registrant's name, permanent address, and temporary address (if any) while lobbying;

(b) With respect to each client:

(i) The name, business and permanent address and nature of business of the client and of any other business entities on whose behalf lobbying was performed;

(ii) A statement of the amount of compensation received from each client;

(iii) The name of each city agency before which the registrant lobbied and a brief description of the legislation or administrative action involved;

(c) The total amount of expenditures, outside his own business entity, for lobbying in each of the following categories:

(i) Office expenses;

(ii) Public education, advertising and publications;

(iii) Compensation to others;

(iv) Personal sustenance, lodging and travel;

(v) Other expenses; provided, however, that each expenditure of $250.00 or more shall also be itemized by the date of the expenditure, the amount, purpose and beneficiary of the expenditure, the name, address and nature of business of the recipient, and the legislative or administrative action, if any, in connection with which said expenditure was made;

(d) An itemized list of every gift given to any official or employee of the city; and

(e) An itemized list of every political contribution made to any of the following persons: (1) any candidate for city office; (2) any elected official of the government of the city; and (3) any official or employee of the city seeking election to an office other than a city office.

(f) Upon receipt of the quarterly report required under subsection (a) of this section, the board of ethics shall, without delay, post such report on the on-line system required under subsection (m) of Section 2-156-380.

(Prior code § 26.2-25; Added Coun. J. 5-16-90, p. 16204; Amend Coun. J. 7-30-97, p. 50892; Amend Coun. J. 5-17-00, p. 32667, § 1; Amend Coun. J. 7-28-11, p. 4941, § 8; Amend Coun. J. 2-13-13, p. 46730, § 1)

2-156-260 Inactive lobbyists.

Registrants who received no compensation and made no expenditures during a three-month reporting period shall nevertheless file reports as required herein. Such reports shall state that no compensation was received and no expenditures were made during the reporting period.

(Prior code § 26.2-26; Added Coun. J. 5-16-90, p. 16204; Amend Coun. J. 5-17-00, p. 32667, § 1; Amend Coun. J. 7-29-15, p. 3567, § 1)
2-156-270  Failure to file reports.

If a registrant fails to file a report as required herein, the board of ethics shall, within 15 days of the due date, notify the registrant, in a manner prescribed by the board, of his failure to file by the required date. The registrant shall thereafter file his report within ten days of the issuance of the notice. Any registrant who fails to file within the ten days shall be subject to suspension of his lobbyist registration and the penalty or penalties, as applicable, provided in Article VII of this chapter. Failure to file within the ten days shall constitute a violation of this chapter.

Any registrant who is required to file a report hereunder may effect one 30-day extension of time for filing the report by filing with the board of ethics, not less than ten days before the date on which the statement is due, a declaration of his intention to defer the filing of the report. The filing of such declaration shall suspend application of the penalty provisions contained herein for the duration of the extension. Failure to file by the extended date shall constitute a violation of this chapter and shall subject the registrant to suspension of his lobbyist registration and the penalty or penalties, as applicable, provided in Article VII of this chapter.

The board of ethics shall not accept a lobbyist registration statement from any person who owes a fine pursuant to this section until the fine has been paid in full. The registration of any person who fails to file a timely report for three or more reporting periods may be suspended by the board for a one year period.

(Prior code § 26.2-27; Added Coun. J. 5-16-90, p. 16204; Amend Coun. J. 7-30-97, p. 50892; Amend Coun. J. 5-17-00, p. 32667, § 1; Amend Coun. J. 10-7-09, p. 73199, § 5; Amend Coun. J. 7-25-12, p. 31123, § 1; Amend Coun. J. 2-13-13, p. 46730, § 1)

2-156-280  Termination of lobbying.

A registrant who terminates the activities that require registration and filing under this article shall file with the board of ethics a termination notice which shall include a report of compensation and expenditures as provided in Section 2-156-250, covering the period of time to the date of termination of his activities as a lobbyist. Such notice and report shall be final and relieve such registrant of further reporting under this article unless and until he later undertakes activities requiring him to register again under this article.

(Prior code § 26.2-28; Added Coun. J. 5-16-90, p. 16204; Amend Coun. J. 5-17-00, p. 32667, § 1)

2-156-290  Access to information.

Registration statements, amendments to statements, reports of compensation and expenditures, and notices of termination shall be maintained and made available to the public by the board of ethics. By February 15th of each year, the board of ethics shall compile a list of registered lobbyists, which list shall be made available to the public.

(Prior code § 26.2-29; Added Coun. J. 5-16-90, p. 16204; Amend Coun. J. 5-17-00, p. 32667, § 1)

2-156-300  Contingent fees.

No person shall retain or employ a lobbyist for compensation contingent in whole or in part upon the approval or disapproval of any legislative or administrative matter, and no person shall accept any such employment or render any service for compensation contingent upon the approval or disapproval of any legislative or administrative matter.

(Prior code § 26.2-30; Added Coun. J. 5-16-90, p. 16204; Amend Coun. J. 5-17-00, p. 32667, § 1)

2-156-305  Retaining and employing lobbyists who have failed to register – Penalty.

No person shall retain or employ a lobbyist who has failed to register as required in this article. Any person who violates this section shall be subject to the penalty or penalties, as applicable, provided in Article VII of this Chapter.
2-156-308 Duty to report persons who have failed to register.

The head of any city department and each city employee designated by a department head as having policy-making authority shall be required to report to the board of ethics any person who they believe has undertaken to influence any legislative or administrative action when such department head or designated city employee has knowledge that the person who they believe has undertaken to influence legislative or administrative action is not registered as a lobbyist as required by this article.

(Added Coun. J. 5-17-00, p. 32667, § 1)

2-156-425 Contributions on city property.

No public official, city employee, candidate for an elective office, lobbyist, officer, employee, or agent of any political organization shall intentionally solicit, accept, offer or make contributions on city property.

(Added Coun. J. 7-25-12, p. 31123, § 1)

2-156-445 Limitation of contributing to candidates and elected officials.

(a) No person who has done business with the city, or with the Chicago Transit Authority, Board of Education, Chicago Park District, Chicago City Colleges, or Metropolitan Pier and Exposition Authority within the preceding four reporting years or is seeking to do business with the city, or with any of the other aforementioned entities, no lobbyist registered with the board of ethics shall make contributions in an aggregate amount exceeding $1,500.00: (i) to any candidate for city office during a single candidacy; or (ii) to an elected official of the government of the city during any reporting year of his term; or (iii) to any official or employee of the city who is seeking election to any other office. For purposes of this section all contributions to a candidate's authorized political committees shall be considered contributions to the candidate. A reporting year shall be from January 1st to December 31st. For purposes of this subsection only “seeking to do business” means: (i) the definition set forth in Section 2-156-010(x); and (ii) any matter that was pending before the city council or any city council committee in the six months prior to the date of the contribution if that matter involved the award of loan funds, grant funds or bond proceeds, bond inducement ordinances, leases, land sales, zoning matters, the creation of tax increment financing districts, concession agreements or the establishment of a Class 6(b) Cook County property tax classification.

(b) For purposes of subsection (a) above, an entity and its subsidiaries, parent company or otherwise affiliated companies, and any of their employees, officers, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be considered a single person. However, nothing in this provision shall be construed to prohibit such an employee, officer, director or partner from making a political contribution for which he is not reimbursed by a person with whom he or she is affiliated, even if that person has made the maximum contribution allowed under subsection (a).

(c) For purposes of subsection (a) above, a contribution to (i) any political fundraising committee of a candidate for city office or elected official; or (ii) any political fundraising committee which, during the reporting year in which the contribution is to be made, has itself made contributions or given financial support in excess of 50 percent of that committee's total receipts for the reporting year to a particular candidate for city office, elected official, or the authorized fundraising committee of that candidate or elected official, shall be considered a contribution to that candidate or elected official.

(d) Any person who solicits, accepts, offers or makes a financial contribution that violates the limits set forth in this section shall be subject to the penalty provided in Article VII of this Chapter; provided, however, such person shall not be deemed in violation of this section if such person returns or requests in writing the return of such financial contribution within 10 calendar days of the recipient's or contributor's knowledge of the violation.

(Added Coun. J. 7-25-12, p. 31123, § 1; Amend Coun. J. 7-30-14, p. 85537, § 1; Amend Coun. J. 7-29-15, p. 3567, § 1)
2-156-465 Sanctions.

(a) Employment sanction. In addition to any other applicable penalty provided in this article, any employee found to have violated any of the provisions of this chapter, or to have knowingly furnished false or misleading information to the board of ethics, shall be subject to employment sanctions, including discharge, in accordance with procedures under which the employee may otherwise be disciplined. Any official who knowingly files a false or misleading statement of financial interests, or knowingly fails to file a statement within the time prescribed in this chapter, or otherwise violates any provision of this chapter, shall be subject to removal from office.

(b) Fines. The following fines shall, as appropriate, apply to violations of this chapter:

1. Failure to complete ethics training. Any employee or official who violates section 2-156-145 and any lobbyist who violates section 2-156-146 shall be fined not less than $200.00 nor more than $750.00 for each such violation. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply. The board shall also make public, in a manner that the board may deem appropriate, the names of lobbyists, employees and officials who failed to complete a mandatory ethics training on time.

2. Failure to file a statement of financial interests. Any reporting person who violates section 2-156-190 shall be fined $250 for each such violation. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply. The board shall also make public, in a manner that the board may deem appropriate, the names of reporting persons who failed to file statements of financial interests on time.

3. Failure to register or file reports by lobbyists. Any lobbyist who violates section 2-156-245 or section 2-156-270 shall be fined $1,000.00 for each such violation. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply. Any lobbyist who violates any provision of Article IV of this chapter shall be subject to the suspension of his lobbyist registration. The board shall also make public, in a manner the board deems appropriate, the names of lobbyists who violate Section 2-156-245 or 2-156-270 and fine assessed.

4. Violating the gift ban or the prohibited political activity sections. Any person who violates section 2-156-142 or section 2-156-135 shall be subject to a fine of not less than $1,000.00 and not more than $5,000.00 for each violation.

5. Improper contributions. Any person who knowingly makes, solicits or accepts a political contribution in violation of section 2-156-140 or section 2-156-445 shall be subject to a fine of not less than $1,000.00 and up to the higher of $5,000.00 or three times the amount of the improper contribution that was accepted for each violation of these sections.

6. False, frivolous, or bad faith allegation. Any person who intentionally makes a false, frivolous, or bad faith allegation to the board shall be fined not less than $500.00 and up to $5,000.00 for each offense, and, if such person is a city contractor, shall be subject to termination of a contract.

7. Violation of sexual harassment provisions. Any person who violates Section 2-156-149 shall be subject to fine of not less than $1,000.00 and not more than $5,000.00 for each violation.

8. Violation of Chapter provisions. Any person who violates any other provision of this chapter, where no other fine is specifically provided, shall be subject to a fine of not less than $500.00 and not more than $2,000.00 for each offense.

(c) The board may recommend an employment sanction or impose a fine for any violation of this chapter in accordance with Section 2-156-385 or Section 2-156-392, respectively.

(Prior code § 26.2-41; Added Coun. J. 5-16-90, p. 16204; Amend Coun. J. 5-17-00, p. 32667, § 1; Amend Coun. J. 6-23-04, p. 26931, § 2; Amend Coun. J. 3-9-05, p. 43514, § 1; Amend Coun. J. 7-25-12, p. 31123,
§ 1; Amend Coun. J. 2-13-13, p. 46730, § 1; Amend Coun. J. 7-29-15, p. 3567, § 1; Amend Coun. J. 11-8-17, p. 58447, § 5)
INTRODUCTION. Chicago’s lobbying law is one of the broadest in the U.S. Almost any private sector person who meets with or contacts City employees or officials to “talk business” could be lobbying. It’s acceptable for people to lobby; it’s a right guaranteed by the Constitution. But it’s a regulated activity. The Board of Ethics regulates lobbying in and before City government.

WHO ARE LOBBYISTS? Few people outside of K Street in Washington D.C. call themselves lobbyists. But under City law, a lobbyist is any person (whatever his or her title) who attempts to influence City decisions on behalf of another, like a client or employer, regarding City administrative or legislative matters. These include zoning or procurement issues, setting or designing contract specifications, seeking City contracts, grants, loans, or Tax Increment Financing deals, or submitting most City Council matters. But only persons representing another entity or person would be considered lobbyists: homeowners representing themselves, for example, are not lobbying.

BUT ARE CITY EMPLOYEES OR OFFICIALS LOBBYISTS? City employees and elected officials are, in effect, prohibited from acting as lobbyists before any City department or agency. City law of course allows them to perform their official City job responsibilities, but that activity is not considered lobbying before the City. Mayoral appointees who serve on City boards or commissions may engage in lobbying the City on behalf of their employers or clients, provided that the matters on which they lobby are wholly unrelated to the work of their City board of commission.

RESTRICTIONS ON FORMER CITY OFFICIAL AND EMPLOYEES.

► For two years after they leave City service, former department heads and mayoral staff may not lobby the City, and other Shakman-exempt employees and Mayoral appointees to City boards and commissions may not lobby their former department, board or commission.

► For one year after they leave City office, former aldermen may not lobby the City.

ANNUAL LOBBYIST REGISTRATION AND QUARTERLY REPORTING. With a few exemptions, City law requires all persons who lobby to register with the Board of Ethics every year, and four times each year file reports of their lobbying activity, compensation and expenditures, campaign contributions, and an itemized list of all gifts given to City personnel and their recipient(s). The Board of Ethics charges a $350 annual lobbyist registration fee and a $75 fee per client after the first. This Board can waive this fee for certain lobbyists who represent non-profit entities.

EXEMPTIONS FROM REGISTRATION. The law exempts certain persons from having to register as lobbyists: those simply responding to an already-issued RFP or RFQ, or who are officers, directors or employees of “one-tiered” non-profits. But officers, directors or staff members of “two-tiered” non-profits (those with for-profit members, like the Illinois
Restaurant Association or the Chicago Building Owners and Managers Association) must registered if they lobby. Lawyers are also exempt when they represent clients in proceedings, arbitrations or mediations.

CLIENTS NEED NOT REGISTER. Only lobbyists are required to register—neither their clients nor the City employees and officials they lobby need to register.

MUST YOU SPEAK WITH A LOBBYIST? No — you control your schedule. City personnel are not required to talk to anyone just because he says he’s a registered lobbyist.

BUT WHAT IF YOU SPEAK WITH A LOBBYIST WHO ISN’T REGISTERED? Not to worry: City personnel don’t violate the law by meeting with someone who isn’t registered as a lobbyist. But persons who lobby then have 5 days to register. So, City officials and employees who think they’re being lobbied should advise the possible lobbyist to contact the Board of Ethics as soon as possible, or just send the person’s contact info to the Board of Ethics.

Registration is easy and must be done online. The Board does, not, however, issue an lobbyist “identification badge,” unlike some states. The list of lobbyists is on the City’s website at http://www.cityofchicago.org/city/en/depts/ethics/provdrs/lobby/svcs/lobbyist_list.html

REPORTING LOBBYISTS. City policy-makers must report to the Board the names of anyone they believe has lobbied them and who they know haven’t yet registered. A phone call or email to the Board with the possible lobbyist’s name will do it. The Board follows up on every name reported.

CAMPAIGN CONTRIBUTIONS, CONTINGENT FEES, AND GIFTS FROM LOBBYISTS. Lobbyists may not make political contributions to the Mayor or his political committee, and are limited to $1,500 in political contributions in a single year to any other City elected official or candidate for City office (or to their authorized committees). Lobbyists cannot be retained for or receive any contingency fees. Any gift that a lobbyist gives to a City employee or official must be reported in a public document, with the recipient’s name.

PENALTIES. Penalties up to $2,000 per day can be imposed on persons who don’t register—and on their clients. The City can cancel any contract entered into from or void any permits based on unregistered lobbying.

Bottom line: it is best practice to refer any potential lobbyist to the Board of Ethics. It’s not your responsibility to decide whether someone must register as a lobbyist (that’s ours). But everyone should be aware that all lobbyists must register.

QUESTIONS? Think you’ve been lobbied? Please contact us:

City of Chicago Board of Ethics
740 North Sedgwick, Suite 500
Chicago, Illinois 60654
Tel: (312) 744-9660
TTY: (312) 744-5996
FAX: (312) 744-2793

Steven I. Berlin, Executive Director
sberlin@cityofchicago.org
Twitter: @EthicsSteve

www.cityofchicago.org/ethics

To: Members of the Rules Committee

From: Wally Bobkiewicz, City Manager
Michelle L. Masoncup, Interim Corporation Counsel

Subject: City of Evanston Financial Disclosure Statement – Notary Requirement

Date: May 30, 2018

Summary
City staff requests direction from the Rules Committee on the City Code requirement for the Financial Disclosure and Affiliation Statements to be notarized.

Background
Section 1-10-3 “Financial Disclosure and Affiliation Statement” of the City Code states in part:

(A) Every elected official, the City Manager, the Assistant City Manager, department head, and member and executive staff of all board, commission, special committee, and every person holding a position designated by the City Council or the City Manager, shall annually on May 1 submit a signed and notarized financial disclosure and affiliation statement.

The City’s Financial Disclosure and Affiliation Statement in hard copy form has the required notary block. The recent electronic form of the Financial Disclosure and Affiliation Statement prepared and distributed by the City Clerk cannot be notarized in the electronic form. The City Clerk therefore requested the person sign (and have notarized) a separate one page form confirming the answers submitted online were true and correct to comply with current City Code.

The purpose of having a legal document notarized is to ensure the authenticity of the signatures that appear on the document. Notaries request the signer provide an identification card to validate that the signer is the individual required to sign the form. Notaries are most commonly utilized in real estate transactions, to verify that the transfer of property is done properly and with the consent of the transferor and transferee.
Recommendation
If the City Council seeks to omit the notary requirement, the Law Department will draft an ordinance deleting that portion from Section 1-10-3. The Financial Disclosure and Affiliation Statement will also be updated.
Memorandum

To: Honorable Mayor and Members of the City Council
Members of the Rules Committee

From: Mario Treto, Jr., Assistant City Attorney

Subject: Resolution 37-R-18, Amending Section 9.9.2 and Section 24, “Votes,” of the City Council Rules

Date: June 4, 2018

Recommended Action:
Staff requests that the Rules Committee recommend City Council approval of Resolution 37-R-18, amending City Council Rules and Organization of the City Council of the City of Evanston Section 9.9.2 and Section 24, “Votes,” to clarify voting results during the City Council standing committees, particularly with tie votes.

Resolution 37-R-18 provides for the following:
- Matters that obtain a majority vote from all present voting City Council Committee members will move forward to the full City Council with a positive recommendation.
- Matters that obtain a tie vote from all present voting City Council Committee members will move forward to the full City Council with a neutral recommendation.
- Clarifies that any matter, not just ordinances and resolutions, before a City Council standing committee may move forward to the full City Council with a neutral recommendation.

Attachments:
Resolution 37-R-18
37-R-18
A RESOLUTION

Amending City Council Rule 9.9.2 and Rule 24, “Votes,” Regarding Tie Votes and Neutral Recommendations

WHEREAS, The City Council amends the City Council Rules and Organization of the City Council of the City of Evanston from time to time; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1. Section 9.92 of the City Council Rules is hereby amended to read as follows:

9.9.2 Each committee shall adopt guidelines for the conduct of its meeting and for public participation. The chair shall report committee deliberations and actions to the Council and may appoint, as necessary, a speaker to present majority or minority committee reports to the Council. A committee may transmit a proposed ordinance or resolution any matter to the Council with no neutral recommendation.

SECTION 2. Section 24 of the City Council Rules is hereby amended to include the following:

24.6 Except as provided for in City Council Rule 25, all matters that obtain a majority vote from all present voting City Council Committee members shall move forward to the City Council with a positive recommendation. When a matter obtains a tie vote from all present voting City Council Committee members, that matter shall move forward to the City Council with a neutral recommendation.

SECTION 3. Resolution 37-R-18 shall be in full force and effect from and after its passage and approval in the manner provided by law.

________________________________
Stephen H. Hagerty, Mayor
Attest: __________________             Approved as to form: __________________

Devon Reid, City Clerk             Michelle L. Masoncup, Interim Corporation Counsel

Adopted: ________________________, 2018
For Rules Committee meeting of June 4, 2018
Change City Clerk from an Elected to an Appointed Position
For Discussion

Memorandum

To: Members of the Rules Committee

From: Michelle L. Masoncup, Interim Corporation Counsel

Subject: City Clerk – Consideration of Changing the Position from Elected to Appointed

Date: May 31, 2018

Summary
At the May 29th City Council meeting, Alderman Rainey made a reference for the City Council to consider changing the City Clerk position from an elected to an appointed one. This memo provides information relative to the question presented and outlines the applicable process required to make this change.

Legal Authority
The Illinois Municipal Code is silent on the process for a City to change from an elected city clerk to an appointed city clerk. However, the Illinois Constitution does provide the authority and process. A home rule municipality may modify the “manner of selection” of office by referendum. See Article VII, Section 6 of the Illinois Constitution as follows (emphasis added):

(f) A home rule unit shall have the power subject to approval by referendum to adopt, alter or repeal a form of government provided by law, except that the form of government provided by law, except that the form of government of Cook County shall be subject to the provisions of Section 3 of this Article. A home rule municipality shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law. A home rule county shall have the power to provide for its officers, their manner of selection and terms of office in the manner set forth in Section 4 of this Article.

The Illinois Supreme Court in Clark v. Village of Arlington Heights, 309 N.E.2d 576 (Ill. 1974) upheld the quoted constitutional authority to change an elected clerk to an appointed clerk via referendum. The Court held that “[w]e find that the Village of Arlington Heights may effect these structural revisions of its government pursuant to its
constitutional authority explicitly set forth in section 6(f), which empowers it to provide for its municipal officers, the manner of their selection and term of office.” *Id.* at 579.

**Referendum Process**
The process to place a binding referendum question on the ballot is summarized in the following steps:

1. The City Council must adopt a resolution approving the form of a referendum question, at a meeting scheduled at least 79 days prior to the election at which the question will be on the ballot. 10 ILCS 5/28-2

2. If the City Council adopts the resolution by a majority vote, then the referendum question must be filed with the Cook County Clerk, David Orr, and certified for the ballot, not less than 68 days prior to the election. 10 ILCS 5/28-5

3. If the referendum passes by a majority of those voting on the question at the election, the City Council would then adopt an ordinance amending Title 1, Chapter 7 *City Clerk*, to modify the provisions relating to the selection of the City Clerk.

4. The City Clerk’s term expires in May 2021. After the City Clerk’s term expires, the position would be filled by appointment. The Illinois Municipal Code (65 ILCS 5/3.1-30-5) outlines the process for appointment, which is beyond the scope of this memorandum, but briefly the Mayor will make the appointment subject to the advice and consent of the City Council.

**Recommendation**
The next election where a binding referendum question can be placed is the gubernatorial election on November 6, 2018. Therefore, the City Council must adopt the resolution approving the form of the question before *Friday August 17, 2018* (the 79th day falls on Sunday August 19th and not a business day). Additionally, the resolution must be filed with the County Clerk by *Thursday August 30, 2018*. The Law Department requests direction if the requisite resolution should be drafted for consideration at a future City Council meeting.
Memorandum

To: Honorable Chair and Members of the Rules Committee
From: Johanna Leonard, Community Development Director
       Gary Gerdes, Building & Inspection Services Manager
Subject: Sidewalk Café Approval
Date: May 30, 2018

Summary:
Alderman Rainey made a reference to the Rules Committee to discuss the consideration of modifying the existing sidewalk café approval process from a City Council approval to an administrative process in consultation with the alderman representing the ward that the sidewalk cafe is proposed to be located.

Background:
Type I and Type II restaurants can apply for sidewalk cafes to extend food service to the public right-of-way adjacent to the food establishment. Title 7 of the City Code, Public Ways includes the section of the City Code that governs the occupation of public ways for business purposes (7-2-6). First-time applications are submitted to the Community Development Department and reviewed by staff from the Public Works, Health & Human Services, and Law Departments prior to the submission to the Administration & Public Works Committee and City Council for approval. The process for applying for a sidewalk café for the first time includes:

1. Submission of an application (available online or in paper form). Included with the application should be a site plan, menu of proposed food service in the sidewalk café, statement of restaurant use, certificate of insurance naming the City as an additional insured party, an executed Release, Indemnification & Hold Harmless Agreement.
2. When applicable, a notice should be sent to surrounding property owners, residents, and households within 250 feet of the proposed sidewalk café from the applicant not less than 10 business days prior to the Administration & Public Works Committee and City Council meetings notifying parties of the interest to establish the sidewalk café. Notice should include date and time of the meeting when the sidewalk café will be considered by the City Council.
Sidewalk café operation is permitted from April 1 through November 1 each year. Administrative renewals are available for previously approved sidewalk cafes if the sidewalk café set-up is the same as previous years. Below are several rules governing the planning and usage of sidewalk cafes in Evanston:

- The site plan for the sidewalk café must include a 6 foot unobstructed passage for pedestrians;
- Only service animals are allowed in the café; and
- No smoking or amplified music is allowed in the sidewalk café.

Once a permit is approved, the City assesses the fee for the café. The permit includes a $200 fee, an additional $200 if chairs, tables, and other café furniture is stored on public ways when not in operation, and a $1 per square foot fee for each square foot of public space the sidewalk café utilizes (this square footage is determined by the Public Works Department).

For the 2018 sidewalk café “season”, the City has issued 54 sidewalk café permits to date. Of these permits, 6 were new for the 2018 year. Typically, the City will receive approximately six to eight sidewalk café permit applications for processing each year, these generally coincide with the opening of new restaurants in Evanston and are not typically established restaurants adding a new outdoor sidewalk café component.