

MINUTES OF THE RULES COMMITTEE

Monday, June 4, 2018

6:00 p.m.

Lorraine H. Morton Civic Center
Jay C. Lytle City Council Chambers

Present: Ald. Judy Fiske, Ald. Cicely Fleming, Mayor Steve Hagerty, Ald. Ann Rainey, Ald. Eleanor Revelle, Ald. Robin Rue Simmons, Ald. Thomas Suffredin, Ald. Donald Wilson, and Ald. Melissa Wynne

Absent: Ald. Peter Braithwaite

Presiding: Ald. Melissa Wynne

Staff Present: Wally Bobkiewicz, City Manager, Mario Treto, Assistant City Attorney

CALL TO ORDER/DECLARATION OF QUORUM:

Ald. Wynne declared a quorum and called the meeting to order at 6:13pm

CITIZEN COMMENT:

Carlis B. Sutton spoke against the Public and Council interaction. He is opposed to changing the City Clerk's position from elected to appointed.

Madelyn Ducre spoke on her disagreement regarding citizen comment. People need to express themselves.

Betty Sue Ester spoke against the issue of citizens comments. She questioned what type of referendum is going to be on the ballot.

Ray Friedman stated he would like to see maybe a committee formed to discuss citizen comments.

Devon Reid spoke on the issue of on financial disclosure forms. First, notarizing of the form can be digitized, as the State of Illinois has done and the Cook County Clerk's office has done for years. Secondly, the City ordinance on the destruction of financial disclosure forms does not comport with the 2011 Freedom of Information Act (FOIA). His understanding is that City ordinance states that forms must be destroyed every year and that certain forms for certain committee members are not eligible to be released to the public, whereas the law states that all forms collected by the City would have to be released. Finally, the City ordinance states that if someone requests the financial disclosure statement of an alderman, the city clerk must alert that alderman with the name of the person making the request. Mr. Reid sees this as a barrier that would prohibit people from looking into the financial interest of their alderman. The Council should updated the City ordinance address the issues expressed.

Meg Welsh spoke about her disappointment of a proposal of a referendum on whether or not the City Clerk should be appointed.

Claire Kelly requested the Council considered a lobbyist registration ordinance. She also expressed support to keep the City Clerk an elected position not appointed.

ALDERMEN ATTENDANCE AT EXECUTIVE SESSION OF A BOARD, COMMISSION AND COMMITTEE MEETINGS:

Ald. Rainey would like to pursue further the reason an alderman is not allowed to attend the executive session of the Board of Ethics. She expressed that alderman should be allowed to attend an executive session to determine if a charge is valid. For example, Ann Rainey violated a situation and therefore it's being presented to the Board of Ethics, they go into executive session and decide whether or not that is something they should consider.

Mario Treto, Assistant City Attorney, stated executive sessions are needed for members to be impartial. The influence of an elected official in an executive session could not be ignored, and in this case members of the Board of Ethics need to be able to be candid in their discussions during executive session. It is the Law Department's position that elected officials not be present during the executive sessions of the Board of Ethics or any board, commission or committee unless they are a voting member.

Ald. Fiske asked if it is the same rules the Council follows to go into executive session? Mr. Treto said yes.

Ald. Fiske noted asked if the representative from the Law Department is there to advise on what is an appropriate topic for executive session and what isn't? Mr. Treto said yes. The open meetings act applies, and the same exemption would apply to the Board of Ethics.

Ald. Wynne commented that she would like to request from the City Manager that they get a memo from the law department explaining what the particular exceptions are for the Open Meetings Act that would permit the Board of Ethics to go into executive session.

Ald. Wilson commented that as far as an alderman attending executive session, he would not be comfortable with that either. He thinks if an alderman were present in that meeting it would likely have the possibility of having undue influence or intimidation or whatever or even just the possibility of going back and reporting to the colleagues. You do not want to create that kind of environment when they're supposed to be having an open and candid conversation.

Ald. Wynne said she agrees no one should go into executive session if they are not a member of a board or commission. She asked Mr. Treto to find out if there is a rule to that effect.

Ald. Rainey added that in the past the Law Department made a ruling that an Alderman could attend an executive session that was not part of the Council. Her concern is about executive sessions by the Board of Ethics having to do with determining whether to take a case or not.

City Manager Bobkiewicz asked should staff come back with a memo at a future Rules Committee meeting or just prepare the memorandum off the agenda. Ald. Wynne said preparing the memo off the agenda to be distributed to the whole Council is fine.

Mayor Hagerty added that he would like to know from a legal perspective whether the mayor, who he believes is sort of ex-officio on all of these committees, could go into those executive sessions.

TRANSPORTATION/PARKING COMMITTEE – UPDATE MEMBERSHIP/RESPONSIBILITIES:

Ald. Wynne stated the memo recommends decreasing the number of members from nine to seven, and decrease the number of City Council members from four to three and removing non-voting ex-officio members. The Committee has added additional language to the purpose, which expands whatever the topic of the committee to all modes of transportation. That would include not just cars but buses, pedestrians, bicycles, everything that is moving in the City.

Ald. Revelle moved approval of resolution 38-R-18. Ald. Rainey seconded. Motion passed.

CHANGE MEMBERSHIP FOR HOUSING AND COMMUNITY DEVELOPMENT ACT COMMITTEE:

Ald. Rainey moved to delete the requirement of one member who is a representative of the Plan Commission, which reduces the membership to nine. Ald. Wilson seconded. Motion passed.

REVIEW OF CITY COUNCIL STANDING COMMITTEE PROCESS AND SCHEDULING OF MEETINGS:

City Manager Bobkiewicz stated this referral is from Ald. Suffredin requesting a discussion of the process that the Council currently uses with standing committees. Administration and Public Works, Planning and Development meet twice a month prior to the scheduled Council meeting with Human Services meeting on the first Monday and currently the Rules Committee meeting as needed.

Ald. Suffredin said he wanted to know if there is a way to send the bills list straight to Council since they all are responsible for it anyway? He was hoping they could discuss what could they do to not be meeting until 11:30 p.m. at night on non-controversial meeting nights.

Mayor Hagerty stated he shared Ald. Sufferdin's desire to find efficiencies where they can. He asked how much conversation goes on about those bills at the committee level?

Ald. Suffredin stated that much of the discussion is questions about particular items that get raised. There are lots of routine purchases. The goal is to be as efficient as possible in the public's business. How can they improve when they have two standing committees that meet prior to Council, and still provide the oversight and discussions expected of them?

Ald. Fleming said the bills list doesn't usually take that long and maybe could be done at Council. When they have presentation, particularly a PowerPoint, she would prefer having it in advance either in the packet or online. Having the presentation in the packet or emailed she can then be prepared for a question at the meeting versus taking ten minutes to hear their presentation. She asked if there is a protocol in terms of determining if staff is giving a presentation or is it just that the staff thinks it's kind of a robust topic that they need to give a presentation on?

City Manager Bobkiewicz said it's the balance between sharing information with the Council and the community about key initiatives and not. There are discussion topics requested by members of the Council at the end of A&PW and P&D. These are issues that staff brings back at the request of a member of the Council, usually through Call of the Wards. Presentations can certainly be limited to just questions and then provide them in the packet or online. The challenge sometimes is wanting to make sure the Council and the community have as full of an understanding of a topic as possible.

Ald. Wilson stated you do want to provide information in the community and a lot of people watch these meetings on television. Staff ought to balance how much information and how much time it is taking. What really takes up time are items that are controversial, and the committees do not have the same time limitations on public interaction. That is when they end up starting a Council meeting at 10:00 or 11:00pm. When they do not have controversial items on the agenda they are out earlier.

Ald. Fiske added that one of the things talked about from time to time was considering returning to the model that was in place many years ago. Both A&PW and P&D met at the same time in different rooms. When both committees were meeting at the same time Council meetings generally started on time at 8:30pm. She is a big believer in the committee meetings and in giving people their three minutes of time to speak at the committee. She would rather have the discussion at committee than at

Council. She suggested they think about that.

Ald. Wynne said when those meetings happened simultaneously if you had a concern at one committee and you were on the other you would just cross the hall and sit in on that issue. It did mean that one committee had four Aldermen and the other had five. That changed when a new Council came in and members of that Council wanted to serve on both committees. Ald. Fiske added if both committees started at six now they would certainly be ready to start the Council meeting by 8:30pm at the latest or earlier.

Ald. Suffredin asked if it is possible to have a consent agenda up front for A&PW.

City Manager Bobkiewicz said the use of a consent calendar in other jurisdictions has proved to be very useful and there is nothing that says you could not have a consent calendar at the committee level. You pull those items you felt need additional discussion but also have a regular business agenda.

After much discussion Ald. Fleming moved to use a consent agenda for a 90-day trial period for A&PW and P&D and that P&D will move to begin at 7:00 p.m. standing time and planned developments are excluded. Ald. Wilson seconded. Motion passed.

RULES COMMITTEE MEETING SCHEDULE:

City Manager Bobkiewicz reported that a couple of years ago the Rules Committee decided to change its meeting schedule to meet at the call of the Chair rather than the previous schedule of the first Monday of every month.

Ald. Rainey moved to return to its previous meeting schedule of the first Monday of every month as needed. Ald. Fleming seconded.

Ald. Wilson said he would prefer to leave it as is. If pressing matters come up every month, they could have the meeting every month. Ald. Rainey suggested every other month. Ald. Wilson said he would prefer they leave it as is.

After much discussion, the motion carried 6 to 3 (Mayor Hagerty, Ald. Revelle and Wilson voted no.)

Ald. Wynne announce that the next meeting of the Rules Committee will be the first Monday in August .

PUBLIC AND COUNCIL INTERACTION – COMMUNICATION AND CIVILITY:

Ald. Fiske stated this reference is related to an email that she asked the City Manager to share with the Council about improving community conversations at Council meetings and hopefully at other meetings where we have a dialogue with our citizens. It is not the Council fault or anybody's fault, it's something the Council needs to pay a little bit more attention and we get back on track with it.

Ald. Wilson stated that nobody should ever feel uncomfortable to approach the Council and say what they want to say. This is supposed to be a safe space where we conversations and dialogue. We will disagree a lot, and we will have spirited discussions, but we are not devolving into personal insults. We want to be collaborative not divisive that the only way things get done.

Ald. Fiske would like for the Council to consider asking the City manager to bring Jean Bonander back

and do a session with the Council. She thinks it would be really helpful. Ald. Wilson had concern about about bringing Ms. Bonander will address the problem and he is concern about the cost. Ald. Fleming did not see the need for Ms. Bonander as the Council should be able to act appropriately and respectfully as adults. Ald. Fiske would like to see how much it would cost.

Ald. Fleming stated that she always tell people the best way to get their message across is to speak to their alderman first. Maybe it's communicating better with residents on how public comment works, what to expect when they speak at the podium, so they aren't super frustrated.

Mayor Hagerty stated the citizen in Evanston are very passionate. The Council encourages people to get engaged and to come forward. He certainly don't like some of the comments that a made directed towards any person up here that are over the line. If the public wants to get up to the podium to speak we should not have engage back-and-forth. We need to be very respectful of public comment and public input to the Council and that is the public's 45 minutes.

In terms of other additional steps, maybe the League of Women Voters would be interested in looking into this and do some of that research around the country and so forth and come back and suggest to the Council and to the city of Evanston to improve civil discourse here. Mayor Hagerty requested the Council consider playing soft sounding music, like classical music for the crowd before meetings and having a Council motto that could be on the wall behind the dias.

Ald. Wynne stated that council interaction and civility will be an issue that they were going to continue to discuss

REVIEW OF CITY OF CHICAGO ORDINANCE ON LOBBYIST REGISTRATION:

City Manager Bobkiewicz stated the reference is from Ald. Fiske. Ald. Fiske added that the request is from Clare Kelly, a constituent. .

Ald. Wilson said the lobbyist ordinances tend to be more focused on circumstances where somebody's getting paid to come to the Council and meet with elected officials.

Ms. Kelly said the main point of the ordinance is about City Council and city staff. That is primarily what a lobby ordinance targets. Encompassed in that is also people who might get up to speak and they should divulge whether or not they're being paid. It focuses on conflicts of interest with elected people as well as city staff. Public comment is one small component but I think we shouldn't be focusing primarily on public comment.

Ald. Wynne said everyday she has conversations frequently that are not about not for profit but many times they are. People want to talk to her about such and such. We were discussing at our board meeting last night about getting and interaction going or this or these are the new issues or I'll ask them what is new at a particular not for profit, tell me what's going on. They all set up individual meetings with people who have concerns about the Council business. An awful lot of it is because they are a relatively small city and it happens in businesses or on sidewalks or very organically as they make their way through the day. She understands why Chicago and larger cities have this ordinance but agrees with Ald. Suffredin, not sure she understand what the problem is.

After a very length discussion Ald. Wynne suggested additional information be provided as well as some specific examples of situations. Ms. Kelly said she would do that.

NOTARIZATION ON FINANCIAL DISCLOSURE FORMS:

City Manager Bobkiewicz stated if notarization on financial disclosure forms is something the

Committee has interest to refer back to staff and will come back to the Committee at a later date. The City Clerk has made some comments, which could be incorporate.

Ald. Wilson said he would like to do that. In addition, he would like the Clerk to work with the Law Department to review the existing form to make sure the language is current, and have the Legal Department present a update form.

REVIEW RULES REGARDING TIE VOTES DURING CITY COUNCIL STANDING COMMITTEE MEETINGS:

City Manager Bobkiewicz stated staff is proposing resolution 37-R-18 to clarify the votes that occur on committee matters that obtain a majority vote from all present, would move forward with a positive recommendations. 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 and 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. Ald. Rainey moved. Ald. Fiske seconded. Motion passed.

REFERENDUM FOR NOVEMBER BALLOT – CHANGE CITY CLERK TO APPOINTED POSITION:

Ald. Rainey state that given the discussion of budget etc., the various obligations of the Clerk and the various issues that they cannot do this or are not doing that anymore. She thought if the Clerk were appointed then the people in the Clerk's office could be sharing responsibilities with the City Manager's office, Finance office, or Collector's office, etc. That would be very financially efficient . This absolutely, positively has nothing to do with the current City Clerk. It has to do with the office.

Ald. Wilson stated that recordkeeping should be a political issue and I'm uncomfortable with the idea that recordkeeping would be a political position. he did not see this issue being a community priority and does not feel comfortable pursuing this as a referendum.

Ald. Fiske stated that she was under the impression that the League of Women Voters did a study on the Clerk's Office and the duties of the Office. She asked for Sue Calder, member of the League of Women Voters to speak on the study.

Sue Calder stated that she was only at the meeting to observe, but would speak. The League initiated some research, not a study. We determined to do some research because we didn't know what a clerk should be doing and so it was for us to get some background on what the role of a clerk was and we have done our research as Ald. Rainey said. We've interviewed about 12 or so other communities. appointed and elected clerks, and communities who have had referendums and in changing or not changing that the referendum got defeated. We continually stressed that it was about a clerk and not Mr. Reid. We did research State statute and Evanston ordinances, and we have made a small report to the League at our annual meeting. We are planning to make a more formal report and make it public but that will be some time coming. But if a referendum came up we wanted to be able to educate the community about the role of a city clerk and that was it. We will not have a position on whether it should be elected or appointed.

Ald. Fiske asked the City Manager what cost savings would there be for the City if the position was appointed.

Mayor Hagerty noted that he wanted to make it clear that his understanding was that the League started this research a while ago, event before the last election. He state this debate is something the Council ultimately takes up. He also stated that if there was referendum, it is clearly understood that the elected clerk in that position serves out the term if the voters are in favor of an appointed clerk

Ald. Rainey request for the City Manager to provide budgetary information for the next Rules Committee meeting in August, because for the referendum the deadline is August 20,, if the decides to move forward.

Ald. Fiske asked that staff also provide information just on the history of City Clerk's on how many communities in Illinois have elected or appointed. Mayor Hagerty suggested perhaps they could wait for the League of Women Voters report.

City Clerk Reid said their office could compile any data they are looking to receive about the Clerk's office.

OUTDOOR CAFÉ REGULATIONS – STAFF AND WARD ALDERMAN APPROVAL ONLY:

Ald. Wilson moved approval. Ald. Rainey seconded. Motion passed.

DISCUSSION OF AMAZON PURCHASES:

Ald. Rainey reported that approval of Amazon purchases are done differently at every A&PW meeting. Amazon purchases need to be taken off the consent agenda and just added to the committee chair's report when the Chair reads the items off the consent agenda and not have to take two roll call votes in a row.

City Manager Bobkiewicz noted that when Ald. Suffredin was elected he declared the conflict and this was the device that Corporation Council devised to make sure that conflict was addressed.

Ald. Fleming said the way it is done now is they do everything and then call the roll. Then they do Amazon, Ald. Suffredin abstains, and they call the roll. This is the way the Legal Department has advised correct? City Manager Bobkiewicz replied yes and with the previous action this evening of adding a consent calendar. In the future, Ald. Suffredin will need to abstain from that item on the consent calendar.

NEW BUSINESS:

None.

ADJOURNMENT:

Meeting adjourned 8:10 p.m.

Respectfully submitted,
Darlene Francellno

A video of this meeting is available at www.cityofevanston.org/government/agendas-minutes/agendas-minutes--rules-committee.