

MINUTES OF THE RULES COMMITTEE
Monday, October 1, 2018
6:00 p.m.
Lorraine H. Morton Civic Center
Jay C. Lytle City Council Chambers

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

Presiding: Ald. Judy Fiske

Staff Present: Wally Bobkiewicz, City Manager and Johanna Leonard, Community Development Director, Mario Treto, Deputy Corporation Counsel

CALL TO ORDER/DECLARATION OF QUORUM:

Ald. Fiske declared a quorum and called the meeting to order at 6:08pm

CITIZEN COMMENT:

Nedona Nyomo spoke on the item of Council rules to allow board, commission and committee members with expired terms to continue serving until a replacement has been placed.

Mary Beth Berns spoke on the issue of conflict of interest on separate committees. Also allowing members with expired terms to continue is critical when trying to get a quorum. Lastly, combining the Zoning Board of Appeals and the Plan Commission is a really bad idea for a whole host of reasons.

Mitsy Witenberg spoke about items on the agenda not being within the stated jurisdiction of this committee. It feels like you are trying to limit efforts being made to open up engagement or to allow citizens to exercise their rights or face punishment. Asked that when proceeding be careful moving forward and look to resolve these issues in a more appropriate way.

Doreen Price spoke on the issue of combining certain boards and commissions and how it would not be the best way to go.

DISCUSSION OF REALIGNMENT OF CITY BOARDS, COMMITTEES AND COMMISSIONS:

City Manager Bobkiewicz said the number of boards and commissions is about 45 and as staff looked at staffing resources, they looked at the connectiveness between the work of the boards and commissions. It stood out during budget discussions that perhaps there are better ways to focus the time. Not only of staff but also citizen members and on the work they do and making sure that work is meaningful. They are not asking for any action but wanted to share because looking at the budget for 2019 and future years they need to have more connectiveness between the various parts of the city government to really meet the Council's goals and the community's goals.

Johanna Leonard, Community Development Director reported that the memo is proposing taking 17 boards and commission and moving them into 8. A lot of data was collected and then filter through to report to STAR. The 8 proposed new STAR boards and commissions would be Built Environment Commission to include Transportation/Parking, Housing & Homelessness, Parks, Recreations & Community Services Board and Lighthouse Landing Complex Committee. The Health & Safety Commission to include Mental Health Board, Animal Welfare Board and 911-Emergency Telephone System. The Arts & Recreation Board to include Arts Council, Parks & Recreation Board (recreation portion) and Commission on Aging. The Economic Vitality and Workforce Commission to include

Economic Development Committee and M/W/EBE Committee. The Climate & Energy Commission to include Utilities Commission and Environment Board. The Natural Systems Commission to include Environment Board and Lighthouse Landing Complex Committee. The Equity & Empowerment Commission to include Equity & Empowerment Commission, Age Friendly Evanston Task Force and Housing & Homelessness Commission and the Zoning & Development Board to include Plan Commission and Zoning Board of Appeals.

Ald. Wynne suggested setting a date to bring this back to the Rules Committee to hear what the various boards and commissions have said about this and continue their discussion. Mayor Hagerty added he would like a list of the other board and commissions not included. Would also be interested in reducing some of the terms, for example, the Parks, Recreation & Community Service has a 5 year term.

Ald. Rue Simmons asked for the purposes and duties of the various committees. City Manager Bobkiewicz said land use boards, for example, are set outside of the city code plus in the city code, so they have adjudication approval roles that are set. Another group has specific tasks that are annual, the Housing & Community Development Act Committee and Mental Health Board are groups that allocate dollars and have a set fixed purpose each year and an annual work plan to do that. The third group has been created over time to monitor and provide advice to the Council on specific policy areas and everywhere from the Animal Welfare Board to the M/W/EBE Committee to the Utilities Commission, all the various lines of business and the issues they have. Those boards do not have statutory authority to take independent action and do not allocated dollars, but provide advice and counsel to the Council on various matters. The majority fall in the third category and when a board or commission doesn't have a specific work plan or responsibilities it's challenging for both, the Council as well as the boards and commissions.

After a lengthy discussion the committee shared several concerns of consolidating certain committees, keeping certain committees as is, getting feedback from the current boards and commissions, and making sure the committees reflect the community. The committee asked that staff continue examining and reviewing their concerns.

City Manager Bobkiewicz said staff will go back to the boards and commissions for their feedback. From the discussion it sounds like the Zoning Board of Appeals, Plan Commission and Equity and Empowerment are perhaps on the lower end. An additional response could be regarding if they are looking at STAR or not. There may be areas of concern that none of the boards and commissions cover and staff will add that to part of the response back. Ald. Rainey asked that the Mental Health Board be added to that list.

ALDERMAN VACANCY ON ANIMAL WELFARE BOARD:

Ald. Rainey moved to require one Alderman to serve on the Animal Welfare Board. Ald. Braithwaite seconded. Motion passed.

DISCUSSION ON DISSOLVING TAXICAB ADVISORY BOARD:

Ald. Rainey moved to dissolve the Taxicab Advisory Board. Mayor Hagerty seconded. Motion passed.

UPDATE OF FINANCIAL DISCLOSURE STATEMENT AND REVIEW/AMENDMENT OF REQUIREMENT FOR NOTARIZATION OF FINANCIAL DISCLOSURE STATEMENTS:

Ald. Wilson stated he would prefer to see a red line version of what it's going to look like. He had a few reservations about the way it was drafted previously. For example, it said things like information about your significant other. Getting some of that language cleaned up in a redline format would be helpful.

City Clerk Reid said his office wanted to make sure that the forms could be accepted electronically. There are a few changes to the code that he discussed previously. Under Section C, as it stands now, the financial disclosure forms of all Aldermen are not to be disclosed until the Alderman is notified of who has requested their form. It also says that the financial disclosure forms of all members of boards, commissions and committees shall be maintained in confidence. He believes that flies in the face of their FOIA law so they can't hold these documents in confidence.

Ald. Wilson said along with the redline version of the actual form he would like this to come back to the next meeting. There has to be a balance, if someone serves on the 911 committee you don't want a stalker getting a lot of detailed personal information about them. Clerk Reid noted that addresses would be redacted. He added that there is a balance between ensuring that folks who participate on boards and committees feel comfortable doing that. But there is also the public interest to ensure that folks participating don't have a conflict of interest in their service. Ald. Fleming said whatever is decided on what falls under conflict of interest, somewhere it should be specified clearly on the form. Particularly as they talk about money, for example, if someone rents from someone, does that mean you have a conflict? She does not want people to be precluded from serving because they are not sure what a conflict really is and have the public come back and criticize them.

Ald. Fiske asked the Clerk if he had discussed his changes with the law department. Mario Treto, Deputy City Attorney said the law department has received the document and have tried to set up a meeting with the City Clerk but have not been able to fully vet it and discuss all the matters with the City Clerk. Ald. Fiske suggested before going forward that should happen. City Manager Bobkiewicz said they will come back at the December meeting with at least an update on where they are.

ELECTRONIC SIGN IN SHEET FOR PUBLIC COMMENT AT CITY COUNCIL MEETINGS:

City Clerk Reid said the Mayor can receive the public comment sheet directly on his phone and immediately see how many folks have signed up. It makes recording the minutes a bit easier and easier for the Mayor to read the names. One of his goals is to include a few optional questions. Currently on the paper sheet there is a column to list the Ward. The only thing that would be required to submit is their name, the agenda item they will speak to and if they choose, their Ward and ethnicity. Ald. Fiske said she has a problem with tracking trends.

Ald. Wilson pointed out that he has a lot of reservations about data collection. It is not the government's job to do that. Say somebody comes for a FOIA and wants to know every time Don Wilson came and spoke at a City Council meeting, the date and the subject matter and whatever else. Someone is going to have access to that information. Or someone wants to know every single person who came and spoke in favor of Harley Clark. Now they're going to be targeted by somebody who has a different view. City Clerk Reid said that list is the public comment sheet, which already exist. The only difference is one would be on paper and one would be an electronic database. He believes Mary Gavin from the Evanston Roundtable, who is here, has submitted a FOIA for the public comment sign-in sheet and they provided it to her. Ms. Gavin noted that she has never done that. Clerk Reid said someone has.

Ald. Wilson said his concern is about the compilation of data on citizens and residents and 5 or 10 years down the road they don't know what someone is going to do with that data or information.

Ald. Fleming said she thinks the electronic sign-up could be helpful because people can't always come early when the sheet is available. They do need to be very mindful about a turn-off time for that online sign up. As to collecting data, she was surprised that people come up and give their address. So she

assumes some people who come and give public comment don't mind writing down their address, ward or race. She is concerned about those hot-button topics that people will come in an FOIA whoever spoke on Harley Clark or whatever. Then somehow or another those people, either that would preclude them from speaking because they don't want to be on the anti-Harley Clark list or be harassed at some other point because they did sign up to speak. That would be her concern in terms of electronic sign up. They would have to be very clear on who could access that list only because it seems to be that our community is getting very divided over certain issues and I would hate for someone to come and give their opinion and then feel like they're going to be attacked because it's now under FOIA law. City Clerk Reid pointed out that that list could be compiled by anyone just by looking at the video.

Ald. Fleming asked if he would still have the paper copy. City Clerk Reid said he or someone from his office would be there to help folks sign in electronically.

Ald. Wynne point out that for years they required people, unknowingly, to state their name as well as their address. When they found out that it was not legal to have people give their addresses they stopped. She thought it was for good reason because as soon as you hear someone's address some people might make a judgement. It was actually interesting to find out how different citizen comment was when people didn't have to give their address. Regarding the electronic sign up, there will be tons of people who will come in and think they are going to sign up as always. Having a person there to help with signing in electronically will be needed. She also shares the concerns about data gathering. Already in the world there's too much data that's being gathered for purposes that they don't know about.

Ald. Braithwaite added that the electronic sign-up is a nice innovation and he likes the fact that people can submit their comments ahead of time. His concern is when they have hot topics and people flood whatever the internet channel is and then not show up. That displaces the folks that are here.

Ald. Suffredin stated they had discussed early on of kind of having a sign in similar to how funeral Homes do. You type in your own name and it auto-populates if you're a frequent person. If they basically had an electronic version of the existing sign-in sheet and then allow people to opt in to receive an email from the Clerk asking those questions later. That way they're not answering them at the time they sign in for public comment and can consider whether or not they would like to give that information.

Clerk Reid said he thinks it is important to understand who's coming out to speak. He is fine dropping the ethnicity if that is of great concern.

Ald. Fleming moved to pilot an electronic sign-up for public comment at City Council meetings to include name, agenda topic and optional Ward designation. Ald. Fiske feels there needs to be a paper sign in sheet as well. Ald. Fleming moved to pilot an electronic sign-in sheet for public comment at City Council to include an optional Ward column in addition to keeping with our same practice of paper sign in. Ald. Revelle seconded. Motion passed. 8-2 (Mayor Hagerty and Ald. Wilson voted no).

Ald. Fiske asked how long for the pilot program. Ald. Fleming said to the end of the year.

UPDATE ON CONSENT CALENDAR PILOT AT ADMINISTRATION & PUBLIC WORKS AND PLANNING & DEVELOPMENT:

City Manager Bobkiewicz reported it is going well from a staff perspective. Is it something the committee would like to do permanently? Ald. Wilson moved to continue moving forward with this

program permanently. Ald. Fleming seconded. Motion passed.

AMEND CITY COUNCIL RULES TO SET TIME TO END COUNCIL MEETINGS:

City Manager Bobkiewicz said it has been his experience that after eleven o'clock or so, decision-making becomes difficult for any City Council. Staff put together information for what other communities do around the country. Perhaps if there was a rule that at eleven o'clock if the Council was still meeting they would pause, review the agenda and make decisions as to how much further after eleven o'clock the Council wanted to continue.

Ald. Wilson said the work will still need to get done and the likely result would be they would have to come back for yet another meeting. The idea that there will be this option to roll it over items and it's going to be too easy to roll it over. He thinks things will pile up and they will not get stuff done.

Ald. Rainey commented that she reviews meetings on a random basis, without any knowledge of what time they ended. She noted that numerous meetings began, not when citizen comments began, when the first item on the agenda began. It was well after 9:30pm. If that is the case, then ending a meeting at 11 o'clock means they're not able to do the city's business. She recommends they have another survey as to when their first item on the agenda begins. Then take a look at requiring their meetings to begin at a certain time as opposed to when they should end. Their meetings need to begin no later than 8:30pm at the absolute latest. There have been meetings that did not start until 10:30pm.

Ald. Wynne shared that in many other communities, legislative bodies have time suggestions for topics. She does agree that they should look at when they start their meetings. Ald. Rainey added the problem does not have to do with members of the Council dragging out certain topics or taking too long on individual topics. The problem has to do with beginning the meeting. As a matter of fact, she feels they don't give enough time to a lot of the most important topics. Ald. Wynne said another solution is to go back to having simultaneous Administration & Public Works and Planning & Development meetings. You don't get the ability to observe the other committee.

Ald. Fleming noted that when she was chair of Administration & Public Works there were a lot of things they did not discuss. They now do the consent calendar in Administration & Public Works meetings. If interested, she would suggest maybe next year, after the budget, looking at merging Administration & Public Work with Council. There were things they pulled off and maybe had a small discussion but those are also things they could ask a couple of questions to staff beforehand or ask at Council. Planning & Development could still be held before Council and given the topic and how long the public comment is they could just have Administration & Public Works, bills and all that stuff discussed by the Council.

City Manager Bobkiewicz suggested coming back at the December meeting with some options for the Council to consider and discuss more. The committee agreed.

ALDERMAN COMMITTEE CHAIR ROTATION:

Ald. Fleming pointed out that she sits on the Transportation/Parking Committee that doesn't rotate chairs. She feels it is important that they rotate chairs to provide more opinions and so on and so forth so. All committees that have more than one Alderman should have rotating chairs. It also allows Aldermen to push themselves to take more responsibility for the different committees they sit on.

Ald. Braithwaite noted he serves on the M/W/EBE Committee whose chair has not rotated since he has been serving on the Council. Typically, the Alderman that serves also has to serve on the Economic Development Committee. He has no issue rotating. Ald. Wynne added she has served on Parking

and Transportation/Parking Committee the whole time the entire time she has been on the Council. She has served partly because no one else wanted to be the chair, but she is fine with rotating. Ald. Rainey stated she continued to chair the Housing & Community Development Act Committee because the chairs before her were non-rotating chairs and that was the way it was. But she would be glad to give it up to another Alderman if they want to do it.

Ald. Braithwaite moved that the three committees, M/W/EBE, Housing & Community Development Act Committee and Transportation/Parking Committee that don't rotate, have staff come back and get them in line with the other rotating committees and make a recommendation for their next meeting. Ald. Rue Simmons seconded. Ald. Rainey asked when would that be and why wouldn't the Rules Committee make that determination?

Ald. Braithwaite said have staff just look at it and bring a recommendation back. They would not move it until January. Ald. Fleming said they have to make a rule. She suggested if there are only two Aldermen serving let the current chair finish out the year and decide who goes next and make that schedule to give to the staff. If there are three Aldermen let the current chair finish and decided who will be the next chair.

Ald. Wynne noted there are two Aldermen on the 911 committee. Should they rotate? Ald. Braithwaite said yes that's why he suggested having the staff look at it.

Ald. Wilson suggest having each of the respective committees that are going to start rotating to be required to report back with a suggested rotation schedule more protocol to the Rules Committee. One committee that has two Aldermen may want to do every six months or maybe do one year term. This way each committee can do what's best for the respective committee and come back to the Rules Committee with those proposals. He asked can they come back straight to Council instead of Rules? The response was yes. Ald. Wilson moved that with regards to the committees discussed each of those committees prepare a proposed rotation schedule for the chairmanship and get that reported back to the Council prior to the first of the year, for adoption after the first of the year. Ald. Braithwaite seconded. Motion passed.

AMEND CITY COUNCIL RULES TO ALLOW BOARD, COMMISSION AND COMMITTEE MEMBERS WITH EXPIRED TERMS TO CONTINUE SERVING UNTIL A REPLACEMENT HAS BEEN PLACED:

Ald. Wilson moved to advance to Council for adoption, a change in the rules to allow for expired terms to continue serving until replacements are appointed. Ald. Braithwaite seconded. Motion passed.

BOARD, COMMISSION, COMMITTEE CONFLICT OF INTEREST WITH MEMBERS REPRESENTING PRIVATE INTEREST BEFORE SEPARATE COMMITTEES:

Mayor Hagerty explained when looking at vacancies to fill sometimes he is presented with a potential conflict of interest situation. He does have conversations with the corporation counsel to see if there is a conflict of interest. An example, a professional, who also does business in the city, is looking to come forward on some issues, but not necessarily issues to the committee they are appointed to. Another is an attorney and representing somebody on the Council or maybe they have in the past or maybe something they could do in the future and how should that be viewed. Another could be somebody is up for consideration but is in the process of having a potential legal dispute. It could actually be a real one where they're part of a group or they filed a suit against the city or they're threatening to file a suit against the city. Or another could be the financial disclosure form. A question asks whether you or your spouse or any relative living with you, owns property that receives any gifts or income, or has an economic interest or association which creates or give rise to a conflict of interest with the City.

Ald. Wilson said this is a city of 75,000 people with a lot of businesses. If a family member works for the university, arguably there's business being done with the city. With the assistance of the Corporation Counsel adjust some of the language to more of a disclosure and recusal type of direction and definition, as opposed to disqualification. Ald. Fleming agrees but questions the issue of suing. Say they are going to sue and it takes a long time. It's probably best to have them removed if that board can stand to have that vacancy. Or fill that vacancy verses meeting after meeting they are recusing themselves because of a conflict. Would like to see some language included explaining that.

Ald. Fiske asked if the ethics code considers use the word recusal as an option. Mr. Treto responded he would have to look at the code in more detail.

Mayor Hagerty said another example, take someone in town who is an architect serving on the Preservation Commission. The architect is representing a person in town and wants to come before the Zoning Board of Appeals. Ald. Revelle said that doesn't seem to be a conflict to appear before a board that's independent of the one they serve on.

Ald. Wilson moved to direct the law department to do a draft revision to the ordinance in line with what was discussed and come back to this committee. Ald. Rainey seconded. Motion passed.

REVIEW OF ELECTION ISSUES RELATIVE TO FILING DEADLINES AND ELECTORAL BOARD PROCEDURES:

Ald. Wilson moved to direct the law department to determine what is needed for candidates in the upcoming election. Ald. Braithwaite seconded. Motion passed.

OLD BUSINESS: LOBBYING ORDINANCE:

Ald. Wynne said several months ago, when she was chair, Clare Kelly requested an opportunity to present materials on a lobbying ordinance. She agreed and each meeting the agenda has been full. She suggested Ms. Kelly be given 10 minutes at the December 3 meeting to discuss lobbying ordinance.

NEW BUSINESS:

Ald. Fiske made a reference to the Plan Commission on Residential Care Facility's and whether or not correct classification of special use would be appropriate.

Ald. Revelle said pursuant to Council Rule 2.6 she will be asking the City Manager to put an item on the agenda for the next Council meeting to consider the request from the Landmarks Illinois organization to allow access to Harley Clark mansion so they can prepare for the Preservation Commission meeting. Ald. Wilson seconded. Motion passed.

Ald. Fiske added she would like a history of who has been in the house.

ADJOURNMENT:

Meeting adjourned 8:12p.m.

Respectfully submitted,
Darlene Francellno

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