

**MINUTES OF THE RULES COMMITTEE**

Monday, June 3, 2019

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, Ald. Eleanor Revelle, Ald. Ann Rainey, Ald. Robin Rue Simmons, Ald. Thomas Suffredin, Ald. Donald Wilson, Ald. Melissa Wynne and Mayor Stephen Hagerty

Presiding: Ald. Peter Braithwaite

Staff Present: Wally Bobkiewicz, City Manager and Michelle Masoncup, Corporation Counsel

Guest: City Clerk Devon Reid

**CALL TO ORDER/DECLARATION OF QUORUM:**

Ald. Braithwaite declared a quorum and called the meeting to order at 6:05pm.

He then, on behalf of the Mayor, Council members and City Clerk, sent joy out to all the graduates and their families in District 65, District 202 and the college graduates.

He also asked for a moment of silence for the families impacted by the recent shootings in Virginia Beach.

**CITIZEN COMMENT:**

Mike Vasilko – asked that Council vote against the proposed free speech restrictions.

Doreen Price – asked that Council vote against the proposed free speech restrictions

Lori Keenan – against the proposed free speech restriction

Bob Crews – spoke against the proposed free speech restriction

Mary Roskinski – spoke against the proposed free speech restriction

Carlis Sutton – spoke against the proposed free speech restriction

Ray Friedman – agrees with everyone who spoke before him. He also spoke against the proposed free speech restriction

Devon Reed spoke as a resident and stated that an open meetings act designee is needed. The Clerk's office is well positioned to do that. It is also important to have someone designated as a parliamentarian.

**APPROVAL OF MINUTES OF THE REGULAR MEETING OF APRIL 1, 2019:**

Ald. Wynne moved approval of the April 1, 2019 minutes. Ald. Fleming seconded. Minutes approved.

**UPDATE FROM ETHICS SUBCOMMITTEE:**

Ald. Wilson reported the Ethics Board has reviewed the draft proposals and are in the process of

putting together a memo with suggested revisions. The subcommittee will meet again after receiving that memo. His intention is to have their next meeting before the August Rules Committee meeting.

**NONPARTISAN ELECTION – REFERENDUM:**

Michelle Masoncup reported this item came out of the 2017 election where there were issues with filing deadlines. The law librarian at the Public Library looked at various historical records and could find no over act done by the City Council to change it from the default, which is a partisan election to a nonpartisan election. The recommendation is to move forward with a referendum so it can be a non-partisan system for the 2021 election, if that is what the committee seeks to do.

Ald. Rainey asked was there any information regarding a partisan election or any kind of election held? Clerk Reid replied they could not find an example. Ald. Rainey asked when legislation was passed saying they had to have that. Ms. Masoncup said the legislation was passed in 1980. Ald. Rainey asked before that was non-partisan elections allowed? Could they perhaps be grandfathered in as a non-partisan election city? Ms. Masoncup said it's possible and if the committee would like they could delve into even more details and go back to the Evanston History Center to really understand the election records pre-1980. Ald. Rainey said she'd like to know how many communities in the State of Illinois that have been running as a nonpartisan government since 1980 and have actually had a nonpartisan referendum. Or how many of them have just continued on as a nonpartisan government. The most important is the issue of grandfathering in and what happened before 1980. She would like some confirmation that a referendum has to be done. Ms. Masoncup said they will return in August with an update.

Ald. Braithwaite said the question at the conclusion is, "If the City would like to hold nonpartisan elections, City Council should pass a resolution submitting a public question to a referendum not more than one year, but not less than 79 days prior to the next regular election. The next regular election is November 3, 2020, meaning that the Council will need to pass this resolution between August 14, 2019 and Friday August 14, 2020." He wanted to point out that they have some time to do the research before they formalize it. Clerk Reid noted they can place this item on the 2020 primary ballot and should take care of this long before the November election.

Ald. Wilson said he is interested in more thorough research and asked when they went from an 18 member Council to 9 was that by referendum? The response was yes. He went on to say he would be interested in seeing the other referenda that dealt with elections in Evanston, even if they maybe are not on point. Clerk Reid said in 1991, there was a referendum passed to create a mayoral primary. Under the current system Evanston has two filing periods, one for the Mayor and one for the Alderman and that's what caused the large debacle the last time. Ald. Wilson said he recalls when they had the confusion, the 1991 referendum couldn't be located. Has anybody come up with that? Clerk Reid noted he has not found any official record. Ald. Wilson stated he would be interested in seeing those two. Clerk Reid said he believes the 1993 referenda was placed on the ballot by citizens and thinks that's why there wasn't a city record. The only office that would hold those records would be the County Clerk's office. If they even retain records going back to that date. Ald. Wilson said he would appreciate getting a little bit more information on that.

Ald. Fiske stated Jessica Feldman comments on *Evanston Now* and said "As I recall it was in the 60s when Democrats began moving here in sufficient numbers to want to run for office and therefore put the party designation next to the name so the powers to be then went to nonpartisan elections." She suggested checking with the League of Women Voters because they were very, very active in the City's council-manager form of government which dates from the 50s. Ald. Revelle is also a good resource as well. A lot more information is needed and she is guessing they are, at the very least,

grandfathered in and this referendum is not really necessary. She would support holding this item over to whatever date is necessary.

Ald. Wynne said she can think of four or five different areas that could be researched regarding legislative history and election petitions that are filed with the Cook County Clerk. When the form changed, what happened in Evanston, all of those things are on record. There are lots of different ways to figure this out and she will refer them to the law department. They should definitely wait to get more information.

Ald. Suffredin pointed out that they make sure they keep their eye on the ball for the 2021 election. When is it time for people to get their petitions in or for people considering running to know how many signatures are needed. Will it be the responsibility of the Clerk's office to make sure that information posted on the City's website is accurate as far as signature requirements?

Clerk Reid responded yes, the City Clerk is the local election official. The signature requirements will not be impacted by this decision. Some other things that need to be addressed are the issue of the two filing deadlines and consolidating that into one filing period. His recommendation is moving to a runoff system where if more than two candidates file to run and no one gets over 50% of the vote then the top two vote-getters would move on to a runoff election similar to what Chicago has. For example, Ald. Rue Simmons ran an election and because there were 5 candidates that filed in her race, there's a weird provision in the law that triggers when there are 5 or more candidates. She received over 50% in the primary but still had to move on to a secondary election. So that should be corrected so if someone receives over fifty percent of the votes they become the Alderman, Clerk or Mayor elect.

After much discussion it was suggested that this item come back in August with more detailed information and that the League of Women Voters be contacted to find out what information they have on the issue.

**CITIZENS' POLICE REVIEW BOARD:**

City Manager Bobkiewicz stated they are proposing to move forward with the creation of the Citizens' Police Review Board. The board will be a 9 member committee with staggered three-year terms. Their responsibilities would be similar to the existing Citizens Police Advisory Committee. They will review citizen complaints against sworn and non-sworn members of the police department, submit the recommendations to the Chief of Police and report to the Human Services Committee. It will be staffed through the City Manager's office and supported by the police department's Office of Professional Standards. They are asking the Rules Committee to direct the Corporation Counsel to draft the appropriate ordinance creating the new board and whatever resolution Corporation Counsel feels is necessary to dissolve the existing processes. The hope is to bring back both the resolution and ordinance in July. They would also start moving forward to develop a plan for recruitment of members so when Council approves the creation of the new body they can move forward with the seating of that group.

Ald. Wilson thanked the assessment committee for the work they did and the time, effort and attention put forth on the issues. He supports moving this forward.

Ald. Fleming said she like to request, if this Board gets started in September, they have a 6 month check in to let the Human Services Committee know how it's going and if staff thinks they need to move in a different direction. She is aware that Ald. Rue Simmons made some suggestions for training for the Administrative Adjudication staff and once that training happens she would want to know how the intake process is going and so forth.

Ald. Wilson moved to direct Corporation Counsel to prepare the ordinance. Ald. Rue Simmons seconded. Motion passed.

**DISCUSSION OF CITY COUNCIL RULES:**

City Manager Bobkiewicz reported the Rules Committee recommended the City Council make some changes to the Council rules. On page 16 of the packet there is a memo and the Rules of Decorum for the City of Boulder, CO, a community that faces similar challenges with public participation. He also had a chat with the City Manager of Boulder and a taped video of that conversation has been made available to the Council and community. Based on all of that and discussions that have transpired there's a few areas in particular he would encourage the Council to consider. One is issues with banners and posters, unregulated can have an opportunity to block the view of some folks. In some cases that can be a safety hazard during the meeting. Secondly, the issue of standing during meetings is a fire issue and it makes sense that there should be a rule dealing with the issue of standing during the meetings. Then the remote/electronic public comment, that occurred recently without any provision in the rules for that. It would make sense for the Council to either say that that makes sense to continue or not. Having meetings that are conducted in a manner that allows everyone who attends, the opportunity and the sense that their voice can and will be heard is important. And given contentious times it is helpful for the Council to have rules to ensure that every voice that wishes to be heard by the Council can be.

Ald. Wilson said they need to make it clear that it's not you can never stand. If they're honoring someone, everybody stands. So maybe don't word it saying nobody can ever stand but it is useful to come up with guidelines. He realizes there is frustration from a lot of people. He has heard from one person who said they will never come to another Council meeting. Others have said they felt very intimidated and personally attacked when they were here and didn't feel comfortable or safe in this space. He does not want it to be the situation where anybody ever doesn't feel comfortable or safe in this space. This should be a safe space for everyone and for the most part it's good but they have had exceptions and need to attend to that.

Ald. Fleming said regarding the remote public comment, people can email their statements. The Clerk is very good about putting those in the minutes as well. For the sake of fairness to everyone who comes out to the meetings, they should honor that they can make their statement if they're here versus on the phone. If someone can't make it they can have a friend read their statement or send a statement in to be read. In terms of the standing, she agrees with Ald. Wilson. She thinks it is more about shouting. It is not productive, while she is making a statement, when members of the community are screaming at her or talking over her, as much as it is their right as a public to agree or disagree. She would hope they can get there without a bunch of rules. She would love it if they could get to a point where even as they disagree, at least respect each other's voice and give each other time to do that. As for the posters and banners, again not inclined to make a bunch of rules, thinks it would prolong the meetings. The one thing she would agree with is the banners and signs be contained.

Ald. Rue Simmons agreed with Ald. Fleming. She pointed out she also has residents contact her that have concerns and interests and want to come and participate and are intimidated by what they see on Channel 16. She wanted to make the community aware that if they are fighting so hard for democracy and inclusion their actions are keeping some important voices away. In terms of call in comments, she thinks it is unnecessary. They have many other ways to get that message and Council has been supportive in reading messages and the Clerk has been fantastic in doing that as well.

Ald. Fiske echoed the comments of her colleagues. She said some time ago, how she had heard from many people who wanted to come and participate and just didn't want to run the gauntlet out in starting

in the parking lot, coming through the building, in the anti-Chamber and also in Council Chambers. They felt it wasn't worth it that they were being yelled at and harassed. The comments and negativity that surrounds discussions and the harassment that comes from the actions of some people actually diminish the opportunity to not only have the discussion but hear the discussion. At the meetings she has in her ward it always comes up that people say they use to come to Council but don't want to come anymore because it is so harsh. She would encourage people to think about what their message really is, which is one of inclusion and discussion, and think about how everyone might work to make that better. She watched the discussion with the City Manager from Boulder, CO and it took some time for folks to get used to the new rules. In some cases they decided not to have rules they initially thought they were going to have. Once the rules were in place people started coming back and participating. But by not having signs, not cheering, not booing or making comments made people feel more welcomed to come again and participate in the discussion. She does not support the idea of phoning in comments. If they're going to talk about discussion, they've got to do it face-to-face. Listening to what people say at the microphone and having conversations, all of that is going to be incredibly useful. And folks in the audience have an opportunity to help with that. There's no discussion without two sides so to that degree she would support some changes. She would rather not have signs or cheering or any form of demonstration that can make people feel unwelcome or uncomfortable. She suggest they all come and have the conversations, respect the other persons who may disagree and carry on.

Ald. Revelle also agreed with her colleagues about making sure people addressing the Council are here in person or give their comments to a friend to read so we can hear from everybody directly. She too has heard from constituents who are uncomfortable coming to Council meetings because of the acrimony that they feel in the room. On the point of banners and posters, being someone who doesn't speak very often she would probably be reluctant to be a member of the public getting to the podium. They often have so many people who want to speak and they don't have time for everyone so she is sympathetic to the idea of some banners and posters along the side of the room where they're not blocking the view of other residents. It does provide a way for some people to express their opinions. She would suggest they find a way to craft a rule that allows that form of expression as long as it's not blocking other people's view of what's happening in the room.

After a very length discussion, Ald. Wilson moved to have staff come back to Council with the list of the rules. Ald. Wynne seconded. Motion passed.

#### **NEW BUSINESS:**

Mayor Hagerty said at a future Rules Committee meeting he would like an update on FOIA and get into some of the data. They talked about how they went from 700 FOIA's to 1400, curious why the big jump in requests. Also, there has been a big jump in complaints against the city filed with the Attorney General's office. He would like to see an analysis of that as well as understanding where those complaints are coming from. Would like to know if they coming from 19 different people or a handful of people who are filing multiple complaints.

Ald. Suffredin said he would like to put on the next Rules Committee agenda a discussion of releasing the City Council meeting packets sooner than the Thursday before the meeting.

Ald. Rue Simmons stated she remembers having discussions about diversifying our boards and commissions but does not remember if they landed on any updated policy for that. Wants to make a recommendation to request a stated policy of diversity and inclusion on our boards and commissions and include wards.

**OTHER:**

Mayor Hagerty stated there was a recommendation in regards to the ethics complaint with Ald. Rainey where people felt it wasn't heard by the Rules Committee or the Council. He believes it is in regards to if a Council member ever forwards an email from a resident that the resident should be copied on that email. He wanted the public to know, the only way for an item to get on the agenda is if someone on the dais moves to put it on the Rules Committee agenda to be discussed or for action. He is not saying that has to be done because they are just talking about new business. Just wanted to make that statement because there were some people saying this body didn't consider that. It was in the report that was filed with this body and they didn't act upon it they filed the report.

Ald. Rainey pointed out that this was an issue where an email was sent to a list of people including her about her. She felt, and will do it again and again. She shared the email with others. The crux of the matter is the person who wrote the letter feels that in the future anybody who forwards an email written by her, or anybody who forward an email written by anybody, must get the permission from the person who originally wrote the email. She will never comply with that request. If you don't want the email forwarded you should stamp confidential on it. She frequently forwards emails as she is sure others do as well. Michelle Masoncup has trained them to try not to violate the Open Meetings Act by multiple copies of things going back and forth among the Council members. But if somebody sends her an email and doesn't tell her it's confidential or it's attorney-client privileged she feels it's her property and she can share it. That is the issue the Mayor is talking about. It was going to the ethics committee because people must not be allowed to share emails sent by people unless they get the permission of the person emailing them.

Ald. Fiske moved to adjourn. Ald. Fleming seconded. Meeting adjourned.

**ADJOURNMENT:**

Meeting adjourned 7:30p.m.

Respectfully submitted,  
Darlene Francellno

A video of this meeting is available at [www.cityofevanston.org/government/agendas-minutes/agendas-minutes--rules-committee](http://www.cityofevanston.org/government/agendas-minutes/agendas-minutes--rules-committee).