MINUTES OF THE RULES COMMITTEE
Tuesday, January 21, 2020
6:00 p.m.
Lorraine H. Morton Civic Center
Jay C. Lytle City Council Chambers


Presiding: Ald. Cicely Fleming

Staff Present: Erika Storlie, Interim City Manager and Kimberly Richardson, Deputy City Manager

CALL TO ORDER/DECLARATION OF QUORUM:
Chair Fleming declared a quorum and called the meeting to order at 6:05pm.

CITIZEN COMMENT:
Mary Rosinski stated she hopes public voice would not be limited.

APPROVAL OF MINUTES OF THE REGULAR MEETING OF OCTOBER 7, 2019:

ITEMS FOR CONSIDERATION:

Approval of the 2020 Rules Committee Meeting Schedule

Appointment of the City Council Liaison to the Animal Welfare Board

Resolution 12-R-20 Amending City Council Rules to Address Tabling an Item to a Date Certain
Ald. Fleming moved approval. Mayor Hagerty seconded. Motion carried.

Ordinance 18-O-20 Amending Title 1, Chapter 8, “City Manager”
Ald. Fleming moved approval. This ordinance updates the City Code to match the City Council rules pertaining to the removal of a City Manager. This update specifies 7 or more votes to remove a City Manager. Mayor Hagerty seconded.

Interim City Manager Erika Storlie added because this is an ordinance, it requires 5 affirmative votes for it to move to Council. That is something to be mindful of having only 6 members of the body present tonight. Also, because they don’t have legal Counsel present tonight she suggested either holding a Special Rules Committee at some point between now and the next meeting, tabling the item, or holding it for the next Rules Committee meeting.
Mayor Hagerty recommended holding this item until they have more members of the Council present. Ald. Wynne moved to hold the item until they can call a Special meeting of the Rules Committee. Ald. Rainey seconded. Motion carried.

ITEMS FOR DISCUSSION

Update to Rules Committee Regarding City Council Packet Release Date
Ald. Wynne moved approval. Ald. Rainey seconded. Ald. Rainey said she is very supportive of moving the release date back to Thursdays. Ald. Fleming also agreed and encouraged staff to try their best to keep it to Thursdays and not inch into Fridays. Interim City Manager Storlie stated she did not foresee an occasion where Fridays would be necessary. If it is for whatever reason it would be communicated to the public and City Council. Staff will continue to shoot for Wednesdays and use Thursdays when necessary. Motion carried.

Discussion Regarding Citizen Comment on Non-Agenda Items
Ald. Fleming moved. Mayor Hagerty seconded. Mayor Hagerty pointed out that on many evenings people come to talk about an issue that is not on the agenda. The question is whether to keep it as is or allot that 45 minutes set aside for citizen comment, just for items on the agenda. People that want to speak to items off the agenda would speak at the end of the Council meeting.

Ald. Wynne shared that there have been times where someone has come to speak on an issue not before them that raises a really salient issue that Council may not have thought about or considered yet. Citizen comment serves as the opportunity for any citizen to come and talk to the entire Council at once. If they speak on a non-agenda item they don’t really need to sit through the entire meeting. The 45 minutes is an appropriate amount of time for all of citizen comment. She moved to leave it as it. Mayor Hagerty seconded.

Ald. Rainey pointed out that they will never be able to have a reasonable Council meeting until they set an ironclad time for starting their meetings. They never have citizen comment for 45 minutes. The rule should be people can speak as long as they want but the Council meeting must start 45 minutes after the completion of the Planning & Development Committee meeting. Whoever is speaking when that 45 minutes is up will have to stop speaking so the Council meeting can begin. No matter what rule is set, unless a start time is set they will never change citizen comment. Motion carried to leave it as is.

Discussion Regarding Use of Ward/Mayoral Newsletters:
Ald. Fleming moved. Ald. Rainey seconded. Ald. Fleming stated she did not recall inquiring about outgoing elected officials having access to the list of recipients. She assumes once she leaves office she would no longer have access to the city’s database, but would still have whatever emails she had on her own personal computer beforehand. In terms of the newsletters, in one of her newsletters she had reported on something that was in their bills list that was frowned upon. Another one she gave an opinion about something that they had over a hundred citizens speak about and that was also frowned upon. In comparison to one of the Mayor’s newsletters that talked about potentially one of his peers on the Council breaking the law and opened up an investigation with Tom Dart. She would like some rules set in terms of what does go out in the public newsletter and what does not. She feels as an elected official people want to hear her opinion on things. They should be able to put what their thoughts are, as she does, about the budget and everything else in the ward newsletter. If not, then they should have it be strictly city business, no personal opinions, no assumptions and no anything else.
Ald. Suffredin added that newsletters are sent out with links to purchase Northwestern football tickets or tickets to the Mayor’s State of the City address which is a Chamber event. It is very dangerous to say elected officials can’t put their opinions into ward newsletters. People want to know why they voted the way they did or why they intend to vote a way on an issue of concern to residents. There is a real disconnect, between the administration of the city and the residents, when they have a legal staff who would say there is no place for opinions in city newsletters from elected officials to their constituents. If they are going to talk about opinions he would like to also have a policy on any sort of click through purchases. They should get at minimum an affiliate fee for that. It is not their job to sell Northwestern football tickets or tables to Chamber of Commerce events. If the newsletter is just supposed to be regurgitation of information available from other city newsletters then that is what they should be. If they’re going to have newsletters they should be able to be candid and as long as they are not containing falsehoods and they are about City business then their purpose is to inform constituents of their opinions.

Ald. Wynne feels newsletters are certainly very, very valuable. The question is, when does what an Alderman put in their newsletter, potentially put the city in a position of liability. Explaining a vote is an appropriate use of the newsletter. She would like to hear more from Corporation Counsel about whether that would be a problem. It would be the same as if you were at a Ward meeting and someone asked why you voted for this item or why didn’t you vote for that item. You have the opportunity to say, you voted for this because of this reason or you didn’t like the information that was used or not. But in the same instance, speaking publicly at a Ward meeting about a personnel matter or something in which a matter of litigation, she understands the concern of Corporation Counsel.

Ald. Rainey said she is in agreement with everything Ald. Suffredin said regarding explaining in any detail regarding any issue having to do with the budget, any vote having to do with the budget or really any vote on any matter that is before them. She is completely in agreement with not writing publicly in a newsletter about a position on a personnel matter before the Council which is in violation of the confidentiality issues.

Interim City Manager Storlie commented that she would prefer they continue discussing this issue when legal Counsel is present. One of the issues is the database list; it’s been sort of created over time. The newsletters have been in place for Aldermen for at least 7 years. When the current Council was put in place they inherited the list of the person who preceded them, if they weren’t re-elected. She would like to be in front of this issue before the next election. If somebody runs and doesn’t win, would they get to keep that list or would they have rights to that list. Would they give it to that person or keep that internally for the next person. She foresees that potentially becoming an issue at some point. She would like some clarity on if the list always stays with the city or if they would like the list when they leave. She would welcome some direction on that.

Ald. Suffredin pointed out the sentence in the memo prepared by staff that says “Staff recommends that all City newsletters, with the City logo, compiled using City staff time and sent via the City’s email domain should not include personal opinions of elected officials.” That is the sentence he has the strongest objection to. If it is a matter of removing the city logo and having legal write some sort of disclaimer making it clear that this is not a dispatch from the City of Evanston and this is not the same as economic development newsletters, or summer camp updates. These are the opinions of an elected official that would be appropriate. People that sign up for the newsletter wants to know what their elected officials opinions are.

Ald. Wynne stated that in the past those lists have been deemed City property because it was compiled on the City’s computer system. It was not available, for instances, to an Alderman who was running for
re-election because it was considered to be City property.

Ald. Fleming suggested maybe holding this item until they can get much more legal clarity. Interim City Manager Storlie said she has general direction and does not think this needs to be held. Staff can talk with the legal department about the discussion and then come back with a set of recommendations that Council can either adopt or amend.

Discussion Regarding Playing Music at the Beginning of a Public Meeting
Ald. Fleming moved. Mayor Hagerty seconded. Ald. Suffredin stated there are copyright issues and when the music was played, it created audio-visual complications. They should have a firm policy on not playing any music. There is concern about staff time, so they don’t need the law department going through copyright compliance for the purposes of playing songs. He moved that staff come up with a policy that prohibits the use of copy written materials during Council meetings. Mayor Hagerty seconded. Motion carried.

Discussion of Amendments to City Council Rules 6.4 to Address requests for Presentations at the Planning & Development Committee
Ald. Fleming moved. Ald. Wynne seconded. Ald. Wynne said this is a very good idea and having it in the rules is an excellent idea. The more information they can give the public or developers or anyone coming before a board or commission about what the proper procedures are the better off they are. One point she would make is that the objectors should have equal time as the presenters. One of the concerns from the community is, for instance, with developments. The developers, who are very well funded, obviously have a very polished presentation. The community might have legitimate concerns that match theirs that take up ten minutes. She would amend that sentence in the last paragraph to say “If there are objectors to the application for zoning, they may collectively address the Committee with not more than a 10 minute presentation, …..” and leave in all of the other language about advance notice to the City Manager’s office.

Ald. Revelle seconded and added a second amendment. She thinks saying a zoning matter could be a bit limiting because there could be something that comes to them that’s not technically a zoning issue. She would like to make sure the objectors would have time for a 10-minute presentation. She would broaden that language to say zoning and land use matters. Ald. Wynne agreed. Interim City Manager Storlie suggested maybe making it generic so that they don’t have to pick and choose what constitutes one of those categories. She could foresee issues where somebody would say it wouldn’t fit nicely in one of those buckets. Ald. Wynne said they could delete zoning and say for matters. So the amended text would read “For matters before the Planning & Development Committee, that petitioner may provide a brief presentation, no more than 10 minutes, to the Committee of its project and application, with advance notice to the City Manager’s Office by 12:00pm the day of the meeting. If there are objectors to the matter, they may collectively address the Committee with no more than 10 minute presentation, also with advance notice to the City Manager’s Office by 12:00 pm. the day of the meeting. Any presentation cannot constitute a hearing or an opportunity for testimony or cross examination of witnesses and other evidence.” Ald. Revelle seconded. Motion carried.

Ald. Fleming asked Interim City Manager Storlie to please make sure that gets updated somewhere for the public to be aware of. Interim City Manager Storlie replied that will move on to City Council so they will make the adjustment for the next meeting.

Discussion Regarding Suspension of the Rules for Introduction and Action:
Ald. Fleming moved. Mayor Hagerty seconded. Ald. Revelle said she supports the amendment but thinks it belongs more appropriately under Rule 20.1, which is where they explain what the exceptions
are. She recommended rather than amending Rule 3.2, that they amend Rule 20.1 at the very end to say, however, an ordinance may be adopted by the Council, at the same meeting at which it is introduced, after the rules are suspended by unanimous vote of the Aldermen, providing that prior notice has been given on the agenda. Ald. Wynne agreed and seconded.

Interim City Manager Storlie stated they can add it to that section. But there are times when it is not noticed on the agenda and they still suspend the rules. That is a practice that she can surmise most people want to continue with. She would need to check with legal on if that’s codified or not and how that would continue to proceed. The point of putting this on the agenda was that they want to have a precedent set or a practice that everybody follows. It seems that whether it’s committee or Council not everybody’s on the same page with how the process works. Once they identify what the process is that Council wants to do, they will then make a little cheat sheet, for lack of a better word, and have everybody be able to follow it no matter if they’re in Committee or Council. Staff will go back to legal and get everything ready to move it forward to Council if there’s general consensus.

Motion carried as amended.

**Discussion Regarding Placing Citizen Resolutions on the City Council Agenda**

Ald. Fleming moved. Mayor Hagerty seconded. Interim City Manager Storlie said Ald. Fiske requested that this item be held since she is not here to address it this evening. Ald. Wynne moved to hold the item. Mayor Hagerty seconded. Motion carried.

**Discussion Regarding City of Evanston Events and Program Bearing the Names of Elected Officials:**

Ald. Fleming moved. Ald. Suffredin seconded. Ald. Suffredin pointed out that he has an issue with this, particularly around the holiday program. The next holiday season those who choose to run for office again will be candidates in addition to holding elected positions, and with public money being used to promote one particular person. That should be eliminated across the board. They should also make sure they have a dark period once petitions are being circulated in November.

Ald. Fleming shared that she hadn’t thought about the period when they’re actually candidates and holding office. As she looks back, she was at the Mayor’s toy drive this year and there was a plethora of T-shirts that said “Mayor Hagerty’s Toy, Food and Book drive and she believes it had a date on them. She knows the Mayor did not order them and does not know who did. It is not a huge expense in terms of funds but they will not be used next year. She does not feel super strongly about it except for the campaign time which Ald. Suffredin mentioned. And in terms of the T-shirts and other garb is being ordered, particularly if it has a year on it.

Ald. Suffredin added another one that he brought up at the time was within the Good Neighbor Fund. There was Mayor Hagerty’s discretionary projects fund. That’s another one where he thinks it’s inappropriate to tie it to a particular elected official when it’s public money. It should be across the board rule of the City.

Mayor Hagerty clarified that wasn’t Mayor Hagerty’s discretionary fund. That was $150,000 they haven’t yet allocated and they’re going to allocate and he explained it that evening. The Mayor’s Summer Youth Employment Program, the Mayor’s Holiday, Food, Toy and he added book, drive have been around for a long time. When he became Mayor he did not know they take on sort of the Mayor’s name. He has learned since being Mayor is that the Mayor literally solicits donations and everything else for the Mayor’s Holiday Food, Toy & Book Drive. They send out a bunch of letters to different organizations in town. Same thing when it comes to the employers for the summer youth job program going out there and asking employers to participate in that. He thinks attaching the Mayor’s name,
whoever the Mayor is, is helpful for those programs.

Ald. Wynne said her understanding is that it was Mayor Morton’s idea to have the Summer Youth Employment Program. She was very much a proponent of that and fought to make sure it was properly funded when it came under attack several times during budget processes. It continued under Mayor Tisdahl. It is a tradition that conveys the sense of a person that is there promoting this and will have to do some work on it as well as the Holiday Food, Toy and Book drive. She thinks it is helpful to put someone’s name behind some of these things so that people actually have a person to call and say they don’t agree with this or do agree this and also because traditionally they’ve seen Mayor Morton, Mayor Tisdahl and Mayor Hagerty actually put time and effort into this in terms of applying some pressure to some of our employers to provide jobs. Also, exhorting people to give to the holiday food and toy drive. She does not see a significant problem and has actually see the benefit and the history of it.

Ald. Revelle agreed that having the Mayor’s actual name on it does personalize it and gives it the likelihood that it will be more successful. She also thinks Ald. Sufferin raised an interesting point about the timing of the holiday drive when they are all potentially running for office. She would entertain the idea of eliminating the Mayor’s actual name at that one time of the year. She is surprised to hear about these t-shirts with the Mayor’s name on them too and would draw the line at t-shirts and those kinds of things.

Ald. Fleming suggested they just name everything the Mayor’s something without the actual name of the Mayor on it.

NEW BUSINESS

Discussion Regarding the Creation of the Northwestern University Athletics Neighborhood Committee
Mayor Hagerty suggested that because this is a pilot program around the Northwestern Athletic facilities that this be just a working group and not go through the formal appointment process. Let Ald. Revelle, Northwestern and the Mayor decide who is participating in this working group. It’s very much a working group that isn’t making decisions that are coming up to this Council. Ald. Revelle said she was fine with that.

Discussion Regarding Maximum Number of Referrals from Aldermen Per Year
Ald. Fleming said she would disagree. It’s the only time they get a chance to give direction, have staff do some research and either get it on an agenda or have the research for another conversation. Mayor Hagerty stated he would be interested in how many requests have come in, in the last 60 days that are referrals that have to be dealt with. He would love to see this continue as a conversation for a future meeting with perhaps some more data. Ald. Fleming added she would be much more in favor of, and thinks Interim City Manager Storlie has started this, there is a referral list on the City Manager’s report and if Interim City Manager Storlie wants to say Ald. Fleming you put this referral on and staff really doesn’t have time to get to it. How important is it, can they just provide a memo, or would you just sit with staff. Maybe it’s not an entire thing that comes back to the Council on an agenda. To her that would be fair. But to say they can’t access and get information from the staff that they have except for a limited amount of time, causes real problems for her and her constituents.

Ald. Rainey asked what is meant by referrals. Are they items to be placed on the agenda or items to be flushed out in their packets? Interim City Manager Storlie said the last 60 days she received 29 referrals. That’s a lot of referrals for two months. To distribute that to the staff to be worked on, in
addition to the regular priorities of the Council, and day to day things being worked on, on behalf of the Council. It just presents a little bit of a challenge in terms of prioritizing. There is no intent to eliminate or have it be difficult for the Council members to get information from staff. They are working every day and want to provide you with every bit of information they can provide. But if there was some guidelines of maybe one or two per month, 12 per year, 24 per year, something like that so they could focus on. It would help in the prioritization as well. These would be formal referrals to be placed on a future agenda.

Ald. Rainey agreed they should hold this item until they can have more time to have a conversation about this. She would like to hear about the items that people are trying to get on the agenda and if some were hers. Interim City Manager Storlie noted the item will be held for the next agenda.

ITEMS FOR COMMUNICATION

None

ADJOURMENT:

Meeting adjourned 7:05 p.m.

Respectfully submitted,
Darlene Francellno

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