MINUTES OF THE RULES COMMITTEE  
Monday, March 2, 2020  
6:00 p.m.  
Lorraine H. Morton Civic Center  
Jay C. Lytle City Council Chambers


Absent: Ald. Melissa Wynne

Presiding: Ald. Cicely Fleming

Staff Present: Kimberly Richardson, Acting Assistant City Manager and Alexandra Ruggie

CALL TO ORDER/DECLARATION OF QUORUM:
Chair Fleming declared a quorum and called the meeting to order at 6:07pm.

CITIZEN COMMENT:
Mary Rosinski spoke on R1 regarding ordinance 18-O-20 and R4 regarding discussion of the City Council meeting schedule.

Nancy Sveenan spoke on the formation of the Review Committee for Harley Clark.

Ray Friedman spoke on the Rules Committee making the rules. Also spoke on having dialogue with residents and residents participating with HRGov.

Betty Sue Ester spoke on the issue of election process and having the community be part of that process. She also spoke on the issue of citizens resolution on Council agenda.

Jennifer Shadur spoke on the Harley Clark issue and the review committee.

APPROVAL OF MINUTES OF THE REGULAR MEETING OF JANUARY 21, 2020:

ITEMS FOR CONSIDERATION:
Ordinance 18-O-20, Amending Title 1, Chapter 8, “City Manager”
Ald. Fleming asked when the discrepancy turned up between the City Code and the City Council rules and why was it changed in the first place.

Ald. Suffredin noted that it is crazy that the highest paid employee in the City has to keep only three people satisfied with their work to keep their job. It should be a simple majority vote of the Council to make that determination.

Ms. Ruggie stated she was not sure when the discrepancy was recognized. The ordinance follows state law and
that’s why it was in there. Not sure why it was changed to seven votes in the Council rules. But at prior Rules Committee meetings it was the direction to change the ordinance as opposed to the Council rules so that the ordinance and the City Council rules matched.

Ald. Wilson pointed out that the ordinance says the vote of the members of the City Council. The Mayor also votes and that needs to be included. That way it is ten members not nine.

Ald. Rainey shared that she thinks it was changed simply to be equal. If it takes a certain number to hire they want it to be the same to fire.

Ald. Wilson moved to amend the language to include the Mayor after City Council in the designation as to who is voting. Ald. Rainey seconded. Motion passed.


**ITEM FOR DISCUSSION:**

Discussion Regarding the Formation of the Review Committee for Harley Clarke Lease Request for Proposal

Ald. Wilson said his impression was that the proposals would be reviewed to ensure they were compliant with the RFP parameters. He didn’t envision a whole additional new committee to start over again. As long as the respective proposals comply with the RFP it should move on to the Council and proceed from there.

Ald. Rainey said she was told that staff was analyzing the proposals to determine if they did meet the RFP and was wondered if that was done. Ms. Richardson replied that she believes there is one area that hasn’t been checked, but for the most part they all will be submitted for review. For the Review Committee to look and do the evaluation to present to City Council there were no disqualified RFP’s.

Ald. Fiske suggested that everybody review the RFP’s if they haven’t already. She agrees with Ald. Wilson, this is not necessarily a conversation to reopen with the community as much as it is a conversation to see how these individual submissions comply or meet the criteria that they have established in the RFP. Ald. Wilson added it’s only fair to the people who have strong opinions, not to have to go through that process multiple times. They are going to entertain it so the proposals will be available to everybody. But to kind of put everybody to task over and over again, it seems a little like they’re passing off the responsibility. As hard as the responsibility is they need to take that on and accept that and give everybody a one place to come to one reasonable timeframe.

Ald. Revelle, for clarity, asked was he suggesting that it would be after staff reviews the proposals and make sure they’ve met all of the criteria that they listed and then come to the full Council? If so, that could be quite a lengthy discussion where they might want to have presentations from the different proposals. She would suggest that it not be on a regular Council meeting night but have it as a Special meeting. Ald. Wilson agreed and added that he would want to make sure it’s not structured as special order. So it would be introduction and action, not just one occasion so there is plenty of time for people to see it, consider it, and weigh in.

Discussion Regarding Placing Citizen Resolutions on the City Council Agenda

Ald. Fiske stated while these are all well-intentional and she appreciates the work that citizens put into these question. The problem she has with this is the fact that they don’t have a process for this. Ald. Wilson added it’s important to set some parameters and, from his perspective, if it’s not something that the City Council has jurisdiction over, a resolution would otherwise have to be unanimous such that the whole city agrees to
something and that it a really hard thing to find in Evanston. He would feel uncomfortable on a non-jurisdictional question to say the whole city says this or feels this when that’s usually not the case.

Ald. Revelle agreed that it would be very helpful to have guidelines because then they have a way to tell residents yes or no that they can try to consider the resolution that they’re suggesting. She suggested a couple of guidelines. One would be if it is going to be a communication to a governmental entity whose authority would affect Evanston’s ability to act on a local policy or act to protect community resources. For example, in February of 2017 they passed a resolution regarding the State’s preemption of local governments ability to regulate pesticides because they really can do all they want about pesticides on city property. But they can’t tell private property owners what they can do in the way of pesticides on their property because of the state preemption. The other one was where they were asking another governmental entity to let them have control over what was in Evanston’s property was MWRD when they urged them to reject the Cook County request for roadway easement across Isabella woods. So that would be one category that she would like to think they could have resolutions for those. Most recently they had the resolution regarding the Treaty on the Prohibition of Nuclear Weapons. Evanston is a member of both Mayor’s For Peace and U.S. Conference of Mayors. The whole idea of working on the Treaty of the Prohibition of Nuclear Weapons it’s a top priority of Mayors for Peace which was formed by leaders in Japan as a result of the nuclear weapons used in Japan after at World War II. They became a member of Mayor’s for Peace in 2008 and it would seem being a member implies some kind of commitment to taking action in response to their requests. If they are not prepared to follow through on the commitments that a membership would imply, she would think they can’t be a member of these groups. So those would be the two categories where she’d like to have them say that these guidelines would allow them to consider the resolutions.

Mayor Hagerty said he is supportive of having resolutions come before the City Council and putting some parameters around it. He echoed Ald. Revelle there is U.S. Conference of Mayors and National League of Cities and at times there are important resolutions that they would like to see come from cities or around the country. So he does not want to see them cut that off but also does not want to have multiple meetings, holding items and taking up a lot of time on really controversial issues that are distracting them from the day-to-day business of the city.

Ald. Fleming noted that what Ald. Revelle brought up is very important. In her opinion that falls outside of this citizen resolution because if there’s something from National League of Cities or one of the other organizations they belong to or something that’s happened in Springfield that they want to voice an objection to will not be coming from a citizen. She would definitely support something to the effect that Ald. Revelle laid out, but that would not fall under citizen resolution. That would just be an intergovernmental kind of a resolution that they could still make parameters around. She would still support, as written in their materials, not placing citizens resolutions on the Council agenda.

Ald. Fiske added for the resolutions they are going to put on the Council agenda that they have a staff report on them. Have a full discussion research and information just like staff provides for actions that the Council takes. Any action they take as a Council need to have both sides presented. Not that there is a pro and con but that they are not just getting one side from a group that may be promoting something and they haven’t heard the other side. It’s been a surprise to her and thinks they are totally unprepared when folks show up and everyone’s so positive about an issue. Then suddenly there are opponents that show up and they had no idea of it because it’s not something they’ve necessarily spent any time looking into or that is in front of any of their committees. She wants to be fair to everyone by having all the information needed so the public can have confidence in the decisions being made and the positions that they are taking as a Council. That way it has been well thought-out and vetted and that is their responsibility.
Ald. Fleming asked Ms. Richardson if she had direction. Ms. Richardson said yes.

**Discussion of the City Council Meeting Schedule**

Ald. Wilson suggested taking the third Monday meeting off the ordinary calendar and going back to more of an as-needed. Ald. Rainey added she would like to declare the fifth Monday off-limits completely. Ald. Fleming said removing the Affordable Housing meetings from the fifth Monday? Ald. Rainey said yes, they should be able to schedule those meetings on a third Monday.

Ald. Fiske said in trying to conserve their resources, be mindful of their budget, staff cuts and staff time they can go back to a schedule of two meetings a month, which is keeping with what they had before. If a meeting is needed they can fit it in rather than having the standing meetings as planned. A change like this is going to be really helpful in helping staff plan their time as well as get Council all the information and services they require as a Council.

Ald. Fleming noted that the proposal is to return Council meetings to the second and fourth Monday of the month and use the third Monday, if needed, for Affordable Housing and whatever other longer discussions they need to have. Ald. Rainey is proposing that they don’t schedule anything on the fifth Mondays.

Ald. Rue Simmons said she supports keeping the fifth Monday vacant. It allows time for them to do work, do research, have appointments and so on. Ald. Wilson said he agrees with the sentiment but doesn’t think they should make a rule barring the fifth Monday forever. They should avoid it but go back to the second and fourth Mondays. Pick the third Monday if necessary and the fifth on an as-needed basis. He doesn’t want to bar the fifth Monday completely as a rule because there could be a situation where it’s more desirable.

Ms. Richardson said she will return with an amended schedule that will exclude the 5th and the 3rd Mondays for special order of business as needed.

**Discussion of Administration and Public Works and Planning & Development Committee Meeting Times**

Ald. Rainey noted that starting the Administration & Public Works meeting at 5:30pm is a bad idea. Ald. Rue Simmons agreed and stated 6:00pm is a necessary start time. Ald. Suffredin suggested starting at 6:00pm sharp would be an improvement and they could probably get the work done without changing anything.

It was agreed that the start time of the Administration & Public Works meeting would remain starting at 6:00pm with a goal of starting on time and for Planning and Development to start at 6:45pm.

**Discussion Regarding Elected Officials Access to City Newsletter Mailing List**

Ald. Wilson noted he wouldn’t be comfortable giving access to those lists. When people sign up for something like a newsletter they are not expecting that someone is going to take that information. Also, their privacy policy specifically says that no attempts are made to identify individual users or their usage habits.

Ald. Braithwaite said he disagrees. Their newsletters are just one of many tools they use to communicate with their residents. If you email him or any other member of the Council they are the ones that are going to respond not staff. He actively recruits people to his newsletter and feels if monitors that then he should have access to it. If the concern is what if someone wants to use their list for campaign purposes then put a clause on it. For example, this newsletter is owned by Ald. Braithwaite or second ward alderman and it could be used for a campaign. That should make it pretty straight forward.
Ald. Rainey said she has no interest in having access to the City newsletter lists that reminds people about street cleaning, or Robert Crown activities or Parks & Recreation activities. But the Ann Rainey newsletter for Ward meetings, etc., those are all people in her ward that she knows and a few outside of her ward. They’re all on her personal email list and she insisted on having that. She doesn’t understand why they can’t have their own newsletter list.

Ms. Ruggie pointed out that the memo specifies the city newsletter mailing list and that is inclusive of the ward mailing list. From the city’s perspective when someone signs up on the city’s website to receive different Ward newsletters, it’s still considered the city’s newsletters even though the Aldermen put them out individually. It still is owned by the city. So, the recommendation is that those mailing lists be maintained by the city and not given out individually. Whenever anyone signs up to receive a city newsletter or an individual Ward newsletter there is a privacy policy they agree to where in which the City states it will not be sharing those individual identities. So per the privacy policy that’s where the city is concerned about releasing those lists.

Ald. Fleming said what she has started doing is telling people where they can sign up for the City newsletter. If they want to hear her personal thoughts, for example on the weather, they can sign up for her own newsletter, because there are two different lists. While they are out of office they should not have access to the City’s list. Also, the City newsletter is limited to once a month and sometimes can be very limited in terms of what goes in there. There are times when they might want to communicate with their constituents and they don’t have city staff to do that. Wondered if there was a way to ask people when they are signing up for the City newsletter do they also want to have their information shared with the Aldermen. Maybe there is a way to have them opt in or out then those people who have opted in can share their information with the Aldermen as they are in office. She would also be open to there being some kind of cut off for that. As they go into campaign season maybe the list is off limits so that they know people aren’t transitioning those people into a vote for say the Cicely campaign list.

Ms. Ruggie replied that she would agree that putting a caveat in so when people sign up, whether or not they can opt in or out of the information being shared would be recommended. She thinks they should do that moving forward. Staff can talk to Luke Stowe in IT to see if he can amend that on the City’s website. And then Aldermen are always welcome to maintain their own lists.

Ald. Fleming asked if you are opt-in or opt-out as you sign up for the Ninth Ward newsletter today, you’re opting in to have it shared with the current sitting Aldermen of the Ward? Ms. Ruggie said that is correct.

Ald. Fiske said she has a very distinct and clear view of herself as a candidate and herself as an Alderman. She wants to be really careful that they don’t blur the lines between the two. She asked if anyone who signs up for the Ward email list on the City’s website is subject to FOIA. Ms. Ruggie replied that email addresses are private information and are redactable under FOIA. Also people don’t give their names when they sign up for the emails. They just give their email and the email would not be releasable because it’s private information.

Ms. Richardson noted staff will work with the Communications Department, a division in IT and come up with a solution. Maybe sending out a separate communication piece to that list saying if you are interested to participate in a separate email communication piece from the Alderman they can just sign up. Again, they do not have any additional contact information of who these individuals are. This will allow them to be able to sign up for a separate list but also allow the Alderman to be able to collect that, that won’t be attached to the city’s email system. She thinks they can figure out a way for the best compromise in this situation to make sure
privacy rules are not being violated but also are able to access the information being requested.

Ald. Wilson said he does not see that they can separate this and giving a disclaimer isn’t good enough and doesn’t fix that. So just the idea that the respective Alderman can go ahead and get those lists, he thinks, is going to have a significant chilling effect on anybody willing to sign up for that. As for the opt-out provisions, there’s a lot of law in this as far as what can be done. They can’t take responsibility as a city for what the individual Aldermen do or might do with the data and with the list. To let it out of the system is a really big mistake.

Ald. Suffredin suggested maybe they could change the templates too and get rid of their headshots and just have it be neutral. For example, like here are some words about some stuff you might care about. Street cleaning is coming up and so on. But the data collection and dissemination is a real problem. If anybody goes to the city’s website and wants to know what is going on in their ward like some economic development stuff and whatever else they shouldn’t have their information at all. He would suggest they get rid of the head shots and the names. When people sign up for the Ward newsletter it’s about what is going on in the ward and it should be left at that. Or just kill the Ward newsletters all together and just use the City’s because that’s the other thing, a lot of times they are just compilations of information available other places. Ald. Wilson said he thinks it is useful for people to be able to their Aldermen. Ald. Suffredin added that their pictures are up at every city building. But his point is he does not see a reason why any of them need to have that information.

Ald. Fleming suggested they leave this item on the Rules Committee agenda and come back with more legal and IT information.

Discussion Regarding the Mayoral Election Process
Ald. Wilson suggested holding this item until after they receive the results of the election on the nonpartisan referendum.

NEW BUSINESS
Mayor Hagerty reported a resident texted him regarding the Harley Clarke item. He wanted to make sure the Council is okay changing the direction they previously talked about. He sent the minutes from February 4, 2019 that says motion for staff to prepare the RFP, similar to the previous RFP where the city maintains ownership of the land with a nine month timeframe where the recipient is not required to be a not-for-profit. Additionally, the review/evaluation committee should include members of the public and the proposal can include uses for the main house, coach house or both. He wants to make sure they’re comfortable, if there’s a change from that direction they gave back in February.

Ald. Fleming said her only suggestion was they try to have one person from each ward. Also, if they had a committee, the committee should understand when their directions were giving that they were making a suggestion and a recommendation. That should always be made clear for all of their citizen committee. Given this information, if they said they were going to do that then they should do it.

Ald. Fiske added they had had lots of discussions and the RFP specifically says what the criteria is going to be for evaluation. Her understanding is staff is looking at this now to see how this complies and it’s going to be coming to the Council. If they want to expand the discussion at that time they can do so. But starting to add a larger committee at this point to do the evaluation that is in the RFP’s is not a great idea.

ITEMS FOR COMMUNICATION:
None

**ADJOURNMENT:**

Ald. Fleming moved for adjournment. Mayor Hagerty seconded. Meeting adjourned 7:10p.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).