AGENDA
Rules Committee
Monday, August 3, 2020
Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers, Room 2800
4:30 PM

As the result of an executive order issued by Governor J.B. Pritzker suspending in-person attendance requirements for public meetings, City Council members and City staff will be participating in this meeting remotely. Due to public health concerns, residents will not be able to provide public comment in-person at the meeting. Those wishing to make public comments at the Rules Committee meeting may submit written comments in advance or sign up to provide public comment by phone or video during the meeting by completing the City Clerk's Office's online form at Public Comment Sign Up | City of Evanston or by calling/texting 847-448-4311. Community members may watch the City Council meeting online at https://www.cityofevanston.org/residents/city-television on Cable Channel 16.

(I) CALL TO ORDER/DECLARATION OF A QUORUM: MAYOR HAGERTY

(II) PUBLIC COMMENT

(III) APPROVAL OF MINUTES OF REGULAR MEETING OF THE JUNE 15, 2020 RULES COMMITTEE MEETING

RM1. Staff recommends approval of the Minutes of the June 15, 2020 Rules Committee Meeting.
   FOR ACTION
   Minutes of the June 15, 2020 Rules Committee Meeting

(IV) ITEMS FOR CONSIDERATION
R1. **Nominate Alderman for the 911-Emergency Telephone System Board**

Staff seeks nomination from the Rules Committee to appoint an Alderman to the 911-Emergency Telephone Service Board.

**FOR ACTION**

R2. **Proposed Compensation for the Eleven (11) Elected Officials of the City of Evanston**

Staff seeks direction from the City Council regarding Compensation Committee Report.

**FOR DISCUSSION**

[Compensation Committee Report](#)

(V) **ITEMS FOR DISCUSSION**

R3. **In-Person City Council Meetings**

Staff seeks direction from City Council in regards to continuing virtual-only meetings, move to an in-person or hybrid meeting model through the end of the year.

**FOR DISCUSSION**

[In-person City Council Meetings Memo](#)

R4. **Missing Executive Session Audio Recordings & Minutes**

Twelve (12) audio recordings and written minutes of City Council Executive Session meetings held here at the City are missing and have not been provided to the City Council by the City Clerk as required. As a result, no written meeting minutes are produced, approved or available to be released by the City Council and made public.

**FOR DISCUSSION**

[Missing Executive Session Audio Recordings & Minutes Memo](#)

(VI) **NEW BUSINESS**

(VII) **ITEMS FOR COMMUNICATION**

(VIII) **ADJOURNMENT**
MINUTES OF THE RULES COMMITTEE  
Monday, June 15, 2020  
5:00 p.m.  
Lorraine H. Morton Civic Center  
Jay C. Lytle City Council Chambers (via virtually)  


Absent: Ald. Robin Rue Simmons  

Presiding: Mayor Stephen Hagerty  

Staff Present: Kimberly Richardson, Acting Assistant City Manager, Alexandra Ruggie, Assistant City Attorney, Kelley Gandurski, Corporation Counsel and Jennifer Lin, HR Manager  

Guest: Devon Reid, City Clerk, Heidi Voorhees, President, GovHR USA and Dele Lowman Smith, a Vice President, GovHR USA  

CALL TO ORDER/DECLARATION OF QUORUM:  
Chair Hagerty declared a quorum and called the meeting to order at 5:09pm.  

Ald. Wilson, in conformance with the existing executive order issued by Governor Pritzker, moved to suspend the rules to allow them to proceed with their meeting using the Zoom software so they can conduct their meeting remotely. Ald. Rainey seconded. Motion passed 8 to 1.  

Chair Hagerty announced that given the pandemic, Governor Pritzker has signed SB 2135, which are local government’s new open meeting act requirements. The key component is quorum does not need to be physically at the meeting location so meetings are allowed to take place virtually. Meeting notices must be placed on the public bodies’ website. Remote members must be verified and must be able to hear one another and hear all the discussion and testimony. Remote members of the public must be able to contemporaneously hear all discussions and testimonies and roll call votes. At least one member of the body must be physically at the meeting location, unless unfeasible to do given the nature of the emergency. Acting Assistant City Manager Kimberly Richardson is at the Civic Center in her office. All votes must be roll call votes. All remote meetings must be audible video recorded and made available to the public. They have been doing that and will continue. Staff will be preparing all the costs associated with the compliance in this section.  

Chair Hagerty also stated the City Manager search is on the agenda and he wanted everybody to know that because Erika Storlie may be a candidate, she is not going to be involved in the process. Therefore, Acting Assistant City Manager Kimberly Richardson will be assisting with the process.  

PUBLIC COMMENT:  
Mike Vasilko spoke on the search process for a City Manager and feels it should include conversation about the process of whether it’s a City Manager position or a full-time mayor position. The citizens should be included in every discussion. Also spoke on the coronavirus situations in senior care facilities getting worse.
Gail Schechter, Community Alliance for Better Government, stated they all as a community should look at the search for a City Manager with great positivity and see this as a time for growth and change. They are particularly using a racial equity lens and that kind of appetite for change and innovation can feed into the whole process. They should advertise this as they're looking for a City Manager who will help the community co-create a more desirable Evanston for all. Also, Evanston’s last comprehensive plan was done in 2000 and probably is due for a new plan. As GovHR puts together questions for public input use it as an opportunity to get people's thoughts on what kind of Evanston do we want to live in. Be proactive in the process in seeking certain groups. Go to groups lead by the black community or youth groups or environmental and religious groups. Look at all different kinds of demographics. Qualities should also be considered as important as solid skills in city management. Probing questions like how inclusive has the individual candidates been in terms of their leadership style. What are their conflict resolution attitudes, are they punitive, are they restorative. Kind of eliciting qualities, eliciting vision, eliciting collegiality and sensitivity and looking at the fact that Evanston is poised to think about its next 20 years should be paramount.

Alyce Barry, Board Secretary, OPAL spoke on the support of a national search for a City Manager in a fully public process with robust opportunities for community input and transparent plans for actively recruiting candidates who have a proven commitment to racial equity. A year ago this month City Council approved resolution 58-R-19 commitment to end structural racism to ensure racial equity in city operations. OPAL calls on the Rules Committee to act fully consistently with that resolution as it pursues the hiring of a City Manager. By pursuing a plan to hire a city manager for whom racial equity is fundamental and not an afterthought. OPAL would like hear details on 1) the stakeholders to be consulted and how they are chosen so as to represent all voices 2) the survey to be used to gather input from the community and how it will be disseminated in order to hear from as many community members as possible and 3) specific plans for recruiting equity focused candidates. This process takes place in an historic moment when citizens here and across the country are insistent on achieving racial justice that has been too long deferred. As Evanston chooses its most powerful public official, OPAL calls on the Mayor and Council to take this opportunity to show leadership. To show how a city pursues racial equity with efficacy integrity and transparency.

Doreen Price spoke to reiterate what some of the speakers stated regarding the emphasis and needs since they first started the City Manager search process. Come together as a community which makes the identification even harder in terms of how things have been done things in the past. They know they’ve been limited in terms of reaching and having outreach that extends to people who aren’t always in these focus groups. They have failed to include the people who need to be included or they felt excluded in the past. The outreach has to be more proactive. The process right now is a good sign because it says that you’re willing to look at this and the Rules Committee will make it clear that they need to update the priorities in terms of where they need to go as a community. If they want to move to a better place they can get past differences and get to a better place if they kind of start where they are right now instead of where they were.

Mary Rosinski said she agrees with what the speakers ahead of her stated. The comprehensive plan really needs to be updated and everyone involved in it. Regarding the rubric for whatever they are going to be evaluating, their evaluation criteria, that’s critical because they have this huge budget deficit they all would like to hear about. In all of America there are a lot of people out there who probably have suggestions who are from similar communities. Ms. Storlie may turn out to be the best but she is glad they are going to proceed with reaching out and getting suggestions and getting new viewpoints on how to approach their huge deficit and how to become a more inclusive community. She also wanted to point out that this meeting was not on the front page of city’s website. She believes it was corrected but they have to make it really easy for people to go to the website, see what time the
meeting starts and make sure the links work. Let’s make sure that is working and that they have really
good qualification criteria that they’re looking at and that everyone is able to participate through their
Alderperson, Ward meetings or whatever to gather that information.

Darlene Cannon stated she agrees and supports everything the previous speakers have said. She
reiterated that she would like to see a national search for a City Manager as was promised and have
community input. She would like to see a diverse candidate selection given Evanston’s history and the
current and previous history of systemic racism. She would like to see a City Manager who is fiscally
responsible given the current budget crisis. They should not be in a position where they are issuing
bonds in order to run the city. The candidate needs to have a finance background. They need a City
Manager that understands and respects the need of the community and will make decisions with an
equity lens.

APPROVAL OF MINUTES OF THE REGULAR MEETING OF MARCH 2, 2020:
Ald. Wynne moved approval of the March 2, 2020 Rules Committee minutes. Ald. Braithwaite
seconded. Minutes approved 8 to 1.

ITEMS FOR DISCUSSION:

City Manager Recruitment Update
Ald. Rainey moved for discussion the update of the proposed process and schedule recommendation
for the City Manager recruitment by GovHR USA. Heidi Voorhees, President, GovHR USA and one of
her associates are here tonight. Ald. Fiske seconded.

Ms. Voorhees identified Dele Lowman Smith a Vice President with GovHR. Ms. Lowman Smith joined
GovHR last fall, she is in Atlanta and will be partnering with them on the recruitment process. Ms.
Lowman Smith said her 20 plus year career has been spent in county and city government, state
government and nonprofits. In addition to working with GovHR she currently serves as a professional
facilitator, consultant and trainer to local governments and nonprofits throughout Georgia. Her areas of
focus are leadership, strategic planning, community engagement and outreach communications and
process improvement among a variety of other things. She is looking forward to working with Evanston.

Ms. Voorhees reported that looking at the revised schedule they tried to put together a process that got
started and within the next week or so they were under the guidelines with respect to Governor
Pritzker’s orders. They are open to any modifications. It’s all video and zoom interviews at this point
and they would propose doing individual meeting with each member of the City Council. They would
also like to have a wide variety of stakeholder groups input and tried to capture as many categories as
possible. They would be happy to work with city staff and the members of Council to make sure the
outreach is thorough, broad and deep into the residents, businesses and organizations of Evanston.
It’s also important to have some general open evening zoom meetings for anyone who wants to
participate. They would work with the city on pushing that out and making sure as many people are
aware of it and can participate as possible. They anticipate a couple of weeks of doing that. GovHR
will draft a survey for Council to review and make sure they’ve captured, in the questions on the
survey, the types of questions they would like. Then work with the city on pushing that survey out.
Sometimes folks don’t want to participate in a public meeting so there will be a dedicated email where
they can be reached that way or are welcome to call. Any way they can solicit input on what Evanston
is looking for in their next City Manager they are happy to do. That would probably take place in the
next two to three weeks. The information that they gather will be used to draft the recruitment
announcement and the fuller recruitment brochure which would be approved by City Council, the
Mayor’s office and anyone else they deem should weigh in on that. GovHR does an inclusive outreach
of candidates. They list it on a number of websites they would reach out to. They also have a
database of public officials across the country that they belong to and is updated quarterly. They make
heavy use of social media and it helps them tap into potential candidates who maybe aren’t in the City
Manager world but have the kind of skills and abilities that might be appropriate for the position. Their
firm has long been a supporter of organizations such as the National Forum for Black Public
Administrators, the Local Government Hispanic Network, Emerging Local Government Leaders,
League of Women in Government and they’ve been founding members of some of those and also
participate in their meetings and conferences. They have a lot of contacts in all segments of the city
management community and use all those methods of outreach in order to ensure that the candidate
pool is diverse and representative of what the City of Evanston is seeking. Everything is being done
electronically but she and Ms. Lowman Smith are available to talk at any time.

Ald. Wynne asked how things have worked recently with the use of Zoom rather than a community
meeting for a forum to hear about a community comment. Ms. Voorhees said they’ve done some in
Wisconsin and North Carolina. Just last week candidates presented to a Zoom group. Each candidate
had a time to make a presentation as a part of the final process. It also depends on the state because
the Open Meetings requirements vary by state. But they have done it and it’s gone as well as that sort
of thing can go. It is limiting but it’s what they have to work with.

Ald. Fleming suggested for the stakeholder meetings she would like to see Council members
recommend one or two people from their ward and the Mayor could also recommend someone. This
would be in addition to the representatives from the business community, faith community, non-profit
community and other suggested stakeholder groups. She would also like to suggest they get input
from staff. Staff might not be comfortable doing that on the Zoom public meeting or using their name
in an email address. She would like some kind of survey monkey or something that staff can
participate freely to give their input on what they would like to see as qualities for a City Manager as
well. Ms. Voorhees said they have done staff surveys and have had staff participate in the general
survey. They are in the process of concluding the City Manager recruitment in Virginia Beach, Virginia
and it included a survey that the staff also participated in. That is important and an excellent idea. Ald.
Fleming asked could they do one focus group with whatever businesses and include either one or two
people they nominate. Ms. Voorhees said that was the intent. Sometimes when you have a blanket
invitation for people to show up it doesn’t go as well. They can do that but it’s also nice to say to some
service organizations, University or whoever, that they are going to have a dedicated time to meet with
them and that can be any grouping they all decide on. They can also do multiple groups. She would
suggest eight to ten plus the one to two people per ward.

Ald. Braithwaite noted that prior to starting this process he had asked for time to provide feedback from
what members of the 2nd Ward shared were the most important priorities for a City Manager.
He also would like GovHR to know as they begin creating the criteria and screening. Ms. Voorhees
said they would be happy to have that information.

Ms. Voorhees noted that Ms. Lowman Smith has a great suggestion regarding Twitter chat. Ms.
Lowman Smith said the Twitter chat is a format that’s been around for a little while and has gained
some popularity in recent years. If the City has a dedicated social media coordinator they can work
with that individual to strategize around this. Identifying the best time, identifying the audiences that
you would be seeking to engage and coming up with your outreach timeline. A hopefully short and
snappy hashtag that would be used to sort of guide the conversation and coming up with the questions
as well as the goals. It sounds like, unlike some communities, this community is extremely well versed
on what the role of a City Manager is. In others, she might suggest that there be some educational
aspects as a part of that, in terms of refreshing people on what the role of a City Manager is, in
addition to soliciting their input in terms of what they would like to see in their next City Manager. But that may or may not be something that’s useful for Evanston and they can assess that during their one-on-ones with Council members and staff and can go into more details. There's a whole plan and approach they can follow that they would be happy to help work through.

Ald. Suffredin asked if the survey that was created in March is ready to go. Ms. Voorhees said there are modifications that need to be made. They will resend it. Ald. Suffredin asked if there were a meeting with Northwestern would that be a public meeting or a conversation just between GovHR and Northwestern. Ms. Voorhees stated typically in the targeted focus groups if they did it in City Hall folks would just come in. They have not generated a lot of other interests but she has no problem if it is a public meeting. Ald. Suffredin noted he understands the logistical challenges of too many participants active in a meeting, but thinks it would be important for those meetings to at least be something that can be viewed by the public. Chair Hagerty said personally he was not sure he agreed with that. They have consultants come in and do all sorts of things around here but they don’t open them up to the public. They have all sorts of groups, whether they’re the suggestion of the two residents per each Ward, the Faith Community, or Non-Profit and all of a sudden saying these are public meetings. They are not asking Northwestern who they think should be the next City Manager. They're asking what they think is important in a City Manager. Ald. Suffredin said he thinks it should be a public meeting.

Ms. Lin reported that before COVID, four focus groups were scheduled to meet. There were probably 15 or 20 groups that Council had identified as stakeholders and all had expressed a commitment to join the focus groups. She will share that information with Ms. Voorhees. In addition, she had signed a contract with a translator company to translate the public meetings into Spanish. They will still utilize that service to do the public meetings so there is a Spanish translation. Ald. Fleming asked if the surveys will also be in Spanish? Ms. Lin said they didn’t anticipate that but could certainly have a Spanish version of the survey that’s sent out. Ald. Rainey asked if they will have closed-caption for the Zoom meetings. The response was yes.

Ald. Fiske pointed out that she is not comfortable asking for two representatives per ward. They had talked about doing outreach into their Wards. She read the comments in Evanston Now where that gave a report of what various people had said they were looking for in terms of qualities for a City Manager. She suggests they have individual ward meetings and solicit comments. She would welcome Ms. Voorhees to sit in on all of those meetings if she would want to. The other thing she thinks they will do at a subsequent meeting is when they talk about qualities of a City Manager actually define the role of the City Manager. For those who were part of the search when Wally came, she remembers him asking if they wanted him to do more public outreach or basically run the city without going out and being publicly visible. She thought that was very good that that was the direction they were giving him. She wants to remind people that Wally is gone. He is not necessarily the model of the next city manager. They need to decide what qualities they want in the next City Manager. She wants to have as many people involved in this as possible and wants to make sure she is hearing and inviting all of their voices.

Ald. Revelle stated she too will have a ward meeting to hear from as many of her residents who are interested in sharing their comments about the next city manager. Is the idea that the survey will go out pretty quickly? Ms. Voorhees said yes and will allow a couple of weeks for the survey to be completed. She is also willing to attend Ward meetings. Ald. Revelle said Ald. Braithwaite’s write up from his Ward meeting was pretty detailed so if she can’t attend her Ward meeting they should be able to give a pretty good write up of the residents’ comments.

Ald. Braithwaite stated his Ward meeting was very productive. The top three responsibilities were
voting on a budget, voting on legislation, hiring a city manager and responding to his residents. From there he shared his top priorities as it relates to the issues he feels are top for the 2nd ward. After that he also shared the various committees he sits on with the point being that whoever this person is, these are his passions as it relates to the needs of the 2nd ward. Then priorities that came out of the meeting, equity lens was very important with the ability to conflict resolution, budget fiscal responsibility was the second, someone who is familiar with leading college town as well as proximity to a big city and then the survey and finally someone who’s going to be objective.

After more discussion Clerk Reid added that maybe the Clerk should be involved in the process and have an interview with the group as the Clerk’s office works closely with the City Manager’s in a number of aspects. Chair Hagerty agreed.

Discussion Regarding the Mayoral Election Process

Ms. Ruggie stated during the last election they noticed there was a difference in filing dates for the Mayoral election and the Aldermen because of the fact that they were not certified as a nonpartisan. The city had been operating as if they were a non-partisan election body for a very long time. Once the research was done it was certified that that wasn’t the case. So previously they passed a resolution and placed the referendum on the March ballot to certify that Evanston is a non-partisan election process and that passed. Now they can move forward knowing that they’re going to hold a nonpartisan election. To do that, they just wanted to clarify the dates of when the Mayor, the Aldermen and the City Clerk will certify their petition or election. The law department has prepared two different options for discussion tonight. Option one the law department is recommending it’s resolution 25-R-20. It follows the state statute on election filing. It specifies that the petitions will be given to the Clerk’s office not more than 99 no less than 92 days before the consolidated primary. The reason for recommending this resolution is because it’s in compliance with state law. That way if state law changes or the mandates of state law and the timing change they will still be following the state law. That way there would have to be no changes for City Council to go ahead and do that. The second option is resolution 26-R-20 and there are three different changes this gives. It requires all elected officials to file their petitions for the consolidated primary. That includes the Aldermen, the Mayor and the City Clerk. The second change would be that if two or more candidates file petitions then a primary will occur and the top two candidates move on to the regular election. And finally, this ordinance would eliminate the rule that the Mayoral candidate who wins over 50 percent in that primary does not automatically win. So even if a candidate were to receive the 50 percent at that primary there would still be the general election. She believes this would have to be done by referendum. The City Council can’t do this by resolution and it makes the timing of all the filings a little bit different. That’s why the law department recommends that the City Council just follows the state law. It’s simple, it’s clean and it clarifies the process to be in conjunction with the state statute.

Chair Hagerty asked if the Rules Committee wants to move with option one does it go to Council or comes back to the Rules Committee. Ms. Ruggie said it can move to Council.

Ald. Wilson stated he thinks they should go with option one. One of the goals should be to make the process easier and less confusing and not necessarily more convoluted and most likely more expensive. If they are going to really try to make these roles more accessible to people that’s definitely the way to go.

Ald. Rainey asked if option one is requiring if there are two candidates running for Alderman there will be a primary. Ms. Ruggie said correct. Ald. Rainey added that when talking about equity that really
rules out a lot of people who don’t have all the money to run into elections. She can understand if 3 people are running. That might be different, or as it was before, more than four. Ald. Wilson said no it is if it is more than two. Ms. Ruggie said that is correct, she misspoke, if it’s more than two there will be a primary.

Chair Hagerty asked if it’s three or more there’s a primary and if one of those candidates gets more than 50 percent is it over at that point or does it go to a general election? Ms. Ruggie stated she believes it wouldn’t be anything beyond the primary if there’s 50 percent. She will check to be clear.

Ald. Braithwaite added that they should keep this as simple as possible. He thinks they should keep the same filing dates just so it’s clear. Regarding the primaries they should completely abandoned that notion whether there’s one, two, three, four, or five running. He thinks similar to what they’ve seen with District 65 and 202, the top person who gets the vote is the Alderman for that Ward and the same for the Mayoral election. It makes it quick, less messy and fair across the board. Ms. Ruggie noted that she would have to look into that and see if that’s a viable option and will bring that back to Council. She will also check on whether they have to do the primary.

Ald. Fleming stated they also need to be very clear on what we are telling people they’re committing to even as they’re going out to petition. Clarify they are doing this in enough time with the upcoming election that they are all ready to go. So when the election season starts people who are thinking of running know what the requirements are. Ms. Ruggie she will come back with clarifications but stated that option one is just a resolution that can be passed by City Council. They have a lot of time before the election come spring. If it was option two, they would be able to put that on as a referendum at the November ballot. They would just have to look at the days to put that on as a referendum. Ald. Fleming asked if they have to do a primary. Ms. Ruggie said she would clarify that.

City Clerk Reid added that the resolution would essentially do nothing and that’s the best option because it’s not just the spring election they’re looking for. Petitioning begins August 25th so any changes to whether the primary is going to exist or not exist would then change the filing period, which would then, after folks in August have started circulating, change the rules. Then between November 6th, which is the federal election day, and the filing period there is only a couple of weeks. So this point if they are going to make a change, the language should be specifically set and starts in 2025 election. They are a bit late in the game to make changes now. In addition, state law says that when you have a nonpartisan form of government, if there are four or more candidates you must have a primary. As a Home Rule municipality they could put a referendum on the ballot that changes that whether it’s lowering the requirement to two candidates, three candidates of folks or potentially doing away with the primary. But all those things are better left for the 2025 election and not the 2021 election because they’re already passed the mark where they can make any effective change. Ald. Rainey asked if there are three candidates running they just go and run in April? Clerk Reid said yes. But to be clear everyone filing, should be filing as if they are running in the primary.

Chair Hagerty noted that what he thinks they are trying to do with option one is align the mayor with all the others. Clerk Reid said that can’t be done by a resolution it would have to be done by referendum. Chair Hagerty said let’s have the legal department take a look at all this and if they think a resolution is needed just make it extra, extra clear then they can bring a resolution. If they don’t just work with Clerk
Reid and just leave it as it is without any resolution.

Ald. Fleming asked Clerk Reid to please provide the state code so they can have that in front of them. Clerk Reid said he would send it.

**FOIA Update**
Ald. Fleming moved R3 which is the Clerk’s FOIA presentation to accept and place on file. Ald. Wynne seconded. Motion passed 8 to 1.

**NEW BUSINESS**
Ald. Fleming announced her Ward meeting is Saturday. She offered condolences to the family of Jasmine Waters an Evanston resident who passed away.

Ald. Fleming stated she had two referrals. One for City Council, the Chicago City Council is looking at extending a moratorium for evictions due to the coronavirus by 60 days. Since the state moratorium is coming to an end she would like to have them do the same thing for 30 days. She also would like Chief Cook to come and talk about operations and funding of the Police Department with an organizational chart for community knowledge.

Ald. Rainey commented that she thinks the City of Chicago can do extensions on no evictions because they’re over 500,000 and doesn’t know if they have that power. She wondered if they have to go along with what the county imposes on them for that. Ms. Gandurski stated she would double check and get back to them.

**ITEMS FOR COMMUNICATION**
Ald. Braithwaite announced he recently found out this is Caribbean Restaurant Week and would like to give a shout out to them. He apologized if he missed any. Claire’s Corner, Kingston Grill, The Jerk Pit, Good to Go and Taste of Jamaica. Ald. Fleming added OVO Frito.

**ADJOURMENT:**
Ald. Rainey moved to adjourn Ald. Wynne seconded. Motion passed 8 to 1. Meeting adjourned 6:35 p.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).
Memorandum

To: Members of the Rules Committee
From: Kimberly Richardson, Interim Assistant City Manager
Subject: Proposed Compensation for the Eleven (11) Elected Officials of the City of Evanston
Date: August 3, 2020

Summary:
The Compensation Committee recommends the City Council adopt its recommendation which specified that all elected officials’ compensation for years 2021 and 2022 shall increase at 0% (remain the same). Compensation for years 2023 and 2024 will increase at the same percentage rate as non-union employees receive. Every elected official will be offered full (100%) coverage for any health insurance plan for themselves only. They have the option to accept or deny such coverage, and add additional covered for their spouse and/or family at their own expense.

The Evanston City Code requires that a non-aldermanic committee meet every four years to submit a report and recommend compensation for elected officials no later than two hundred and forty (240) days prior to the next regularly scheduled municipal election. In February of 2020, Mayor Hagerty appointed the above members to serve on this year’s compensation committee. The recommendations submitted will apply to those individuals elected to the City Council in the spring of 2021 through 2024.

With an appreciation of the immense work and responsibilities of Evanston’s elected officials, the committee delved into the assigned task. With the exception of the full-time city clerk, Evanston elected positions are part-time jobs of public service to the community.

This year presents tremendous budget challenges for the city due to the pandemic, and the committee understands this. Sacrifices and belt-tightening will be asked of all city employees, including its leaders, elected officials. There have also been historical issues with inequality in aldermanic compensations, and the committee decided to try to eliminate these inequities. The basis for these dramatic differences was due to health insurance benefits.

The survey of sixteen IL northern suburban communities (including Evanston) revealed that Evanston elected officials receive the highest compensation by far, and only two of the
sixteen offer health insurance. The resulting proposal that the committee is recommending does not remove Evanston as being the best compensated suburban council in the area.

One of the committee members, Rebecca Berneck, used her professional expertise to create several excel interactive spreadsheets with mathematical analysis of various scenarios. They became the basis for discussion and debate during our meetings. This enabled the committee to consider the impact that each scenario would have on the individual as well as the city budget. The committee was unanimous in reaching a solution, and achieving our two goals of eliminating inequalities in compensation and improving the city’s budget.

Our conclusions and recommendations, which were vetted by Human Resources, are as follows:

1. All elected officials’ compensation for years 2021 and 2022 shall increase at 0% (remain the same). Compensation for years 2023 and 2024 will increase at the same percentage rate as non-union employees receive.
2. Every elected official will be offered full (100%) coverage for any health insurance plan for themselves only. They have the option to accept or deny such coverage and add additional covered for their spouse and/or family at their own expense.

The impact on the city budget of implementing this plan will save the taxpayers an estimated $440,000 over the next four years.

Although many impacted will experience a reduction in health benefits if re-elected, we trust that the current city council will agree that the compensation committee’s recommendations are fair, equal, and fiscally responsible.
Memorandum

To: Members of the Rules Committee
From: Kimberly Richardson, Interim Assistant City Manager
Subject: Discussion Regarding Resuming In-person Meeting
Date: August 3, 2020

Summary:
In June 2020, Illinois Governor J.B. Pritzker signed into law Public Act 101-0640 which amended Section 7 of the Open Meetings Act (OMA) to allow meetings of members of a public body subject to the Act to occur without a quorum being physically present at the meeting. The amendment provides that, subject to the Act's existing requirements as to the keeping of minutes, any open or closed meeting of the members of a public body can be held by audio or visual conference without the physical presence of a quorum of members under the conditions that the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a "disaster" or the "head of the public body" (as defined in the Freedom of Information Act) determines that an in-person meeting or a meeting conducted under this Act is not practical or prudent because of a disaster.

Once OMA was amended, City Council meetings along with other boards and commissions resumed their regular scheduled meeting via a live video conference platform during the pandemic, in order to protect residents, staff, and elected officials due to the COVID-19 virus.

Staff seeks direction from City Council regards to continuing virtual-only meetings, move to an in-person or hybrid meeting model through the end of the year.

IDPH Gatherings Guidelines:

Restore Illinois Phase 4: All gatherings of 50 people or fewer are allowed. - Current Status

Mitigation Plane Phases 1 - 3: Essential gatherings 10 or fewer allowed; No non-essential gatherings of any size.

Meeting Gathering Options

Virtual Only Model
Members of the city council, staff, and the public participate via a live video conference feed that is recorded and streamed on the city's online/cable channels.

**In-Person Model**
Members of the city council, staff and the public may attend in-person meetings at a designated city facility. Due to social distancing, setup will limit the number of public attendees. All participants must follow health guidelines, which include screening, along with wearing a face covering at all times.

Since entering Phase 4, a number of communities have resumed in-person meetings. Meeting setup examples:
- Only allowing one person at a time in the meeting room to make a public comment, afterward, the individual must leave the room with the option to view the meeting in a designated location.
- Community has a video feed set up outside the chambers for public comments and only the members of the city council and staff are in the chambers.

**Hybrid Model**
Members of the city council, staff, and the public may participate via a live video conference feed or in-person at a designated city facility. However, this model still limits the number of in-person participants due to social distancing requirements. In addition, staff will have to resolve any technical issues in regards to the live video conference feed, where there is a 30-second delay when viewing the meeting online/cable channel.
Memorandum

To: Members of the Rules Committee
From: Mayor Stephen H. Hagerty
Subject: Missing Executive Session Audio Recordings & Minutes
Date: August 3, 2020

Summary:
Repeated attempts have been made to obtain missing executive session meeting recordings and meeting minutes from City Clerk Devon Reid without success. Twelve sets of recordings and minutes are missing, some dating back to 2018. The City Council has never been provided these minutes, and hence have not been able to approve any minutes for these meetings dates, as is their responsibility.

Based on communication from the City Attorney, it’s my understanding that if these recordings and minutes are not produced the City could be in violation of the Local Records Act, which could be considered a Class 4 Felony if done knowingly and intentionally. Under FOIA, if a court found that the City improperly withheld records, the City could face fines ranging from $2500 to $5000 for each occurrence, and thereafter, implement fines to $1000 per day for every day the City fails to produce.

Rather than FOIA this information, which seems silly since the Council and I are entitled to this as the Corporate Authorities, my request of the Rules Committee is to formally direct the City Clerk Reid to produce these 12 missing executive session recordings and minutes by close of business, Tuesday, August 4th. If for some reason the recordings and minutes do not exist, then direct Clerk Reid to provide a written statement admitting such to the City Council to be included in the August 10th City Council packet.

Attachments:
Mayor Hagerty_s Email Regarding Missing Executive Sessions Minutes
Letter to Illinios Attorney General
Steve Hagerty <shagerty@cityofevanston.org>

Mon, Jan 13, 2020 at 4:59 PM

To: Devon Reid <dreid@cityofevanston.org>
Bcc: “Donald N. Wilson” <dwilson@cityofevanston.org>, Erika Storlie <estorlie@cityofevanston.org>, Michelle Masoncup <mmasoncup@cityofevanston.org>

Clerk Reid,

It came to my attention this today in reading the Executive Session package that many minutes from Executive Session are missing. See snapshot below.

Can you please let me know if, indeed, these minutes are not complete? If not complete, how come? If these have been completed and I’ve been misinformed, my apologies.

To be clear, my expectation is that it would take you no longer than a week to prepare these minutes, particularly given that you sit in on these meetings and the minutes themselves are a brief but accurate summary of discussions and any instructions given by the Council.

Thank you for your attention to this matter.

Thanks,
Steve

______________________________________________________________

Stephen H. Hagerty
Mayor, City of Evanston
shagerty@cityofevanston.org
(847) 866-2979 (office)  

Assistant: Darlene Francellno
(847) 448-8268 (office)

Address:
2100 Ridge Avenue, Suite 2500
Evanston, Illinois 60201
Note: The contents of this electronic mail to/from any recipient hereto, any attachments hereto, and any associated metadata pertaining to this electronic mail, is subject to disclosure under the Illinois Freedom of Information Act, 5 ILCS 140/1 et. seq. This means any communication sent or received by the City of Evanston is a public record and may be inspected, copied, forwarded, and publicly released under the Illinois Freedom of Information Act.

Steve Hagerty <shagerty@cityofevanston.org>  
To: Devon Reid <dreid@cityofevanston.org>  
Mon, Jan 27, 2020 at 2:09 PM

Clerk Reid,

I’d appreciate a response to my email below. Also, can you please provide me with access to the actual recordings for these meetings.

Thanks,
Steve

[Quoted text hidden]

--

Stephen H. Hagerty  
Mayor, City of Evanston, IL  
2100 Ridge Avenue, Suite 2500  
Evanston, IL 60201  
847-866-2979 office  
shagerty@cityofevanston.org

Assistant: Darlene Francellno  
847-448-8268  
dfrancellno@cityofevanston.org

Connect with me at https://www.linkedin.com/in/steve_hagerty

Sent from my iPhone

Steve Hagerty <shagerty@cityofevanston.org>  
To: Alexandra MacKey <aruggie@cityofevanston.org>, "Donald N. Wilson" <dwilson@cityofevanston.org>, Erika Storlie <estorlie@cityofevanston.org>  
Mon, Jan 27, 2020 at 2:10 PM

FYI. I’m still seeking this information from the clerk.

[Quoted text hidden]

Steve Hagerty <shagerty@cityofevanston.org>  
To: Devon Reid <dreid@cityofevanston.org>  
Mon, Feb 3, 2020 at 8:24 AM

Clerk Reid,

Can you please send me today the status of each “missing” executive session minutes. This is a follow up to what you mentioned to me verbally last Monday, 1/27.

Thank you.

Steve

[Quoted text hidden]

Steve Hagerty <shagerty@cityofevanston.org>  
To: Alexandra MacKey <aruggie@cityofevanston.org>, "Donald N. Wilson" <dwilson@cityofevanston.org>, Erika Storlie <estorlie@cityofevanston.org>  
Mon, Feb 3, 2020 at 8:26 AM

FYI. Last Monday, 1/27, before the City Council meeting, Clerk Reid told me that all these “missing” minutes exist and that he’ll get me a summary status of each. I sent him a note this morning asking for the status today. Will share with you all once I receive this.

https://mail.google.com/mail/u/1?ik=76e5555027&view=pt&search=all&permthid=thread-a%3Ar-7490963971092133327&simpl=msg-a%3Ar-466235…  2/10
Steve

---------- Forwarded message ----------
From: Steve Hagerty <shagerty@cityofevanston.org>
Date: Mon, Feb 3, 2020 at 8:24 AM
Subject: Re: Missing 21 Executive Session Minutes from 2018 & 2019
To: Devon Reid <dreid@cityofevanston.org>

[Quoted text hidden]

Steve Hagerty <shagerty@cityofevanston.org>  Fri, Feb 7, 2020 at 5:50 PM
To: Devon Reid <dreid@cityofevanston.org>
Cc: Eduardo Gomez <egomez@cityofevanston.org>, Erika Storlie <estorlie@cityofevanston.org>, Kimberly Richardson <krichardson@cityofevanston.org>, "Donald N. Wilson" <dwilson@cityofevanston.org>

Clerk Reid,

I'm growing impatient. On multiple occasions you have told me you'll provide me with the status of these missing 21 executive session minutes from 2018 and 2019 and the applicable audio tape(s). This request has been with you for weeks. Can you submit this information to me this weekend? I would like it before Monday.

Thank you,

Steve

---------------------------------------
Stephen H. Hagerty
Mayor, City of Evanston
shagerty@cityofevanston.org
(847) 866-2979 (office)

Assistant: Darlene Francellno
(847) 448-8268 (office)

Address:
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Evanston, Illinois 60201

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[Quoted text hidden]

Steve Hagerty <shagerty@cityofevanston.org>  Sun, Feb 9, 2020 at 9:05 PM
To: Devon Reid <dreid@cityofevanston.org>
Cc: "Donald N. Wilson" <dwilson@cityofevanston.org>, Eduardo Gomez <egomez@cityofevanston.org>, Erika Storlie <estorlie@cityofevanston.org>, Kimberly Richardson <krichardson@cityofevanston.org>

Clerk Reid,

I am disappointed that you continue to ignore my request, make repeated broken promises to deliver me this information, and don’t even proactively extend to me the courtesy to tell me when I can expect this information. Honestly, your inability to deliver me a status on these missing executive session meeting minutes and audiotapes concerns me.

I am now asking again that you provide me with a status of these executive session minutes along with the relevant audio tapes. My preference, of course, would be to have the actual minutes from those meetings given that many of them were...
in 2018 and 2019. I would like this no later than 3 pm tomorrow, Monday, 2/10.

Thank you,
Steve Hagerty

[Quoted text hidden]

---

Donald Wilson <dwilson@cityofevanston.org>
To: Steve Hagerty <shagerty@cityofevanston.org>

Sun, Feb 9, 2020 at 9:07 PM

Have you received any response?

I have heard nothing back from him myself despite repeated requests.

Don W.

[Quoted text hidden]

--
Best Regards,

Don Wilson,
4th Ward Alderman

---

Steve Hagerty <shagerty@cityofevanston.org>
To: Donald Wilson <dwilson@cityofevanston.org>

Sun, Feb 9, 2020 at 9:12 PM

He has told me verbally on multiple occasions that he'll have the info to me by a certain date and time and yet fails to deliver on his own self imposed deadlines. I saw him this afternoon at the DPOE event and I raised the topic. He told me he'd have it to me by City Council tomorrow evening. I told him I wanted it before then.

We can chat more tomorrow afternoon.

Steve

[Quoted text hidden]

---

Steve Hagerty <shagerty@cityofevanston.org>
To: Devon Reid <dreid@cityofevanston.org>, Kimberly Richardson <krichardson@cityofevanston.org>
Cc: "Donald N. Wilson" <dwilson@cityofevanston.org>, Eduardo Gomez <egomez@cityofevanston.org>, Erika Storlie <estorlie@cityofevanston.org>, Darlene Francellino <dfrancellino@cityofevanston.org>
Bcc: Alexandra MacKey <aruggie@cityofevanston.org>, Nicholas Cummings <ncummings@cityofevanston.org>, Hugh DuBose <hdubose@cityofevanston.org>

Tue, Feb 11, 2020 at 9:27 AM

Clerk Reid,

Thank you for providing me last night with the status on the 21 "Missing" Executive Session minutes. I have a few questions or requests:

- **Audio Tapes of Executive Session**: Can you (or Eddie) please email me the link(s) to all the Executive Session recordings on the Google Drive for the "missing" minutes except for the one's designated to Kimberly, which I understand you don't have. I'd like these links to the audio tapes today.

- **Drafted Minutes**: Can you (or Eddie) please deliver to Dar (in a sealed, confidential envelope) the 3 "drafted" minutes you have identified below - 3/18/19, 4/15/19, and 4/29/19? I would like these by COB today, Tuesday, February 11th.

- **Conversion of Transcripts into Minutes ("Re-drafting")**: Can you (or Eddie) please deliver to Dar (in a sealed, confidential envelope) the 5 Executive Session minutes that you are redrafting as "minutes" per the Council's requests. These are dated 5/29/18, 9/17/18, 11/12/18, 11/19/18, and 1/22/19. I'd like these no later than COB, this Friday, 2/14.

https://mail.google.com/mail/u/1?ik=76e5555027&view=pt&search=all&permthid=thread-a%3Ar-7490963971092133327&simpI=msg-a%3Ar-466235…
- **Outstanding Minutes:** Can you please let me know when I can expect the 9 executive session minutes you have labeled, "Requires Submission" - 9/9, 9/16, 9/23, 9/30, 10/14, 10/19, 11/11, 11/25, 12/9? Frankly, I would have expected these to be complete by now. **Ideally, I would like these by COB, Friday, 2/14 but, if you need a little more time, I would like them delivered to Dar (in a sealed, confidential envelope) no later than COB Wednesday, February 19th.**

Moving forward I would like your office to deliver to me the executive session minutes no later than one week after the executive session. This means last night's executive session minutes should be delivered to me no later than COB, Monday, February 17th. I would like these delivered in a confidential, sealed envelope to Dar.

I appreciate your attention to this important matter.

Steve

Kimberly,

Below Clerk Reid has identified 5 executive session minutes prepared by you in 2019 - 5/13, 5/28, 6/24, 7/8 (I think it was mis-typed on his spreadsheet as 7/28), and 8/5. **I would like you to deliver these minutes (in a confidential, sealed envelope) to Dar no later than COB today, Tuesday, February 11th.**

Thank you,
Steve

**Spreadsheet Below Provided by Clerk Reid via Google Docs at 8:40 pm on Monday, February 10, 2020**

<table>
<thead>
<tr>
<th>Exec. Session Date</th>
<th>Disposition</th>
<th>Recording</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/29/18</td>
<td>Needs to be redrafted Council Disapproved</td>
<td></td>
</tr>
<tr>
<td>9/17/18</td>
<td>Needs to be redrafted Council Disapproved</td>
<td></td>
</tr>
<tr>
<td>11/12/18</td>
<td>Needs to be redrafted Council Disapproved</td>
<td></td>
</tr>
<tr>
<td>11/19/18</td>
<td>Needs to be redrafted Council Disapproved</td>
<td></td>
</tr>
<tr>
<td>1/22/19</td>
<td>Needs to be redrafted Council Disapproved</td>
<td></td>
</tr>
<tr>
<td>3/18/19</td>
<td>Drafted</td>
<td></td>
</tr>
<tr>
<td>4/15/19</td>
<td>Drafted</td>
<td></td>
</tr>
<tr>
<td>4/29/19</td>
<td>Drafted</td>
<td></td>
</tr>
<tr>
<td>5/13/19</td>
<td>Kimberly Richardson</td>
<td></td>
</tr>
<tr>
<td>5/28/19</td>
<td>Kimberly Richardson</td>
<td></td>
</tr>
<tr>
<td>6/24/19</td>
<td>Kimberly Richardson</td>
<td></td>
</tr>
<tr>
<td>7/28/19</td>
<td>Kimberly Richardson</td>
<td></td>
</tr>
<tr>
<td>8/5/19</td>
<td>Kimberly Richardson</td>
<td></td>
</tr>
<tr>
<td>9/9/19</td>
<td>Requires Submission</td>
<td></td>
</tr>
<tr>
<td>9/16/19</td>
<td>Requires Submission</td>
<td></td>
</tr>
<tr>
<td>9/23/19</td>
<td>Requires Submission</td>
<td></td>
</tr>
<tr>
<td>9/30/19</td>
<td>Requires Submission</td>
<td></td>
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<tr>
<td>10/14/19</td>
<td>Requires Submission</td>
<td></td>
</tr>
<tr>
<td>11/11/19</td>
<td>Requires Submission</td>
<td></td>
</tr>
<tr>
<td>11/25/19</td>
<td>Requires Submission</td>
<td></td>
</tr>
<tr>
<td>12/9/19</td>
<td>Requires Submission</td>
<td></td>
</tr>
</tbody>
</table>

------------------------------

Stephen H. Hagerty  
Mayor, City of Evanston  
shagerty@cityofevanston.org  
(847) 866-2979 (office)

Assistant: Darlene Francellno  

https://mail.google.com/mail/u/1?ik=76e5555027&view=pt&search=all&permthid=thread-a%3Ar-7490963971092133327&simple=msg-a%3Ar-466235...
Steve Hagerty <shagerty@cityofevanston.org>  
To: Devon Reid <dreid@cityofevanston.org>  
Cc: Darlene Francellno <df francellno@cityofevanston.org>, "Donald N. Wilson" <dwilson@cityofevanston.org>, Eduardo Gomez <egomez@cityofevanston.org>, Erika Storlie <estorlie@cityofevanston.org>, Kimberly Richardson <k richardson@cityofevanston.org>, Luke Stowe <lstowe@cityofevanston.org>, Nicholas Cummings <ncummings@cityofevanston.org>  
Bcc: Alexandra MacKey <aruggie@cityofevanston.org>, Hugh DuBose <hdubose@cityofevanston.org>  

Clerk Reid,

Since your effort at communicating with me and getting me these executive session minutes has been lackluster, I asked the Acting Assistant City Manager, Kimberly Richardson, to coordinate with your Deputy City Clerk, Eduardo Gomez, to obtain the missing minutes. Below is a summary of what I have been told.

- Your Deputy City Clerk has no written record or audio tape for the 5 dates you recorded on your spreadsheet as "Needs to be Redrafted Council Disapproved" - 5/29/18, 9/17/18, 11/12/18, 11/19/18, and 1/22/19. Can you please provide your Deputy Clerk with the audio tape and the draft Word documents immediately so he can complete these. I would like these minutes no later than COB, Wednesday, February 19th.

- Your Deputy Clerk stated that executive session minutes for 3/18/19 and 4/29/19 have not been "drafted" as you indicated on your spreadsheet. Can you please immediately provide Eddie with the audio tape so that he can prepare the minutes. I would like these minutes no later than COB this Friday, February 14th.

- Kimberly Richardson provided me with the executive session minutes you labeled "Kimberly Richardson," except for the 8/5/19 minutes. Kimberly reports that she was not present at the Executive Session. Per the video, you were in attendance at the City Council that evening. Therefore I need you to please provide the audiotape to Eddie by COB tomorrow, February 13th. I'd like the minutes by Wednesday, February 19th.

- This year (in 2020) you provided your Deputy Clerk the eight 2019 audio files you labeled "requires submission" - 8/5, 9/9, 9/16, 9/23, 9/30, 10/14, 10/11, 11/25, and 12/9. According to Eddie, the file links you sent him are inaudible. In fact, he can't even tell which meetings each audio tape is for. IT cannot fix the problem. Please get with Luke Stowe, from IT, so he can help you get the original audio recordings exported from the device you recorded them on. This needs to be done immediately. I would like to get a report from Luke by COB tomorrow, Thursday, February 13th. Once these original files are provided to IT, I would like to have Eddie complete the minutes no later than COB, by Friday, February 28th.

Finally, I resent that you are not taking your job as City Clerk more seriously. Your haphazard efforts on completing and managing these minutes and taking responsibility for your City Chartered responsibilities is unacceptable. Not only is it putting the City at risk, it is taking valuable time away from other more pressing municipal matters.

It is time for you to step up immediately and get these minutes complete. If for some reason you do not have the audio recordings of the executive sessions, then I need you to alert me of that immediately. Furthermore, if this is the case, I'll need you to consult your written notes (presuming you took hand written notes as a backup) of the meetings to complete the minutes. To be clear, you, and only you, are fully responsible for the executive session recordings and subsequent minutes.

As I mentioned in my last email, I am now requesting that you deliver to me the executive session minutes no later than one week after the executive session. This means last night's executive session minutes should be delivered to me no later than COB, Monday, February 17th. I would like these delivered in a confidential, sealed envelope to Dar. Included with the minutes I would like a signed acknowledgment that you have the audio recording and that it has been properly uploaded and labeled to the City’s secure and restricted drive.

https://mail.google.com/mail/u/1?ik=76e5555027&view=pt&search=all&permthid=thread-a%3Ar-7490963971092133327&simpI=msg-a%3Ar-466235…  

6/10
Hi Mayor & All,

Clerk Reid and I spoke today and he will be stopping by IT tomorrow morning with his laptop for us to assist him in reviewing the closed session audio files.

We will likely have more updates by tomorrow afternoon.

Thank you,
Luke
Clerk Reid,

I have good news to report. At my request, the Deputy Clerk reviewed all the City Council meeting videos and learned that three of the meetings noted below by you as "Needs to be Redrafted Council Disapproved" did not take place - 11/12/18, 11/19/18, and 1/22/19; meaning there was no executive session on these dates, and therefore no audio or minutes.

This means that instead of 17 Total Missing Executive Session minutes (Kimberly Richardson produced 4 of the minutes, equaling the 21 in the subject line), you are missing a total of 14 audios and meeting minutes. This is still 14 too many.

I expect you are working diligently to get these audio files to your Deputy Clerk so he can draft the minutes. In speaking with him this morning, I learned that you have not yet provided him with any of the audios per the three bullet points below. Again, I ask that you please step up and take responsibility for your City chartered obligations.

Given that I am growing less and less confident in your ability to do your job, I have requested that the City Manager or his/her designee record all future executive sessions. Nonetheless, you, and you alone, are fully responsible for producing the minutes and making any requested revisions per the Council's direction.

I look forward to receiving 14 missing audios and minutes per the timeline noted below, as well as the audio and minutes from the 2/10/20 executive session no later than COB, Monday, 2/17/20.

Steve

Stephen H. Hagerty
Mayor, City of Evanston
shagerty@cityofevanston.org
(847) 866-2979 (office)

Assistant: Darlene Francellno
(847) 448-8268 (office)

Address:
2100 Ridge Avenue, Suite 2500
Evanston, Illinois 60201

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executive session minutes and audio files I'm expecting from you. I'm also still waiting on the February 10th minutes and audio which I expected by February 17, 2020.

Unlike all my prior unanswered emails, I do hope you will take seriously my requests and provide me immediately with the requested information and answers to my questions.

Steve

---------------------------------------------

Stephen H. Hagerty
Mayor, City of Evanston
shagerty@cityofevanston.org
(847) 866-2979 (office)

Assistant: Darlene Francellino
(847) 448-8268 (office)

Address:
2100 Ridge Avenue, Suite 2500
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In the meantime, I am still waiting on you to upload the audio file and produce the written minutes for the February 10th executive session. Please do this immediately. Your deputy, Eduardo Gomez, has produced the February 24th executive session meeting minutes already based on the audio recording uploaded by Kimberly Richardson to the secure server.

Regards,
Steve Hagerty

Reconciliation

This subject of this email is "Missing 21 Executive Session Minutes from 2018 & 2019." The total number of missing executive session recordings and minutes, as far as I can tell, are 12. Below is a reconciliation from 21.

21 Number Originally Reported Missing
-4 Number of "Exec Sessions" that did not occur (Confirmed by Gomez)
-4 Number of Exec Session minutes and recordings completed by Richardson
-1 4/15/19 Exec Session minutes completed by Deputy Clerk Gomez

12 Total Executive Session Audios and Minutes Missing

Shape your future
Census 2020

Look for your 2020 U.S. Census invitation in the mail March 12–20.
Make sure Evanston counts! cityofevanston.org/census

Stephen H. Hagerty
Mayor, City of Evanston
shagerty@cityofevanston.org
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March 6, 2020

Office of the Attorney General
State of Illinois
Attention: Mr. Steven Silverman
Bureau Chief, Public Access Bureau
100 W. Randolph St.
Chicago, IL 60601
Via Email To: ssilverman@atg.state.il.us

Subject: 12 Missing Executive Session Audio Recordings & Minutes

Dear Mr. Silverstein,

The City of Evanston recently became aware that twelve (12) audio recordings of City Council Executive Session meetings held here at the City are missing. As a result, no written meeting minutes may be produced, approved or released by the City Council and made public. The following is believed to be missing after multiple, unanswered requests of the City Clerk:

1. May 29, 2018
2. September 17, 2018
3. April 29, 2019
4. August 5, 2019
5. September 9, 2019
6. September 16, 2019
7. September 23, 2019
8. September 30, 2019
9. October 14, 2019
10. November 11, 2019
11. November 25, 2019
12. December 9, 2019

Section 2.06 of the Illinois Open Meetings Act (OMA) requires that audio recordings be kept of these meetings for eighteen (18) months and that written meeting minutes be prepared and approved by the City Council. Per the Duties of the Clerk contained in the City of Evanston’s Municipal Code (Chapter 7-2(J)), elected City Clerk Devon Reid is responsible for recording and preparing these minutes. I have worked in conjunction with the City Manager’s Office over the past few months to obtain information from the...
Clerk as to the whereabouts of the meeting minutes to no avail (See attached communication). Clerk Reid has not produced the missing minutes at the time of this letter. We have searched City network servers as well as Clerk Reid’s laptop in an attempt to locate any relevant audio recordings but this has been unsuccessful. We have not requested, nor do we believe we have the authority, to search his personal devices, which in the past Clerk Reid may have used to record Executive Session Meetings.

If in fact the City Clerk does not have the audio recordings and missing minutes for the above referenced executive session meetings, the City of Evanston is appropriately reporting to your Office that it cannot prepare any written minutes of the above-listed meetings.

My Office understands the severity of this matter. The City of Evanston takes seriously the public’s right-to-know, and the City of Evanston takes its responsibilities seriously in this regard. It is regrettable that I must report to the Attorney General that Clerk Reid has not fulfilled his duties under OMA.

At my direction, the City Manager’s Office has implemented new procedures over the last 30 days to prevent this from happening again. These procedures include: deputizing additional city staff as Deputy City Clerks, recording executive session meetings with a standalone recorder, maintained in the City Manager’s office in a secure location at City Hall, as a supplemental audio recorder to the Clerk’s. These new procedures will ensure that if in the future Clerk Reid is unable to properly retain and secure the audio recordings, the City of Evanston will have back-up recordings that can be used to produce meeting minutes.

In closing, please know that I am dismayed to share this news with your Office. My hope is that these audio recordings and meeting minutes do exist and that upon request by the Attorney General, Clerk Reid will turn them over to you. If that is not the case, please know that we will continue the procedures noted above and work with your Office to rebuild the type of transparency our residents expect.

If you have any questions, please do not hesitate to reach out to me at shagerty@cityofevanston.org or (847) 866-2936. I look forward to working with your Office to resolve this matter.

Sincerely,

Stephen H. Hagerty
Mayor

Attachments: Email Communication to the Clerk