

CITY COUNCIL

March 10, 2008

ROLL CALL – PRESENT:

	Alderman Holmes	Alderman Hansen
	Alderman Moran	Alderman Wollin*
	Alderman Tisdahl	Alderman Jean-Baptiste
A Quorum was present.	Alderman Rainey	Alderman Wynne
		Alderman Bernstein

* Alderman Wollin was present via satellite conference call because she was in Washington, D.C. on City business.

ABSENT: None

PRESIDING: Mayor Lorraine H. Morton

The OFFICIAL REGULAR MEETING of the City Council was called to order by Mayor Morton on Monday, March 10, 2008, at 9:10 p.m. in the Council Chamber.

MAYORAL ANNOUNCEMENTS:

Mayor Morton presented and read her veto of the FY 2008-09 Budget to the City Council.

Alderman Wynne asked the procedure for considering an override of the Mayor's veto. First Assistant Corporation Herb Hill stated that Council cannot consider an override of the Mayor's veto, unless the rules are suspended. There is a rule that allows for temporary suspension of every rule. That rule is 3.2 and requires a two-thirds vote. Alderman Wynne moved to suspend the rules. Mayor Morton stated before anything is considered, it must be put on the floor. Alderman Wynne stated the matter was on the floor. Mr. Hill read Rule 22.3 and Rule 3.2. Alderman Bernstein asked the budgetary implications of waiting to vote on the override. City Manager Carroll understood that since the Council adopted the budget under the Illinois Budget Act, she has no authority to operate the City without approval of this budget. Mr. Hill stated the manager was correct. Alderman Holmes confirmed that it meant the City would be closed down. Mr. Hill stated that any action taken by the City to expend funds without a budget or enter into contracts would be null and void.

Alderman Jean-Baptiste asked for the Mayor's understanding of this. Mayor Morton stated according to information received and used in her veto message, the city manager would continue to operate the City. Everybody is a little bit wrong on this. If Council had passed the budget earlier, the Mayor would have had 10 days to deal with a veto and get back to City Council before the end of the fiscal year. It did not come in time. She understood that it would be incumbent upon her (Mayor) to make this request under these circumstances. Mr. Hill had advised the Mayor about the law. Mayor Morton stated the budget resolution was short; there was no number to veto and no way to say that. The Mayor has line-item veto power. Mayor Morton had been through every page of the budget and could not find line items for police/fire pensions. She was left with vetoing the entire budget and explained it was specifically about the police/fire pensions.

Mayor Morton asked why this Council would consider a veto without first honoring the Mayor's request to look at what she is talking about before deciding to override. Alderman Jean-Baptiste stated they can't support a veto if it paralyzes the City. Alderman Wynne had no idea the Mayor was going to veto the budget; spent the last four months debating this budget; appreciated what the Mayor said; heard the actuary tell them \$140 million was owed. The first motion on the budget was to accept the GRS actuary's number. Mayor Morton gave figures in her veto message from GRS, Mr. Windsor and their comparison. Mr. Hill stated that the Mayor's veto was of the entire budget and, in particular, line items of the police/fire pensions if they could be identified. Acting Finance Director Steve Drazner stated there is a supplemental attachment to the budget resolution, Exhibit A which itemizes fire/police pensions and has a line item for fire and police pensions. Mr. Hill stated they could consider that.

Alderman Hansen said when Mr. Windsor came, he agreed with the under funded liability; said his method was different from GRS in that the City would pay less now and more later. GRS method was to pay principle and interest now. Mr.

Windsor agreed with the GRS numbers. Alderman Hansen did not want to give the impression Council did not have all the information. Mayor Morton said aldermen did not have all the information and that is why she asked for it and staff secured it. Mayor Morton said it started off wrong when she did not have 10 days, so the whole process is somewhat at fault. Alderman Rainey respected what the Mayor had tried to do, even though she did not agree with it. Getting the veto that evening and not having advance notice is the way the process works. No one should be offended. It is the prerogative of the Mayor to veto anything she chooses. There is a two-week period when this can happen. The federal government has continuation budgets and so does the state. Where does it say the City of Evanston has to shut down, if for some reason, the aldermen don't get a balanced budget passed by mid-March? Mr. Hill explained that 20 years ago the City changed from operating under the Appropriations Statute to the Budget Statute. Under the Budget Statute, the City must pass a balanced budget by the end of the fiscal year and does not provide for adoption of the budget within the first three months of the new fiscal year. The Appropriation Statute provides for a continuation budget. If the Law Department took action in Circuit Court, it would argue that the Budget Statute is incomplete and should include provisions that the Appropriation Statute does. He read from ILCS concerning expenditures; noted once the budget is vetoed and there is no appropriation in place, even though the City has money there is no authority to allow for payment of expenditures.

Mayor Morton asked why she received the information that she could make a provision in her veto to continue government operations. Mr. Hill said that calls upon the city manager to proceed with government operations. One effort is to authorize the Law Department to file an action in Circuit Court the next day on behalf of the City Manager to ask a judge to authorize expenditures consistent with the needs of the City. With a complete veto, as opposed to a line item veto, the City is in a different situation. Mayor Morton asked if anybody could find a line item in the budget. Mr. Hill said there is a page that sets forth the fire and police pension funds. Alderman Hansen had the proposed tax levy on page 60, which breaks out the pensions. The original two budget pages for fire/police pensions were replaced.

Alderman Bernstein called the question. Motion carried. No nays.

Roll call. Voting aye – Holmes, Moran, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein. Voting nay – none. Motion carried (9-0).

Alderman Wynne moved to amend Rule 22.3 to permit the Council to consider the Mayor's return of a veto at the meeting it was returned. Seconded by Alderman Bernstein.

Mr. Hill stated that Suspended Rule 22.3 is hereby amended, in only part, to allow the City Council to consider at the meeting of the Mayor's return of a veto, a motion to override the veto.

Roll call. Voting aye – Holmes, Moran, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein. Voting nay – none. Motion carried (9-0).

Alderman Wynne moved that Council consider the Mayor's veto of Resolution 14-R-08. Seconded by Alderman Bernstein.

Roll call. Voting aye – Holmes, Moran, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein. Voting nay – none. Motion carried (9-0).

Alderman Wynne moved to override the Mayor's veto. Seconded by Alderman Bernstein.

Alderman Jean-Baptiste supported the override; spoke of how he resisted the \$140 million liability; even got Jack Siegel here on the court case. Mr. Windsor clearly did not disagree with GRS. It was a difference in methodology. He stated his methodology led to greater debt. He thought all had bought into GRS. He was concerned about the kind of legal advice that was given to the Mayor, who understood she could veto the budget and then instruct the city manager to go forward and everything would be okay, then found that was wrong. He did not know what was explained to her. Why don't they have line items in the budget and give guidance that is legal and consistent so everybody is clear. Alderman Tisdahl appreciated the Mayor's concerns for the taxpayers. The reason she will vote to override the veto is she felt the money is owed. She found it helpful to get Mr. Windsor here.

Alderman Rainey said if the Mayor had selected some items for veto, other than the pensions, she probably would have

supported her veto; felt this was the most poorly presented, confusing, disjointed budget that she has experienced over the years. They have left in some unnecessary and new positions and are taxing the taxpayers at 7% when people are struggling. She believed the pension allocations are okay and they must go forward with them. While she voted against the budget, she could not support the veto.

Mayor Morton commented that truth crushed to earth will rise again. She went through everything she could read in connection with this and spent a lot of time with the budget book. Page 60 does not have a number on it; gives proposed property tax levy and she did not think that was a valid item to use. The confusion for her was great. It is disconcerting to spend the time that she spent on this, then have the Council just sit without looking at it and override the veto. She wondered why she was sitting here – why not go home and take it easy. She thought she would feel better if Council had said they would wait, vote, and tell the manager to do whatever she has to do. She put in a request for information about the actuary that was used until 2007 and another actuary that was hired that makes the difference between last year's budget and this year's budget more than \$10 million. She did not think anybody looked on this favorably and next year it will be more. It's there and comparisons year after year. A copy is included of the assumptions that GRS used and of Windsor's assumptions used by GRS. There is a major difference. She is not opposed to funding the pensions. Some people think the judges know what they are doing (referring to a court case where the City was sued by the Police Pension Board). The City was told they were okay until 2033. Then they come up with a difference of opinion and the former actuary was deemed wrong. Neither actuary is wrong. It was a difference in method used. All know that in the future, a lot of TIF money will come in before 2033, so why are they presupposing that things will be better for posterity now and in 2033. Her conclusion is that money will come in and they can add money at any time. Maybe nobody on Council is hurting or nobody has a relative going through foreclosure because everybody is okay. If they continue to raise taxes with new businesses coming here, can they stay with annual tax increases? The manager has a plan for economic development. Who will come to a city that raises its taxes annually? She said this to Council because they did not honor all of the work done for them where they can see how much money citizens will have to pay. (The doctor told her not to get excited.) She was exorcized by this process that would allow Council, without looking at the Mayor's veto, to come up on the night with a ruling not to allow Council to look at it and see whether there is any validity. She would honor what they had to say. This is no way to treat a Mayor's remarks -- after 15 years.

Alderman Holmes was concerned about the operation of the City and respected the Mayor's opinion. Mayor Morton stated that something is missing in the communication process. She knew nothing about going to court.

Mr. Hill said that a line item veto and a veto of the entire budget trigger different procedures. He did not know whether a line item veto could have been done. Mr. Hill had no idea what would transpire at this meeting; tried to provide guidance regarding the action to be undertaken. Mayor Morton said there was miscommunication. Mr. Hill stated there was no way the city manager could continue city operations with a full budget veto. The manager could have called upon the Law Department to take action in court. Mayor Morton wished she had been advised about where to find a line item veto.

Alderman Bernstein would vote to override the veto. He recalled the first number Council put up was the pensions. They knew that Mr. Windsor tried to serve his clients and that it is easier to pay a little money upfront. Windsor agreed that \$140 million is owed the pension funds. The City could pay a lesser amount. But there is compound interest, and the \$140 million would have escalated out of control. Council made a decision to end it now. It was Aldermen Rainey and Jean-Baptiste and the Mayor who got Mr. Windsor here. It was nothing personal. They are not borrowing \$116 million for pension obligation bonds. They have worked on this since hearing about a 15% property tax increase. The Mayor has remained steadfast, which is appreciated. If there was a method to do a line item veto, she got poor information.

Mayor Morton asked in the report received from GRS, if debt was specified. Ms. Carroll stated there was actuarial accrued liability included for each pension fund which is the same as outstanding debt but not debt issued in the form of a bond. Ms. Carroll stated she would have helped Mayor Morton find line items and will look for them and report to her the next day. Mayor Morton stated since there was an increase of \$10 million in property taxes, she asked aldermen to go through the materials and see if that was what they wanted to impose on residents. Ms. Carroll stated the original proposal was an increase from \$34.8 million to \$40.1 million, an increase of \$5.2 million to the tax levy. Since that time the number was reduced to \$37-38 million, so there is roughly a \$2.5 million increase over last year in the tax levy. Alderman Jean-Baptiste said Council had no choice but to override the veto. All are in the boat together.

Voice vote on the motion to override the Mayor's veto, motion carried, no nays.

COMMUNICATIONS: None

CITIZEN COMMENT:

Timothy Schoolmaster, 1454 Elmwood Ave., thanked Council for adoption of the budget and in reference to the police/fire pensions, something that has not happened in 30 years. He spoke on Resolution 21-R-08 - pension benefit improvements and pension reform; stated there were some inaccurate numbers and things being asked for that are already law. Something not in the resolution is the ability to get around the tax cap. He asked that the resolution be corrected.

Patrick Dillon, 702 Madison St., president, Firefighters Pension Fund, noted the packet from IML had some inappropriate issues and this was addressed at the A&PW Committee meeting.

Greg Klaiber, 2329 Hartrey Ave., fire captain/paramedic who has served the City for 23 years; spoke about Resolution 21-R-08 and a PowerPoint presentation that he felt was an insult; hoped the presentation never sees the light of day; after reading it felt like they are at war, the recipients (those who serve the community) and decision makers. He believed that all are hurting. Their pensions are threatened and what was promised may not be there. Taxes are going up. He was critical of the former actuary's assumptions.

Ronald Brumbach, 702 Madison St., secretary of the Firefighters Pension Board, thanked Council for their action taken on the pension funds. They have taken a giant step in the right direction.

Kenneth Sax, 1516 Greenwood St., spoke about Ordinance 42-O-08 - Registration of Rental Buildings. He bought a two flat in 1986 where he lives on the ground floor with one rental unit. He pointed out the disparity in this ordinance that allows much larger buildings with many units to pay the same registration fee as a small building. He termed it unfair. The City took an equitable approach to licensing units, threw it out and instead created a giveaway to the corporations and land trusts that own large buildings. The City is sticking it to "mom & pop" people like him.

Bennett Johnson, 708 Washington St., described Mayor Morton as a profile in courage. He supported Resolution 11-R-08; gave history about the Fugitive Slave Law. Some obeyed the law and others did not. Harriet Tubman disobeyed the law; was considered an outlaw and now is a hero. In the north, law enforcement officers were told not to cooperate with the Fugitive Slave Law. He asked passage of the law to be consistent with their moral beliefs.

Judith Godfrey, 1408 Wilmette Ave., Wilmette, owns a studio in a condominium building and turned over her time to Mr. Hammer. She was against the registration fee of \$50 a year. She thanked the Mayor for being so open in giving support to her constituents and sympathized with her expectation to be able to rely on advisers.

Bernard Hammer, 1455 Tower Rd., Winnetka, questioned the constitutionality of the proposed registration fee for owners of rental property. He called the \$50 charge (which is called a fee) in reality a tax. A fee is defined as a "charge fixed by law for services of public officers" (*Black's Law Dictionary*) and is regarded as compensation for services rendered. Registration of the owner, owner's address and phone number may be a benefit to the owner and might be for a public purpose. For example, if information is readily available in the event of an emergency. If there is no change in ownership nor in the address or phone of the owner, an annual re-registration charge is an unnecessary requirement. He stated the charge as proposed and the requirement for an annual registration to be assessed is for the purpose to provide general revenue rather than for compensation. It is a tax. He questioned whether a \$50 charge for the initial registration has any relation to the actual cost to the City of registering property. He did not believe the ordinance would pass constitutional muster. If adopted, it would appear to be a ripe plum for a class action and a financial load of legal expenses to defend.

Fr. Robert Oldershaw, St. Nick's Church, favored 23-R-08, a synthesis of Resolution 11-R-08, calling for comprehensive immigration reform and just and humane treatment for immigrants and families. He was grateful to the Human Services Committee for its work; applauded Alderman Jean-Baptiste for strengthening the original resolution and calling on Congress to pass comprehensive immigration reform and deeply grateful to Alderman Moran for his consistency in raising the community's consciousness for humane and just treatment for immigrants and their families. He regretted the

harsh and demeaning sentiments the committee had to contend with. In his 18 years experience as pastor of St. Nick's parish, home to many immigrants, he came to know their fear and timidity to come forward. He is grateful that Evanston has no intention of pursuing undocumented immigrants or conditioning City services based on immigration status. Similar resolutions have been passed by the City of Chicago and others. He urged passage of the synthesized resolution.

Barbara Soricelli, 1516 Brummel St., resident for more than 30 years; urged passage of Resolution 23-R-08. She advocated for herself and more than 200 leaders, residents, churches and community social service agencies so that immigrants can utilize City services to which they are entitled by paying local taxes without reference to their citizenship status. This is the intention of the City and by codifying that intent, those become applied universally. There have been no reported violations. Immigrants are afraid to speak in their own defense for fear of reprisal based upon their immigration status. This resolution would not cause a mass influx of people. More than 100 like resolutions have been passed in 24 states. Immigration and Customs Enforcement (ICE) only enters communities with large industries.

Dawn Mueller, Oak Park, coordinator for the Illinois Citizen Security Network, tries to secure our country, protect our citizens and their rights first. Immigration law is complex. Informal sanctuary policies are already in place in Evanston and any formal consideration and adoption of legislation that promotes the harboring or abetting illegal immigrants carries serious legal ramifications. She urged Council to consider this matter with caution and utmost diligence. She extended her hand to meet individually or collectively so that she may inform them about aspects of illegal immigration, the financial and social impact of the proposed resolutions before Council. Citizens are asking the costs to taxpayers in Evanston of the informal sanctuary policies utilized currently and the impact of the proposed resolutions. She requested Council schedule time for discussion of immigration security and border security. She represents citizens across the State of Illinois and asked Council to provide citizens with ample time to review these resolutions.

Mary Kay Hanagahan, Chicagoland Apartment Association, commended the Mayor for her comments and asked for a copy of her veto to provide to every building that represents more than 1,100 units in Evanston. They are pleased that the City has come up with a registration ordinance, which is a far better way to get information than the individual per unit ordinance. The association was pleased with due process changes and the provision regarding agents having to live in Cook County. Two provisions were of concern. At \$50 per building, the fee is quite high for buildings of six units or less. Most small buildings pay higher property taxes and with increased utilities and insurance, and the higher Cook County sales tax, these buildings break even or operate at a loss. Their association recommends a structured fee to provide more parity between the large and small buildings. Bring six-unit buildings down to \$20. Registering small buildings is not administratively burdensome. Another provision of concern is that transfer stamps could not be obtained without registration of a building. She thought that provision was a violation of state law. The compliance provisions ought to be adequate to force owners to comply with the law. The ordinance talks about e-mails. They believe that notice from the City should be by U.S. Mail, First-Class. E-mail could be an additional communication.

Barbara Drennan, 4 Milburn Park, 41-year resident; requested that Resolutions 22-R-08 and 23-R-08 be returned to the committee for further consideration.

John Drennan, 400 Main St., was born and raised in Evanston; returned and purchased a home last year. He became involved with immigration due to the legality of the issue. He contacted the Immigration Reform Law Institute that prepared an opinion paper on his behalf as to the legality of the resolutions before them. Their original opinion paper said it (resolution) was not legal and would make Evanston vulnerable to potential litigation and subject them to fraud based on the identification measures introduced. He was glad that 11-R-08 was approved; 22-R-08 or 23-R-08 go against federal law and the City could be sued. He asked that the Human Services Committee decision be respected and to approve 11-R-08.

Rosanna Polito, stated the Mayor had set the tone by being open and honest. Cook County has passed the same resolution as 22-R-08 and 23-R-08 and Evanston is covered by it. Since they are covered, it seemed redundant. She described this as a purely political move.

Aracely Cancchola was disheartened by the immigration issue taking so long to be resolved. She never thought the City would stall on this when it took a stand on the Patriot Act; urged that Council support 23-R-08. While 11-R-08 supports comprehensive immigration reform, what about humane and just treatment for immigrants and their families? She grew up in Evanston and her family has lived here since the 1960s. Her grandfather was one of the first immigrants from

Mexico to move to Evanston. Her mother worked for Ahrens Control, a factory in Evanston for more than 20 years. In 1978, somebody called INS, and her mother was deported even though she had a daughter and husband who were citizens. That did not scare her and she bought a home in 1986. INS will do whatever they want to do. This resolution is needed because many immigrants live here. She urged Council to think about this and do this for the community.

Paula Iacucci, 2134 Maple Ave., owns a two flat and lives on the premises. She asked that owners of smaller buildings be considered in the registration ordinance. Imposing the same amount, whether a fee or tax, on everyone is not equitable. She rents the second floor apartment to offset the property tax.

Beverly Dyer, has a 12-unit building and four units are empty. The reason the units are empty is that she does not want drug pushers or gangbangers. She rents to low-income people. Her two bedroom apartments rent for \$800 a month. She noted Council has passed a 7% tax hike. She does not feel she should pay a \$50 registration fee when a landlord with many more units pays the same amount. In Chicago the fee is \$10 annually; in Skokie and Wilmette nothing and Oak Park \$4. Apartment owners are not making money. Her taxes are not paid yet from September. Taxes cannot be paid when living on a fingernail. She suggested instead they tax people who are living on the whole hand. This is not right.

Howard Handler, North Shore Barrington Board of Realtors, said while the board would have liked to work with the City on the registration ordinance, nonetheless, they support efforts to register rental building owners. He thought \$50 per building for seven or more units is reasonable and urged Council to charge \$20 per building for six units or less. Under the current scenario, a person with two condo units for rent would pay \$100 a year while the owner of a 40-unit building would pay \$50. It is likely tenants will get this charge passed onto them, while tenants in a larger building won't have the same effect. Another problem is that owners outside of Cook County are required to have a local agent. The ordinance requires agents to be 21 years of age. However, Illinois law allows licensing at age 18. The ordinance calls for the City Clerk not to issue a transfer tax unless the registration fee is collected. Municipalities are not allowed to use the transfer tax as a means to collect fees. They want the City to notify owners by mail. He urged modifications to the ordinance.

Richard Girard, 1028 Austin St., said a rationalization for the licensing of units is that fees offset the cost of inspections. His building was built 90 years ago as a two flat. There are two five-room apartments, but they don't rent the second floor. He was concerned that they would be subject to the ordinance and he objected to it. He supported immigration reform and the third synthesized resolution.

Ashraf Manji, 1310 Hinman Ave., asked Council to think of the registration ordinance and the equity between small property owners and large building owners. The owner of a 200-unit building on Howard would pay the same as a small owner and they already were given a TIF. Owning two and three-flat buildings was the only way he could afford to live in Evanston on the salary of a public school system employee. It amazed him that equity was not considered when drafting this ordinance. The inspection program is justified for a fee. They treat some property owners differently in the CDBG area by inspecting every two years and others every four years. The crowd is relatively civil and the comments made by one alderman made him angry. They are stakeholders and why are they treated like outcasts? They need to take into account stakeholders. He has invested his lifetime savings here. The genesis of the registration ordinance is the licensing ordinance, which was justified by saying they had to do something about bad landlords. He is interested in solving this problem so he does not have to come here again. Why hasn't the ordinance been crafted so it has some teeth regarding bad landlords? He thought that the ordinance could be written in such a way that registration is denied to the bad landlords; drafted and then rescinded. He grew up in Tasmania. Now he has two two-flats that are half rented. Vacancy rates here are around 2% and higher in Chicago. He has been running in the red on his properties. He suggested they consider how people become bad landlords. He thought they become bad because they cannot rent apartments, lower the rents, and take tenants with poor credit or criminal backgrounds. This affects the good tenants who move.

Mr. Little, asked what the registration fee will be used for. Will additional staff be hired? What is the guarantee that the fee will never be raised?

Alderman Rainey believed that it is a fee to gather information about who the landlord is, number of units, how to get in touch and establish a database.

Community Development Director Jim Wolinski stated the registration fee is expected to generate \$146,000 in revenue. The housing inspection program costs about \$680,000 annually and is offset by some funds from CDBG and from

licensing dormitories and rooming houses. The program will use existing staff.

Jeff Smith, 2724 Harrison St., recently helped organize a fund-raiser, asked \$50 a head for the Central Street Neighborhood Association and encountered a lot of resistance. Business people said \$50 is a deal breaker for many of them. It is not just the \$50 but that it is factored into the overall tax burden. He enumerated the taxes people pay starting when making a telephone call. It is the cumulative effect of these taxes and that people cannot retire here. He was dumbfounded to hear of people retiring in their mid-fifties. Because the people who took a hit when the market went down, the question is whether they will work to 70, 76 or older. He does not know where Evanston tax dollars go and when Alderman Rainey said this budget was so opaque he felt better. They know that consulting contracts are thrown around. Millions in TIF funds are requested by developers. He saw a request for 1603 Orrington for a ramp and these things seem to be connected. It seems the public is asked to serve the government rather than the other way around. The pain expressed by landlords is an illustration of that. Why does the City use tax dollars to subsidize overbuilding? If Alderman Rainey is correct, when even three or four affordable housing units are thrown in, what does this say when condominiums are built downtown? He did not think the registration fee is rational or fair.

Betty Payne, 2408 Bradley Pl., said the Mayor is her kind of lady. She had been there since 6:30 p.m. and did not go home as expected (to be worn down) but stayed to speak her piece. She was one of the disillusioned citizens who attended the February 25 P&D Committee meeting. When she left that meeting, she had a positive attitude because she thought people had been listened to. Alderman Jean-Baptiste had said the issue would be back on the agenda. She had no idea it would be back in two days. As she watched the special meeting on February 27, she saw how the fee was adjusted and the name changed. Taxpayers object to the fee. No matter how re-structured, it is inequitable. All taxpayers must endure the 7% property tax increase and those who have rental property must pay over and above. On February 25, they were told it was not about money. If it is February and the budget has not passed, it is about money. She is beginning to feel that she lives in a dictatorship. Residents have to pay to sell property and now pay to rent properties. The City asks who holds the mortgage and homeowner's insurance. What other rights will they take away? She has consulted legal counsel about her options for providing this information. When personal information is misused by someone and identity theft takes place, the City will not have their backs. The first page of the ordinance states the City has the authority to adopt an ordinance to promote the health, welfare and safety of its residents. She respects that thought. How many residents have had their health, safety and welfare threatened by owners of rental property? She is not a poor landlord. She suggested they punish those who don't follow the rules. What do real estate taxes cover? The ordinance states the registration fee is a way to compile a list of owners. She suggested the City consider a longer range budget process instead of waiting until the end of February every year. The City should know if it is going to raise taxes a month or two before passing the budget, which has been the practice in recent years. Waiting until the last minute, the Mayor did not have proper notice. The community has had ongoing development and residents have not seen benefits. Alderman Rainey said if they cannot afford \$50, they are in the wrong business. It appeared to her that the City is in the wrong business.

Tom Doyle, 1109 Washington St., lives in a home built in 1906; became owner in 1990 because it had a rental unit that helped them afford the home. He asked if the City considers rental owners all the same. Even the IRS does not treat passive owners the same as active investors. The IRS does not consider a passive owner as a business. A tax attorney would be familiar with these rules. He objected to the manner in which the ordinance has been thrown together simply to balance the budget at the expense of a small subset of Evanston residents. The ordinance reaches across reasonable privacy issues and makes unreasonable requests of owners. It is clear the ordinance is a grab for dollars. If his home has housed residents for more than 100 years, will he be any better off if this ordinance is passed to more efficiently and effectively enforce codes? If this is truly in the interest of citizens, they would want to protect all citizens and award to all, not to just a particular subset that appear to be easy pickings. This is a matter of personal liberty and a basic right that he should be treated the same as all other homeowners. It is the right to enjoyment and privacy. He is a good citizen and if there are no complaints against him or his tenant, why should he pay for scheduled harassment by City inspectors? Calling for more comprehensive inspections is intrusive on both the landlord and tenant. If the tenant has a complaint against the landlord, there are viable remedies. He objected to giving out his e-mail address. For the owner or agent to reside in Cook County is irrelevant. Requesting the name, address and telephone of each lending institution is an unlawful requirement. Providing the number of bedrooms is an over reach by the City. Why are government-owned buildings exempt? He suggested any mutually beneficial ordinance would receive high voluntary compliance. The penalties represent, not a gun, but a cannon at owners. The required penalty for someone two weeks late in registering: day one \$75, day two \$200; day three through 14 \$375 a day. He opposed the proposed ordinance as written and if the

City is determined to collect a fee, use the IRS rule if it is truly a business. He suggested they exempt owner-occupied properties.

CONSENT AGENDA (Any item marked with an Asterisk*)

Alderman Moran moved Council approval of the Consent Agenda with these exceptions: Contract for Fountain Square Rehabilitation; Change Order #1 Downtown Planning Consulting Services; Resolution 18-R-08 – Lease Agreement with USPS for Parking in Maple Avenue Garage; Resolution 21-R-08 – Pension Benefit Improvements/Reform; Ordinance 41-O-08 – Special One-Day Liquor Licenses; Ordinance 32-O-08 – Map Amendment & Planned Development at 708 Church St.; Request for \$250,000 in HOME Funds – Grant for Three Affordable Condo Units at 241 Callan Ave; Approval of up to \$3,000 for Two Condo Workshops for Evanston Condo Owners; Ordinance 42-O-08 - Registration of Rental Dwelling Unit Buildings; Resolution 11-R-08 – Calls for Comprehensive Immigration Reform; Resolution 22-R-08 – Calls for Humane & Just Treatment for Immigrants/Families; and Resolution 23-R-08 – Calls for Humane & Just Treatment for Immigrants/Families and Comprehensive Immigration Reform. Seconded by Alderman Rainey.

Roll call. Voting aye – Holmes, Moran, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein. Voting nay – none. Motion carried. (9-0).

ITEMS APPROVED ON CONSENT AGENDA

MINUTES:

* Approval of Minutes of the Special City Council Meeting of February 9, 2008, and the Regular City Council Meeting of February 25, 2008. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

ADMINISTRATION & PUBLIC WORKS:

* Approval, as recommended, City of Evanston payroll for the period March 6, 2008 and City of Evanston bills through March 11, 2008, authorized and charged to the proper accounts:

City of Evanston payroll (through 03/06/08)	\$2,290,307.74
City of Evanston bills (through 03/11/08) FY 07-08	\$1,794,309.45
City of Evanston bills (through 03/11/08) FY 08-09	\$ 781,908.62

* APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Recommend approval of the lowest responsible and responsive bid (08-81) for 2008 MFT Street Resurfacing Program to J.A. Johnson Company (1025 E. Addison Ct., Arlington Heights) in the amount of \$1,177,777.70. Funded by the Motor Fuel Tax fund. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Recommend approval of the lowest responsible and responsive bid (08-83) for 2008 Water Main, Sewer and Street Improvement project to Joel Kennedy Construction Corporation (40 Noll St., Waukegan) in the amount of \$2,545,347. Funded by: Water Fund, \$1,944,812; Sewer Fund, \$124,877.50; and CIP Fund for street resurfacing, \$475,657.50. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Recommend approval of the lowest responsible and responsive bid (07-11) for Green Bay Road Landscape Maintenance with KGI Landscaping Company (P.O. Box 265, Skokie) in the amount of \$56,256. Funded by the 2008-09 General Fund. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Recommend approval of the lowest responsible and responsive bid (08-75) for Valve Exercising to Wachs Valve and Hydrant Services LLC (600 Knightsbridge Pkwy, Lincolnshire) in the amount of \$36,075. Contract term is two years with an option for two one-year extensions. Funded by the Water Fund. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Recommend approval of pre-qualifying consulting engineering firms (RFQ 08-07) to provide engineering design

services and engineering services for 2008 water main, sewer and street improvements. Funded by the Water Fund, Depreciation, Improvement & Extension Funds. * APPROVED - CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Resolution 13-R-08 – Authorizes Access to the Cook County Assessor’s Geographic Information System – Consideration of Resolution 13-R-08, which authorizes the City of Evanston to sign an agreement with the Cook County Assessor’s Office for access to its Geographic Information System (GIS). * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Resolution 16-R-08 – Provides Funding for Asbury Avenue Brick Street Project – Consideration of proposed Resolution 16-R-08, by which City Council would appropriate \$200,000 of the Motor Fuel Tax funds for the Asbury Avenue brick street project. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Resolution 17-R-08 – Authorizes the IMRF to Allow Service Credit Benefit Protection for City of Evanston Employees – Consideration of proposed Resolution 17-R-08, which authorizes the Illinois Municipal Retirement Fund to allow employees service credit benefit protection in the event of workers’ compensation and/or leave of absence benefits. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Ordinance 18-O-08 – Proposed Paving of Alley North of Thayer St./East of Lincolnwood Dr. – Special Assessment No. 1495 – Consideration of proposed Ordinance 18-O-08, by which City Council would authorize paving the alley north of Thayer St./east of Lincolnwood Dr. through the Special Assessment process. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 37-O-08 – Increase in Class B Liquor Licenses – Consideration of Ordinance 37-O-08, which amends Section 3-5-6 (B) the City Code to increase the number of Class B liquor licenses from 15 to 16 due to a change in ownership for Chili’s Grill & Bar (1765 Maple Ave.). * MARKED INTRODUCED – CONSENT AGENDA

Alderman Jean-Baptiste moved to Suspend the Rules in order to adopt an ordinance at the same meeting at which it was introduced. Seconded by Alderman Hansen.

Voice vote, motion carried unanimously.

Alderman Jean-Baptiste moved approval of Ordinance 37-O-08. The motion was seconded.

Roll call. Voting aye – Holmes, Moran, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein. Voting nay – none. Motion carried (9-0).

* Ordinance 40-O-08 – Sheridan Road Jurisdictional Transfer Agreement – Consideration of proposed Ordinance 40-O-08, which authorizes the City Manager to sign a Jurisdictional Transfer Agreement with the Illinois Department of Transportation (IDOT) for Sheridan Road from South Blvd. to the intersection of Ridge Ave. and Isabella St. * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 44-O-08 – Decrease in Number of Class C Liquor Licenses – Consideration of proposed Ordinance 44-O-08, which amends Section 3-5-6 (C) the City Code to reduce the number of Class C liquor licenses from 24 to 23 due to the expiration of the license held by Café Luciano & Pizzeria (2676 Green Bay Rd.). * MARKED INTRODUCED – CONSENT AGENDA

* Ordinance 20-O-08 – Proposed Retail Tobacco Vendor License Fee Amendment – Consideration of proposed Ordinance 20-O-08, introduced February 25, 2008, which amends Section 3-16-4 of the City Code to increase the annual license fee to sell retail tobacco products in the City of Evanston from \$250 to \$500. * ADOPTED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Ordinance 21-O-08 – Proposed Health Code License & Fee Amendments – Consideration of proposed Ordinance 21-O-08, introduced February 11, 2008, which amends sections of Title 8 of the City Code to address food establishment license fees and food delivery vehicle licenses. Food delivery vehicle licenses will increase from \$36 to \$50. * ADOPTED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

* Ordinance 36-O-08 – Decrease in Class B Liquor Licenses – Consideration of Ordinance 36-O-08, introduced February 25, 2008, which amends Section 3-5-6 (B) the City Code to reduce the number of Class B liquor licenses from 16 to 15 due to a change in ownership for Chili’s Grill & Bar (1765 Maple Ave.). * ADOPTED – CONSENT AGENDA MOTION & ROLL CALL (9-0)

PLANNING & DEVELOPMENT

* Recommendation to Reserve \$800,000 in HOME Funds for Four Community Housing Development Organizations to Apply to Projects in the Next Two Years to Prevent Loss of Funds – Consideration of the Housing Commission’s recommendation to reserve funds for Evanston CHDOs to use within two years, to comply with HUD’s changes regarding commitment of HOME Funds. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Ordinance 39-O-08 – Plan Commission Recommendation for a Planned Development at 318-320 Dempster St. – Consideration of a recommendation from the Plan Commission for a planned development to allow the condominium conversion of the property and redevelopment of the former stable in the rear of the subject property for sale as a single-family detached dwelling. The subject property commonly known as 318-320 Dempster St. is located presently within the R1, Single Family Residential District. * MARKED INTRODUCED – CONSENT AGENDA

HUMAN SERVICES COMMITTEE

* Approval of February 2008 Township Monthly Bills – Consideration of a recommendation to approve the Township bills, payroll and medical payments for the month of February 2008 in the amount of \$99,475.96. * APPROVED - CONSENT AGENDA MOTION AND ROLL CALL (9-0)

* Ordinance 38-O-08 – Amends Section 8-21-5 of the City Code, “Prohibition of Smoking” – Consideration of proposed Ordinance 38-O-08, which amends Section 8-21-5 of the City Code to include the Prohibition of Smoking at all City Beaches, Playgrounds and Tot Lots. * MARKED INTRODUCED – CONSENT AGENDA

APPOINTMENTS

Mayor Morton asked for reappointment introduction of the following:

William Siegfriedt 2415 Colfax St.	Energy Commission
Eric Beauchamp 809 Sherman Ave.	Housing Commission
Dona Gerson 200 Lee St.	Library Board

* APPROVED - CONSENT AGENDA

REPORT OF THE STANDING COMMITTEES

ADMINISTRATION & PUBLIC WORKS:

Alderman Jean-Baptiste moved approval of the contract for Fountain Square Rehabilitation to Pinel Andrews Contracting Group (1919 Greenwood St., Evanston) in the amount of \$384,925, an increase to the project budget by \$208,835. Funded by Downtown II TIF, \$224,000 and Washington National TIF, \$208,835. Seconded by Alderman Wynne.

Alderman Rainey stated this is a most important and visible project. A local Evanston firm that has never done pools and fountains was awarded the job. She was concerned about Pinel Andrews' ability to do this and was told the subcontractors were experts. The packet was devoid of information on subcontractors and the reason for the substantial cost increase. Facilities Management Superintendent Dave Cook and Pinel Andrews presented a list of subcontractors.

Alderman Moran noted this is almost a \$400,000 project that addresses an important area in a deficient way and is poorly timed. It doesn't change Fountain Square. Spending money this way is not a good use of public funds. One public benefit in the 708 Church proposal is the potential for a complete redesign of Fountain Square that would be worthy of Evanston. Why should they spend this amount to reconnect pipes, etc., for an outmoded design?

Alderman Wynne recalled Council was told the design of this fountain is poor for Evanston's climate. She thought there were other ways to honor veterans. Alderman Wynne moved to hold this item. Seconded by Alderman Bernstein.

Alderman Rainey stated staff was directed to get on this project, clean up the space and make it beautiful. They don't know what will be done by the information received. She asked what was sent out on this and did not believe this should be set aside until some other project is approved. They must restore this fountain and how it is done, depends on the expertise of the contractor. Alderman Wynne recalled a design charette on the fountain. Assistant City Manager Judith Aiello stated that was a voluntary effort by the Illinois Landscaping Association. The City did not request it. The City has those drawings and planned to do a formal review and proposal. Obviously, they won't do it without some decisions about that block. Last year staff came to Council and recommended no repair to the fountain, fill in the fountains, repair the bricks and spruce up the landscaping. Council voted to repair the fountain. The City went out to bid and the last two bids were the most complete. They are under a time crunch because they want the work done by Memorial Day.

Alderman Jean-Baptiste agreed Council had given direction to get bids. Mr. Cook had given aldermen a list of subcontractors who are experienced doing this work; supported getting specifics on the bid request. Council has to know if the general contractor can produce the outcome they want. He was willing to hold to get information. Mr. Cook explained in a memo the scope of the work, which was being done for a lump sum. The fountain will be put back together, fountain and lights will work and brick pavers will be replaced.

Alderman Holmes recalled Council instructed staff to get this done in a timely way. Alderman Wollin said this came up because at the last Memorial Day ceremony, the Fountain Square area was in terrible condition. They asked for the water function to be restored, to replace frozen pipes and repair bricks. It was to be made workable for the 2008 Memorial Day ceremony. Mayor Morton recalled meeting there with Facilities Management staff and observed its condition with rusted pipes and no electricity. Alderman Hansen also recalled staff told them that Fountain Square required a lot of work to get it up and running. Pinel Andrews has done work before for the City and stayed until 1:00 a.m. Are they discussing whether they want to spend this kind of money to fix it? Mayor Morton was very concerned about the condition of Fountain Square, as are war veterans; noted it will take time to do something different on that block.

Alderman Bernstein said most agree they need to fix Fountain Square. His concern was the bid of \$384,000 was specific. How did the contractor come to that number without knowing what subcontractors will charge? Pinel Andrews stated he got quotes from qualified subcontractors. The number one subcontractor does only fountains. Mr. Andrews coordinates the subcontractors. He got a few quotes and chose the better subcontractors from interviews and checking references. He did not pinpoint which subcontractor as far as the bid goes. Some subcontractors could not meet the deadline. After the bid was closed, he put the file away. Five days ago he was called by the City asking what subcontractors would be used. He said the exact subcontractors were not required on the original bid form. This job is time constrained and in a constricted area. They don't know what they will find until they get into the pipes and guts of the project. He is counting on paying overtime as his cost. He wants to perform this contract by May 23, the substantial completion date; prove he can do this and make the City of Evanston proud.

Alderman Bernstein said they cannot wait, Mr. Andrews is an Evanstonian and they know where he lives. Alderman Wynne withdrew the motion to hold. Alderman Bernstein withdrew the second.

Alderman Rainey argued there is inadequate information to make a decision. If it were a lesser amount she would have thought differently. They were told Pinel Andrews had not done pools. She found it a problematic proposal and did not know why it will cost so much. Alderman Bernstein implored the city manager in the contract to retain sufficient funds to complete the contract. The City needed a guarantee.

Roll call. Voting aye – Holmes, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein. Voting nay – Moran. Motion carried. (8-1).

Change Order No. 1 to the Downtown Plan and Zoning contract with Duncan Associates (117 N. Jefferson, Chicago) for services related to the process of consideration and review by the Plan Commission and Planning & Development Committee of the Public Review Draft that was submitted on October 19, 2007. This will increase the contract price from \$236,324 to \$272,000, an increase of \$36,000. Funded by the Economic Development Fund, the Washington National TIF and the Downtown II TIF.

Alderman Jean-Baptiste reported this item was held in committee.

Resolution 18-R-08 – Lease Agreement with the U.S. Postal Service for Parking in the Maple Avenue to execute a Lease Agreement with the U.S. Postal Service (USPS) for parking 44 vehicles in the Parking Garage – Consideration of proposed Resolution 18-R-08, which authorizes the City Manager Maple Avenue Parking Garage.

Alderman Jean-Baptiste moved approval of Resolution 18-R-08. Seconded by Alderman Wynne.

Alderman Bernstein asked for more specificity in the lease; identify the locale of the spaces. He did not like the idea that they have the ability to assign freely. The City may find itself in competition with them for spaces. He asked for a definition of the terms of utility maintenance, what the City pays for and what USPS pays for. This is a situation where a tenant has not paid rent for five years. There is a good faith question. He does not want them subletting spaces.

Alderman Bernstein moved to hold. The motion was seconded. At the request of two aldermen this item will be held.

Resolution 21-R-08 – Pension Benefit Improvements and Pension Reform – Consideration of proposed Resolution 21-R-08, which urges the General Assembly to 1) stop making costly benefit improvements and 2) adopt reforms that protect police and fire pensions.

Alderman Jean-Baptiste reported the resolution had an attachment that was somewhat confusing and offensive. It needed to be reviewed and facts corrected. Resolution 21-R-08 was held in committee.

Ordinance 41-O-08 – Special One-Day Liquor Licenses – Consideration of proposed Ordinance 41-O-08, which amends Section 3-5-6(F) of the City Code to remove language that identifies specific zoning districts where special one-day liquor licenses may be permitted.

Alderman Jean-Baptiste asked that this item be marked introduced.

Alderman Jean-Baptiste moved an amendment to remove waiver of fees to institutions that get a one-day liquor license. Seconded by Alderman Wynne. Voice vote, motion carried, no nays.

Alderman Jean-Baptiste moved to Suspend the Rules in order to adopt an ordinance at the same meeting at which it was introduced. Seconded by Alderman Wynne.

Voice vote, motion carried unanimously.

Alderman Jean-Baptiste moved approval of Ordinance 41-O-08 as amended. Seconded by Alderman Wynne.

Roll call. Voting aye – Holmes, Moran, Tisdahl, Rainey, Hansen, Wollin, Jean-Baptiste, Wynne, Bernstein. Voting nay – none. Motion carried (9-0).

PLANNING & DEVELOPMENT

Ordinance 32-O-08 – Plan Commission Recommendation for a Map Amendment & Planned Development at 708 Church St. – Consideration of a recommendation from the Plan Commission to rezone the property at 708 Church St. from D2, Downtown Retail Core Zoning District, and to grant a Planned Development on that site of a 49-story residential and retail tower known as the “Fountain Square Development.”

Alderman Holmes reported that this item was held in committee.

Request for \$250,000 in HOME Funds – Grant for Three Affordable Condominium Ownership Units – 241 Callan Avenue - Consideration of the request from Econ Development Corporation for a \$300,000 HOME grant for three affordable ownership units in a five-unit condo conversion at 241 Callan Ave. The Housing Commission recommends funding of \$250,000.

Alderman Holmes moved approval of this item. Seconded by Alderman Moran.

Alderman Rainey argued that this is throwing money away and they are adding four or five small units (950 sq. ft. for sale at more than \$200,000 and \$186,000 for subsidized units). They are giving \$250,000 to subsidize this. These units will go empty like the units one building down. They were told for months there are contracts, yet no closings. It is unfortunate for Evanston. They have building after building that is vacant. In a couple of weeks they will be asked to save a high-priced developer from foreclosure because he made mistakes on converting a building.

Roll call. Voting aye – Holmes, Moran, Tisdahl, Wollin, Jean-Baptiste. Voting nay – Rainey, Hansen, Wynne, Bernstein. Motion carried (5-4).

Approval of up to \$3,000 for Two Condominium Workshops for Evanston Condo Owners – Consideration of the Housing Commission recommendation to authorize the execution of a Memorandum of Understanding with Lakeside Community Development Corporation to present two workshops in 2008.

Alderman Holmes moved to amend this item to include a \$15 fee per association to be paid only if they were in attendance and would be offered to association members. Seconded by Alderman Wynne. Voice vote, motion carried.

Alderman Holmes moved approval of \$3,000 for two condominium workshops for Evanston condominium owners that would have a \$15 fee per association open to all association members. The motion was seconded. Voice vote. Motion carried, no nays.

Ordinance 42-O-08 – Registration of Rental Dwelling Unit Buildings – Consideration of a staff recommendation to charge \$50 per residential rental dwelling unit buildings.

Alderman Holmes asked that Ordinance 42-O-08 be marked introduced.

Alderman Wynne said they heard many comments about the inequity of this ordinance. She agreed with the need for registration, but they need to come up with a more fair method. They need to look at the numbers and halve the cost for smaller building so they can be fair to all property owners. She advised them to look at property inspection schedules. She would like to see good landlords, who pass inspections, not be inspected as often. Alderman Bernstein asked that instead of e-mail, building owners be notified by mail. He wanted the transfer tax provision examined. Alderman Holmes asked for a lower fee for small property owners and a higher fee for larger units.

Mr. Wolinski confirmed they were looking at a graduated rate. Is the \$50 fee too high? He noted this is in the budget for \$146,000 in revenue; is that the amount of revenue they want? Alderman Holmes stated that this did not start out as trying to get revenues. The City has a responsibility to know the number of rental units and their condition. Alderman Rainey suggested a breakdown: 4 units or less is \$15; anything over 100 units would be \$250 a building; 24 to 50 units would be \$75, 5-12 units would be \$25 and 13-24 units would be \$50. She believed it is a business, an investment. She does not own rental property. This money will go toward keeping another half-percent off the tax bill and toward inspection costs. Alderman Bernstein did not want to give up on going after bad landlords; wanted the City to look at whether the building is insured. On number of bedrooms, the City has an ordinance that precludes more than three unrelated persons from living in a dwelling unit. Alderman Rainey explained if somebody has access to a property's pin number they can go to the Recorder of Deeds website and for 50¢ a document they can print out the title, mortgage or lien information.

Alderman Holmes moved to refer this back to the committee. Seconded by Alderman Bernstein.

HUMAN SERVICES COMMITTEE:

Resolution 11-R-08 – Call for Comprehensive Immigration Reform – Consideration of proposed Resolution 11-R-08, which calls for comprehensive immigration reform.

Resolution 22-R-08 – Call for Humane and Just Treatment for Immigrants and Their Families – At the request of Alderman Eb Moran, ask for consideration of Resolution 22-R-08, which calls for humane and just treatment for immigrants and their families.

Resolution 23-R-08 - Call for Humane and Just Treatment for Immigrants and Their Families and for Comprehensive Immigration Reform - At the request of Alderman Eb Moran, ask for consideration of Resolution 23-R-08, which calls for humane and just treatment for immigrants and their families and for comprehensive immigration reform.

Alderman Bernstein moved approval of Resolution 11-R-08. Seconded by Alderman Tisdahl.

He explained a resolution was passed by the Human Services Committee unanimously with the understanding it would be brought back to committee to make it more inclusive. Between meetings, Alderman Jean-Baptiste submitted an alternate amended resolution that the committee ultimately voted on. Resolution 22-R-08 was voted on and, in response to Alderman Jean-Baptiste's submission, there was a compilation of 11-R-08 and Resolution 22-R-08 that resulted in Resolution 23-R-08. Resolutions 22-R-08 and 23-R-08 were not voted out of committee.

Alderman Moran moved that Resolution 23-R-08 be substituted for Resolution 11-R-08. There was no second.

Alderman Jean-Baptiste reported at the September committee meeting Alderman Moran suggested that he wanted to bring forth a resolution on the treatment of immigrants in Evanston. He thought there was a sense that Evanston did not have a problem. A month later a resolution was placed on the committee agenda that focused primarily on the City adopting certain positions that instruct the Police Department not to investigate individuals on the basis of immigration status if they are arrested for other crimes, unless they were required to do so by federal law. The resolution also addressed the need for the Human Services Department not to discriminate against individuals based upon immigration status. It also urged the City to accept certain identification from undocumented individuals. Many did not want to take a position against immigrants because many are recent immigrants or children of immigrants and wanted to support that kind of thrust. They also felt if they were going to advance the immigration discussion, he came forth with a proposal for comprehensive immigration reform which calls for significant pro-active steps by the City to take into consideration that the United States has about 12 million immigrants that are either in the pipeline, have applied for immigration status but have not yet been approved because the INS has been inundated or that have not yet found an avenue for citizenship. They are calling on the federal government to provide a road to legalization of undocumented immigrants living in the U.S. and those who have not committed any crimes against society. They called for protection of families that are separated through forced deportations of undocumented parents from their American children through what is called

Temporary Protective Status. Immigration regulations and policies, when a group is vulnerable, and needs protection, sometimes takes that kind of initiative and passes Temporary Protective Status. They are asking for temporary protective status for parents of American children; parents that don't yet have their papers; parents who have not committed crimes against society; for a more efficient process by which qualified applicants may receive legal papers on an expedited basis; for the government to re-direct public resources from deportation efforts to establishing a process in which stations can be set up at designated points of entry to better manage the flow of immigrants. They call for an end to discriminatory treatment of immigrants on the basis of race, color, gender, national origin or economic class. Some have observed that the policy toward Cubans, for example, if they set feet on the ground in the U.S., are in the process of legalization. Many of the Haitians who come ashore are put in detention centers or jail. They tried to address the equality question.

Evanston has not had a practice of discriminating against immigrants. He thought the people were well intentioned, but it wasn't a bridge they had to cross because the City was not in violation of anybody's rights. He was suggesting that they include some language that basically calls for a re-activation of the City's commitment to continue just and humane treatment of immigrants and their families. He suggested specific language and that language would amend the title to say, A Resolution calling for Comprehensive Reform and for re-activation of the City's commitment to humane and just treatment of immigrants and their families. Then they would take one paragraph from 23-R-08, and put after the last whereas clause in 11-R-08, "Whereas Evanston has had a long history of taking the lead in defense of justice, compassion, human rights and peace, as evidenced by city declarations of our opposition to the war in Iraq; of Evanston as a sanctuary community for El Salvadoran refugees and as a nuclear free zone; and Evanston's proud tradition of valuing and promoting diversity, as in the successful effort to integrate our public schools, the annual celebration of the Ethnic Arts Festival and the provision of bilingual education and bilingual city services."

Add two more clauses: "WHEREAS the City of Evanston including all of its departments has never conditioned the provision of City benefits, opportunities or services on matters related to citizenship or immigrant status. WHEREAS, the City of Evanston Police Department does not engage in investigation of any individual on the basis of immigration or citizenship status unless required by law. Therefore be it resolved that the City of Evanston reaffirms its practice and commitment to the continued treatment of immigrants and their families on a humane and just basis." Then go back to the final paragraph in 11-R-08: "Now, therefore, be it resolved, that the Mayor and the Evanston City Council urge the United States Congress and the President of the United States to support comprehensive immigration reform that would do the following...." Alderman Jean-Baptiste was trying to integrate language that reaffirms what they are doing. Seconded by Alderman Tisdahl.

Alderman Moran said most from Evanston have advocated for comprehensive immigration reform. The question is whether Evanston will speak by policy, direction and mandate to both City employees, Police Department members and Health & Human Services Department members, and indicate through this document, not historical practices, but what the policy will be from this night forward. Prior objections to Resolution 23-R-08 have been fear of retaliation from ICE, the federal agency. What they have heard and learned discussed at the Human Services Committee is that more than 80 units of government, whether state, county or municipalities, have adopted like resolutions. More than 20 major American cities have adopted them without trepidation and fear of retaliation. Aldermen found that Police Chief Eddington, who amongst the many good things he brings to his position, keeps track of law enforcement trends and indicated to the committee that he is not aware of any instance of an act of retaliation on behalf of ICE with respect to any unit of government that has adopted a resolution like this. The speaker tonight who pointed out that Cook County has adopted a similar ordinance, it is not identical as she said, but certainly has some parallels and said with that expression, her words were "our intention is in place." Well, the fact is, no, it is not our intention when the Cook County Board of Commissioners adopts a resolution. Our intention is in place when the City Council of the City of Evanston adopts a resolution that indicates our intention. There have been many comments on these respective resolutions. There have been a lot of people who come here from places other than Evanston to suggest that we should not adopt any type of resolution supporting fair and humane treatment for immigrants or to call for immigration reform. Overall, Evanston commentators have supported all these proposals, particularly the third one, which is the synthesis resolution. They need to tell people that they should not be afraid. It is interesting that in the first treatment given to a specific resolution, attached to it was an endorsement letter by Evanston's Congresswoman Jan Schakowsky that ardently advocated adoption of the resolution in all its form. He doubted that Congresswoman Schakowsky would advocate for the adoption of the broader form if she thought that someone was an immigrant resident and would be harmed by it. All of the people who came tonight, and a

long list of organizations that are fully behind the synthesis resolution, certainly have the same elements of care, maybe more, than what was expressed by the Human Services Committee in the City Council tonight. They are here. Aracely Canchola, who was here tonight, formerly handled the City's immigrant outreach, did that job well for five years. There have been two other people since then. Aracely explained the difficult circumstances of her own family's life between herself, her mother and her father. She explained that Council should not be afraid to go forward full speed and mandate what they would do and not do here in Evanston. They have received ABA guidelines adopted in relation to victims of domestic violence and one of the ways that you avoid this in the immigrant population is to make a declaration so people will feel safe if they come forward and make a complaint about domestic violence.

One of the things of concern to him is that Alderman Jean-Baptiste has said that everybody knows how the City of Evanston deals with immigrants, but in point of fact, he doubts that is the case. Alderman Jean-Baptiste does, because he is involved on a regular basis with immigration law matters. If people come here from other countries, there is a language difficulty, particularly if they are unfamiliar with the area they may not have the comprehension that this is how Evanston does business. A measure should be adopted that says to them, this is how we do business and it is not just historically that we have done it, but is required by policy.

It concerned Alderman Moran that when the committee (upon first review) essentially gave its blessing to this resolution. Then Alderman Jean-Baptiste came forward with his amendments, which were very welcome, virtually all were incorporated in the synthesis resolution. He did not know why the committee changed its mind about the importance of making this statement. It is a moral issue that needs to be taken on directly. Evanston needs to show solidarity with its immigrant population. They need to say to them, explicitly, that this is what we will do and what we will not do. His particular concern is that when they say we are going to advocate for immigration reform, it is certainly the right thing to do, but he can see members of Congress looking at it and perhaps, observing, as a result of the vote tonight we were not willing to back it up on a personal basis to our own residents here. He thought that is unfortunate and did not think the call for immigration reform will be as powerful. He wanted to have one of these resolutions adopted tonight, even if it doesn't specifically address the City's policy in relation to residents of the City.

Mayor Morton left the meeting at this time (2:00 a.m.). Alderman Bernstein wholeheartedly supported Alderman Jean-Baptiste and gave credit to Alderman Moran for his work in the immigration community because he looks to him for guidance. In his law practice in this community, he represented many undocumented people occasionally. The undocumented population here does not need written notification from the City Council, they know that Evanston will not profile them for status. When Council says it will protect them, from whom is it going to protect them? They cannot protect them from the federal government. Immigrants are protected by not just using status to intimidate or harass them. Beyond that, Council cannot do a whole lot. If the INS comes in, it will do what it does. One of his fears is that there is so much light to Evanston's written policy that they may not have people here to help and he did not want to pass anything that would legitimize undocumented aliens. He does not know whether the INS will avoid coming into Evanston if they are compelled by somebody who wants to do evil to our people. He hoped they haven't opened Pandora's Box and thought a reaffirmation of the policies that Evanston has followed is more than sufficient.

Alderman Holmes asked Alderman Jean-Baptiste to repeat the second whereas. The second Whereas says: "WHEREAS, the City of Evanston, including all its departments, has never conditioned the provision of city benefits, opportunities or services on matters related to citizenship or immigration status." Alderman Holmes wanted to hear the other one. Alderman Jean-Baptiste said, "Whereas, the City of Evanston Police Department does not engage in investigation of any individual on the basis of immigration status unless otherwise required by law." Alderman Jean-Baptiste said that is a reaffirmation of the City's practice. Alderman Holmes did not think they should name a department. She believed that 22-R-08 and 23-R-08 single out the Health and Police departments. Alderman Jean-Baptiste said they had many arguments around this issue. After the committee reconsidered the first resolution they had people saying that Evanston is a sanctuary city. It was on the radio/TV, in the *Tribune*, in Spanish newspapers and others. In the discussions they had they had to temper the language because they did not want that kind of perception. The INS immigration custom enforcement division's task is to look for illegal immigrants. Resources limit its ability to round up everybody. But it does go out and look for people. Aracely's mother was deported. Some people say calamity will befall the people of the City of Evanston. No. It will befall the individual who is pursued and the individual who is deported. It is not a question of whether ICE will be here. He noted the Underground Railroad stations were not marked. This place is safe for immigrants whether documented or not. Let's not raise the flag because others have done so. We have had a tradition of

what we do. That is why it is sufficient that we do not discriminate and will not. Voice vote on 11-R-08. Motion carried, no nays.

Alderman Bernstein moved to take 22-R-08 off the agenda. Seconded by Alderman Tisdahl. Motion carried unanimously.

Alderman Wynne noted a mistake in the time of the Special P&D Committee meeting on Monday, March 17. It starts at 6:30 p.m., not 7:00 p.m.

Alderman Bernstein announced a Civic Center Committee meeting on March 25.

CALL OF THE WARDS:

Due to the lateness of the hour, no ward reports were given.

There being no further business to come before the Council, Alderman Bernstein asked for a motion to adjourn and the Council so moved at 2:10 a.m.

Mary P. Morris,
City Clerk

A videotape recording of this meeting has been made part of the permanent record and is available in the City Clerk's office.