

BEFORE THE MUNICIPAL OFFICERS ELECTORAL BOARD
OF THE CITY OF EVANSTON

Jeffrey P. Smith, Petitioner-Objector,)	
)	
vs.)	No. 17-MOEB (Mayor)-EV-04;
)	EV-05; EV-06; EV-07
Mark Tendam, Respondent-Candidate;)	
)	
Steve Hagerty Respondent, Candidate;)	
)	
Gary Gaspard, Respondent-Candidate;)	
)	
Brian Miller, Respondent-Candidate)	


CALL

TO: Elizabeth Tisdahl, Mayor; Rodney Greene, City Clerk; and Ann Rainey, Alderman, constituting the Municipal Officers Electoral Board for the hearing and passing on of objections to nomination papers for candidates for Mayor in the City of Evanston, to be voted on by the electors of the City.

You are hereby notified that the above-designated Municipal Officers Electoral Board is required by law to meet and pass on objections to nomination papers of candidates in the City of Evanston, to be voted on at the Consolidated Primary Election to be held on February 28, 2017; provided that if no primary election is required, then the Consolidated Election to be held April 4, 2017.

You are further notified that the above-designated Municipal Officers Electoral Board shall meet on January 9, 2017, at 9:30 a.m., at the Glacier Room, Room 2404, Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Evanston, IL 60201, for the purpose of hearing and passing on said objections to the nomination papers, and that a Call has been and is hereby made by the Municipal Officers Electoral Board for said meeting to be held at the time and place and for the purpose stated above. If you are the objector and you do not appear for the hearing at the above time and place, a default judgment may be entered against you resulting in a finding that the nomination papers are valid. If you are the candidate and you do not appear for the hearing at the above time and place, a default judgment may be entered against you resulting in a finding that the nomination papers are invalid.

Dated: January 4, 2017



Chairman
Municipal Officers Electoral Board



**THE MUNICIPAL OFFICERS ELECTORAL BOARD (MOEB)
OF THE CITY OF EVANSTON – MAYOR CANDIDATES**

January 9, 2017

9:30 a.m.


**Lorraine H. Morton Civic Center, 2100 Ridge Avenue,
Glacier Conference Room, Room 2404**

AGENDA

PLEASE TAKE NOTICE that Elizabeth Tisdahl, City of Evanston Mayor; Rodney Greene, City Clerk; and Ann Rainey, Alderman, constituting the Municipal Officers Electoral Board for the hearing and passing on of objections to nomination papers for Mayor candidates in the City of Evanston, to be voted on by the electors of the City, will hold a meeting of the Municipal Officers Electoral Board, which is required by law to meet and pass on objections to nomination papers in the City of Evanston filed in the City to be voted on at the Consolidated Election to be held on April 4, 2017. The meeting will follow this agenda:

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. CASE NO. 17-MOEB (Mayor)-EV-04, *Smith v. Tendam***
- 4. CASE NO. 17-MOEB (Mayor)-EV-05, *Smith v. Hagerty***
- 5. CASE NO. 17-MOEB-(Mayor)-EV-06, *Smith v. Gaspard***
- 6. CASE NO. 17-MOEB-(Mayor)-EV-07, *Smith v. Miller***
- 7. DISCUSSION OF FURTHER MOEB SCHEDULING; RECESS OR
ADJOURNMENT**

Posted: January 4, 2017



Chairman
Municipal Officers Electoral Board



(Adopted 12-12-16)
MUNICIPAL OFFICERS ELECTORAL BOARD – 2017 Municipal Elections
CITY OF EVANSTON
RULES OF PROCEDURE

1. Appearance by an objector or by a candidate at the hearing on objections may be in person (*pro-se*), or by counsel admitted and in good standing to the bar of the Supreme Court of Illinois. On the Appearance form each Party must provide the Board with electronic mail addresses and telephone numbers at which that party can be reached at any time during the day and at night. If a Party chooses not to be represented by counsel, that Party may proceed *pro se* and must perform the functions otherwise to be performed by counsel. Due to the expedited nature of the hearings, failure by any Party to monitor or be available at the addresses/numbers provided may result in a waiver of rights. Non-attorneys cannot appear on behalf of or represent another party in Electoral Board proceedings.

2. On the date set in the Call, both the objector and the candidate are required to be present in person or by counsel and may be required to present their cases.

3. After the Board convenes, it will be in session continuously until all objections are disposed of. The Board may recess from time to time. The Board will grant no continuances or resetting of initial hearings on objections. The Board retains sole discretion regarding scheduling matters for its consideration. The Board may schedule proceedings in a case to extend beyond the initial day set for hearing. A quorum of the Board is two (2) members. The Board may, on the day of the initial hearing of a case or thereafter, assign any part of a case to a Hearing Officer to conduct proceedings, hear evidence and arguments, recommend findings of law and fact, and report to the Board. The Hearing Officer does not have the power to make final findings or issue a final decision.

4. Electoral Board Powers. The Electoral Board will conduct and preside over all hearings and take necessary action to avoid delay, maintain order, ensure compliance with all notice requirements, and ensure the development of a clear and complete Record. The Board has all necessary powers to conduct a fair and impartial hearing, including, but not limited to the following:

- a. administer oaths and affirmations;
- b. regulate the course of hearings, set the time and place for continued hearings, set times for filing of documents, provide for the taking of testimony by evidence deposition if necessary, and in general conduct proceedings according to the recognized principles of administrative law and these rules;
- c. examine the witnesses and direct the witnesses to testify, limit the number of times any witness may testify, limit repetitive testimony, and set reasonable limits to the amount of time that each witness may

testify; the Board members and the Board's attorney may also examine witnesses;

- d. rule on offers of proof and receive relevant evidence;
- e. direct parties to appear and confer for the settlement or simplification of issues and otherwise conduct prehearing conferences;
- f. dispose of procedural requests or similar matters;
- g. require the parties to prepare written briefs and proposed findings of fact and conclusions of law;
- h. consider and rule on all motions presented in the course of the proceedings;
- i. consider such evidence as may be submitted, including, but not limited to, documentary evidence, affidavits, and oral testimony;
- j. prepare the Record of its proceedings; the City Clerk or his designee will serve as ex officio Clerk of the Board and keep minutes of the Board's proceedings;
- k. adopt Rules of Procedure, such Rules which will apply to Board hearings convened in both the Mayor and Clerk candidate filing/objections hearings;
- l. the Board shall as a matter of procedure consider and count all signatures that are filed in excess of the statutory maximum for any elected office; and
- m. enter any order that further carries out the purpose of these Rules.

5. Case Management Conference. The Board may direct the parties or their attorneys to appear at a conference with the Board or its attorney at any time, for the purpose of considering the following:

- a. the formation and simplification of the issues;
- b. the possibility of obtaining admissions of fact and genuineness of documents to avoid unnecessary proof;
- c. the limitation of the number of witnesses;
- d. the preparation and submission of written briefs ;
- e. scheduling of hearings on motions;
- f. a proposed plan and schedule of discovery; and
- g. any other matters that may aid in the disposition of the objections.

6. Order of Presentation. The Board will hear first preliminary motions in the nature of a motion to dismiss under Section 2-615 of the Illinois Code of Civil Procedure. The Board may, in its discretion, reserve rulings on any matter pending further hearings.

The objector must first present his/her case-in-chief after consideration of such preliminary motions. The objector bears the burden of presenting evidence sufficient to support a decision sustaining the objection. The applicable evidentiary threshold on issues of fact will be a "preponderance of the evidence." The Board, in its discretion, may entertain a motion for a directed finding at the close of the objector's case-in-chief.

After the conclusion of the objector's case-in-chief, the candidate may present his/her case-in-chief.

At the close of the candidate's case-in-chief, the objector may offer a case in rebuttal. Matters in rebuttal will be strictly limited to matters raised by the issues then before the Board. Surrebuttal is not permitted.

7. In the interest of brevity, the Board may terminate evidence or argument on repetitive matters or matters plainly beyond the scope of the case. The Board may refuse to hear, with or without an objection of a party, evidence or argument it determines not germane to the electoral board hearing. The Board may alter the order of proof in order to expedite the hearing.

8. Within the parameters of the law, the Board will only consider written objections and the written specifications of such objections to the original petitions, as set forth in the objector's petition. The objector's petition cannot be amended. No answer or response to the objector's petition need be filed. The objector's motivation or personal knowledge of the factual basis for the objections is not relevant to the Board and will not be considered. The objector does not need to prove that the objector is a registered voter in the City of Evanston. The candidate may raise the lack of the objector's standing or eligibility as an affirmative defense in his/her own case-in-chief.

If a candidate fails to appear at a hearing, a default judgment may be entered against the candidate, and the objections contained in the objector's petition shall be confessed against the candidate upon a determination by the Board that the objector's petition sets forth valid grounds for the removal of the candidate's name from the ballot. If an objector fails to appear at a hearing, the Board may, in its sole discretion, default the objector and dismiss the objection. The Board has the sole discretion as to grant or deny a motion to withdraw an objection or objections. The Board may, in its sole discretion, require a preliminary showing of proof on the validity of any objection or may order a partial check of some portion of the allegations of an objection.

9. The objector does not need to prove that the objector is a registered voter within the City of Evanston. The candidate may raise the lack of the objector's standing or eligibility as an affirmative defense in his/her own case-in-chief. The objector's motivation or personal knowledge of the factual basis for the objections is not relevant to the Board and shall not be considered.

10. All arguments of counsel and evidence must be confined to the points raised by the objections and specifications, if any, to the objector's petition, and by the objector's petition and specifications with respect to the nomination papers. The parties will be limited to 10 minutes each for the presentation of their case, unless the Board, in its sole discretion, extends the period of presentation.

If a Party is represented by Counsel, all questions and statements made on the Record at any hearing can only be made by Counsel.

The Chair of the Electoral Board, with the assistance of the Board's attorney, will make all necessary rulings, subject to appeal. The Board may overrule the Chair's rulings by a majority vote of the Board.

The Chair has the power to maintain order and decorum during any hearing. Public comment may be permitted during any hearing, in the discretion of the Board. Any comment will be restricted solely to the validity of the Petition and the objections. Because the Board must consider objections within a limited time, examination of witnesses and evidence will be subject to the Board's discretion.

All evidence must be relevant, probative, and material. The strict rules of evidence will not apply. For matters not covered by these Rules, the Board will generally follow the rules of practice in effect in the Circuit Court of Cook County, Illinois and the Illinois Code of Civil Procedure. Because of the expedited nature of these proceedings, the Board will not be bound by such rules in all particulars. Mandatory discovery is not permitted. All testimony, if any, will be given under oath.

11. The Board will provide a certified court reporter for all hearings, but not for record checks. The Board may waive this requirement at any time without notice. The Board will not cause a transcript to be prepared unless it needs a transcript for a particular purpose. If a petition for judicial review of the Board's decision is filed, the Board will provide a Record to the Court as provided by the Administrative Review Law. Any party may purchase a transcript from the court reporter at his/her own expense.

12. If the objections to the nomination papers, or sufficient part thereof, are sustained, the nomination papers will be held invalid, and the Board will state its ruling and findings in a written decision, noting the objections which it sustained. A decision may be executed by members of the Board in counterparts. If the objections or a sufficient part thereof, are overruled, the nomination papers will be held valid, and the Board will state its findings in a written decision. In the event that the Board is sitting with only two members, and the two members do not agree as to the validity of any objection, that objection will not be sustained.

13. The inspection of any actual records of the Election Official of the City of Evanston will be restricted to members of the Board or Counsel, or representatives of the Parties and the Board's attorney.

14. Subpoenas. At the request of any party, the Chair may issue subpoenas requesting the attendance of witnesses and subpoenas *duces tecum* requiring the production of such books, papers, records, and documents as may be evidence of any matter before the Board. The party must serve the subpoena, with the appropriate fee, in the same manner as for subpoenas used in the Circuit Court of Cook County.

15. If any person served with a Board subpoena fails to honor it, the Board may seek judicial enforcement of the subpoena as provided by law.

16. Failure to Follow Directives. Failure to adhere to these Rules can be suitable grounds for dismissal of the objector's petition, or entry of a default against any Party.

17. Decision. The Board will state its findings in a written decision, noting the objections that were sustained. The Board will not default a candidate until after a finding that the objections constitute sufficient grounds for removal from the ballot.

18. The Board designates W. Grant Farrar, Corporation Counsel of the City of Evanston, as its attorney. The Board's attorney is authorized and directed to appear on behalf of MOEB at the Cook County Circuit Court if a petition for judicial review is filed, and directed to defend the MOEB in any litigation that may arise. The Board directs the City of Evanston to pay the reasonable and necessary costs of the Board's operation, including attorneys' fees, court reporting fees, and similar expenses, from its general funds. The Board authorizes its attorney to appoint and assign a Hearing Officer to any case, if necessary, and to take other actions to assist the Electoral board as deemed necessary and appropriate consistent with these Rules.

19. Record Checks. The Board, in its discretion and when applicable, may order a record check to be conducted. The record check shall be used to initially determine the validity of most standard objections to individual signatures and circulators. At the record check, election documents and objections shall be compared with the permanent voter registration records of the local election authority by employees of the election authority acting under the direction and supervision of this Board, if possible, and if not, then by the Board or its agent(s) or designee(s). If the records of the election authority are stored on a computer database, the records check may utilize the computerized records in lieu of or in addition to the originals. The record check shall determine the validity of the following general types of objections:

- a. whether the signer of an election document is a registered voter at the address shown beside his/her signature;
- b. whether the signature on an election document is genuine;
- c. whether the signer of an election document is registered at an address within the relevant political subdivision or district involved; and
- d. whether a petition signer signed the document more than once.

20. The objector and candidate shall have the right to have an attorney and one designated representative (watchers) present at the record check. If the designated representative is the objector or candidate, that party shall not be entitled to any additional watchers other than the attorney. The record check will proceed at the scheduled time. The failure of any party to appear at the comparison shall not delay or cause the record check to be rescheduled. Failure of any party to appear at a record check shall result in that party being defaulted. The results of the record check shall be noted by the election authority's clerks on a form provided by the Board. Failure or refusal of the watcher to sign the form does not affect the accuracy of the form. Blank copies of the form used shall be furnished to each watcher on request, so that the

watcher may note the results of the comparison. The election authority or the Board's representative(s) may order a watcher removed for misconduct that materially hampers the businesslike proceedings of the record check. If a watcher is removed, the record check will proceed immediately without that watcher.

21. A watcher may orally object to the findings of the clerk at the time the clerk enters his/her ruling on the form. This objection shall also be noted by the clerk. **FAILURE TO OBJECT TO A FINDING OF THE CLERK AT THE RECORD CHECK SHALL BAR THE PARTY FROM OBTAINING A CHECK OF ANY OTHER ELECTION AUTHORITY RECORDS RELATING TO THAT SIGNATURE AND ALSO FROM PRESENTATION OF ANY FURTHER EVIDENCE OR ARGUMENT BEFORE THE BOARD WITH RESPECT TO THE ISSUE CONSIDERED AT THE RECORD CHECK.**

22. **Timing of Objections to Record Checks.** Any party may object to the results of the record check by filing a written request for further hearing before the Board. This request shall indicate the specific name(s) objected to by sheet and line of the election document and the ground(s) for the request. This request shall be filed no later than 24 clock hours following the clerk's ruling on the last signature examined at the record check. The request shall be filed with the Board and served on the other parties to the case. No request will be considered if the party did not make an objection to the election authority's finding at the time of the election authority's clerk entered his/her finding on the form.

23. At any subsequent record check objection hearing before the Board, the ruling made by the clerks shall be deemed valid, and the moving party shall have the burden of demonstrating that the ruling was incorrect by a preponderance of the evidence.

24. Any party filing any document must give notice of that filing by serving a copy of that notice of filing and document to all other parties to the case. If a party or his/her attorney has a fax machine or document scanner, service may be made to the fax machine or by email transmission. Service must be done in a manner reasonably calculated to provide actual and timely notice to the party. The party filing the document must file a sworn Proof of Service with the Board. The Proof of Service shall set forth the time, date and manner of service. The Proof of Service must be filed with the ex officio clerk or his/her designee during regular office hours, or with the Board in open session. Copies of any documents filed with the ex officio clerk must also be sent by hand delivery or fax transmittal to Mr. Farrar at 847.448.8093. They must also be emailed to gfarrar@cityofevanston.org. All Parties are encouraged to assent to service of all documents and Board notices via electronic mail.

Adopted: December ____, 2016

Electoral Board

Chair, Mayor Elizabeth Tisdahl



2100 Ridge Ave
Evanston, IL. 60201
(847) 448-8189



RECEIPT OF NOMINATION PETITIONS

Name of Candidate: Brian Miller

Office: MAYOR

Statement of Candidacy

Certification of Deletions

29 Number of Pages

Oath of Loyalty (optional)

Statement of Economic Interest

Received: Rodney Greene

Time: 9:21 AM 11/22/2016

Candidates Signature: [Signature]

Address: 1527 Madison, Evanston, IL 60202

Phone: 847-970-8812

BEFORE THE MUNICIPAL OFFICERS ELECTORAL BOARD
OF THE CITY OF EVANSTON



Jeffrey P. Smith,
Petitioner-Objector,

vs.

Mark Tendam,
Respondent-Candidate;

Steve Hagerty
Respondent, Candidate;

Gary Gaspard,
Respondent-Candidate;

Brian Miller,
Respondent-Candidate

No. 17-MOEB (Mayor)-EV-04;
EV-05; EV-06; EV-07

Check here if you are appearing on your own behalf, without counsel ("pro-se"):

✓. Date: January 9, 2017. Name: Brian Miller.

I agree to accept service pursuant to the MOEB's Rules of Procedure at the following email address:

brian.miller847@gmail.com

Date: January 9th, 2017

For Attorneys Only

The Undersigned Counsel, being admitted and in good standing to the bar of the Supreme Court of Illinois, enters the appearance for:

Objector Jeffrey P. Smith

Candidate Mark Tendam

Candidate Steve Hagerty

Candidate Gary Gaspard

Candidate Brian Miller

Name:

Brian Miller

Print Name:

Brian Miller

Phone Number(s):

847-970-8812

I agree to accept service pursuant to the MOEB's Rules of Procedure at the following email address:

brian.miller847@gmail.com

Date:

January 9, 2017

**BEFORE THE MUNICIPAL OFFICERS ELECTORAL BOARD
OF THE CITY OF EVANSTON**



Jeffrey P. Smith,
Petitioner-Objector,)
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Brian Miller,)
Respondent-Candidate)
)

No. 17-MOEB (Mayor)-EV-04;
EV-05; EV-06; EV-07

Check here if you are appearing on your own behalf, without counsel ("pro-se"):

Date: 1/9/2017 Name: Jeffrey P. Smith

I agree to accept service pursuant to the MOEB's Rules of Procedure at the following email address:

jeff@jefflaw.com

Date: 1/9/2017

For Attorneys Only

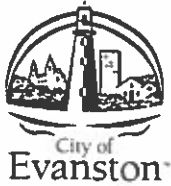
The Undersigned Counsel, being admitted and in good standing to the bar of the Supreme Court of Illinois, enters the appearance for:

- | | |
|---------------------------------|------------------------------|
| _____ Objector Jeffrey P. Smith | _____ Candidate Mark Tendam |
| _____ Candidate Steve Hagerty | _____ Candidate Gary Gaspard |
| _____ Candidate Brian Miller | |

Name: _____
 Print Name: _____
 Phone Number(s): _____;

I agree to accept service pursuant to the MOEB's Rules of Procedure at the following email address:

Date: _____



Memorandum



To: Honorable Mayor and Members of the City Council
Administration and Public Works Committee

From: W. Grant Farrar, Corporation Counsel

Subject: Ordinance 8-O-12, Adopting the Evanston City Code, 2012

Date: January 3, 2012

Recommended Action:

Staff submits for review and consideration Ordinance 8-O-12, adopting the Evanston City Code, 2012. The City Council provisionally approved the amendments contained therein pursuant to Ordinances 47-O-11, 48-O-11, 49-O-11, and 50-O-11, adopted, respectively, on June 13, July 11, September 12, and September 26, 2011.

Funding Source:

N/A

Summary:

The current City Code was last codified in 1979, and in our work on this project we learned that the 1979 codification was primarily technical in nature. Thus, the Code has been amended and revised on a piecemeal basis for decades, going all the way back to 1957.

To that end, the Law Department worked with all City departments to perform a detailed evaluation and review. While the proposed revisions are broad and comprehensive, certain sections of the Code, such as Title 6, Zoning, and Title 3, Chapter 5, Liquor Licensing, fall outside of the parameters of the proposed revisions, as those revisions will be heavily substantive or require separate hearings. By performing this review in house rather than outsourcing to our codifier, Municode, the City has saved over \$8,000. Upon approval, Municode will incorporate ordinance changes adopted over the course of 2011, check and update internal cross references and citations to state and federal law, codify, and ultimately publish the Evanston City Code, 2012.

Modernizing the Code included removing gender bias by using both masculine and feminine pronouns. Repetitious and sometimes contradictory language was simplified by re-wording and eliminating select provisions. Other stylistic and wording changes were made to clarify text. Many amendments reflect changes in the names of departments and position titles. Re-numbering certain Chapters and Sections became necessary where we removed references to deleted/repealed Code provisions.

Substantive changes were incorporated at the request of the operational departments responsible for enforcing the affected Code provisions.

Attachments:
Ordinance 8-O-12

8-O-12

AN ORDINANCE

Adopting “The Evanston City Code, 2012”

WHEREAS, the City of Evanston, Cook County, Illinois, (the “City”) is a home rule unit of government under the Illinois Constitution of 1970; and

WHEREAS, Article VII, Section 6a of the Illinois Constitution of 1970 confers certain powers upon home rule units, among which are the powers to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, in 1979, the City adopted a municipal code (“City Code”) for the purposes of carrying into effect and discharging all powers and duties conferred by law upon the City, its officers, and employees, and to promote the public health, safety, and welfare of its residents; and

WHEREAS, the City Council hereby finds and determines that the current City Code needs to be significantly amended and updated to satisfy its purposes; and

WHEREAS, the City Council hereby finds and determines that the purposes of the City Code will be accomplished by adopting the 2011 amendments and revisions to said Code, which are attached hereto as Exhibit A and incorporated herein by reference, and were provisionally adopted pursuant to Ordinances 47-O-11, 48-O-11, 49-O-11, and 50-O-11, which the City Council adopted, respectively, on June 13, 2011, July 11, 2011, September 12, 2011, and September 26, 2011; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: The foregoing recitals are hereby found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby adopts "The Evanston City Code, 2012", to read as set forth in Exhibit A, with the following exceptions: Title 6, which shall remain unchanged from the current City Code; ordinances adopted during 2011 that would amend or otherwise revise any of the contents of Exhibit A; and any references or citations contained in Exhibit A, which shall be updated in the course of the republication process.

SECTION 3: All general ordinances or parts of general ordinances in conflict with the provisions of said Evanston City Code, 2012, except those specifically saved from repeal or otherwise accepted by the terms of said Evanston City Code, 2012, as set forth therein, are hereby repealed.

SECTION 4: This Ordinance 8-O-12 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 5: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: _____, 2012

Approved:

Adopted: _____, 2012

_____, 2012

Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene, City Clerk

W. Grant Farrar, Corporation Counsel

EXHIBIT A

**Amended City Code Titles 1-5, 7-11
as Provisionally Adopted Pursuant to
Ordinances 47-O-11, 48-O-11, 49-O-11, and 50-O-11**

Evanston, Illinois, Code of Ordinances >>

TITLE 1 - GENERAL ADMINISTRATION >> TITLE 1 - GENERAL ADMINISTRATION

Subject	Chapter
Official City Code	1
Saving Clause	2
Definitions	3
General Penalty	4
City Council	5
Mayor	6
City Clerk	7
City Manager	8
Municipal Officers and Employees	9
Board of Ethics	10
Finance Department	11
Fair Employment Practices	12
Municipal Elections	13
Ordinances	14
Records	15
Seal	16
Purchase, Sale and Lease of Real and Personal City Property	17
Information Disclosure Policy	18
Procedures for Incurring Municipal Indebtedness	19

CHAPTER 1 - OFFICIAL CITY CODE

CHAPTER 2 - SAVING CLAUSE

CHAPTER 3 - DEFINITIONS

CHAPTER 4 - GENERAL PENALTY

CHAPTER 5 - CITY COUNCIL

CHAPTER 6 - MAYOR

CHAPTER 7 - CITY CLERK

CHAPTER 8 - CITY MANAGER

CHAPTER 9 - MUNICIPAL OFFICERS AND EMPLOYEES

CHAPTER 10 - BOARD OF ETHICS

CHAPTER 11 - FINANCE DEPARTMENT

CHAPTER 12 - FAIR EMPLOYMENT PRACTICES

CHAPTER 13 - MUNICIPAL ELECTIONS

CHAPTER 14 - ORDINANCES

CHAPTER 15 - RECORDS

CHAPTER 16 - SEAL

**CHAPTER 17 - PURCHASE, SALE AND LEASE OF REAL AND PERSONAL CITY
PROPERTY**

CHAPTER 18 - INFORMATION DISCLOSURE POLICY
CHAPTER 19 - PROCEDURES FOR INCURRING MUNICIPAL INDEBTEDNESS

**Evanston, Illinois, Code of Ordinances >> TITLE 1 - GENERAL ADMINISTRATION
>> CHAPTER 1 - OFFICIAL CITY CODE**

SECTION:

1-1-1: - TITLE:

1-1-2: - ACCEPTANCE:

1-1-3: - AMENDMENTS:

1-1-4: - CODE ALTERATION:

1-1-1: - TITLE:

Upon adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the official City Code of the City of Evanston, an Illinois home rule municipality. This City Code of ordinances shall be known and cited as the EVANSTON CITY CODE, and it is hereby published by authority of the City Council and shall be kept up to date as provided in Section 1-1-3 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal documents.

1-1-2: - ACCEPTANCE:

The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Code.

1-1-3: - AMENDMENTS:

Any ordinance amending the City Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be promptly forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code.

1-1-4: - CODE ALTERATION:

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the City Clerk. Any person having in his/his/her custody an

official copy of the City Code shall make every effort to maintain said Code in an up to date and efficient manner. Said Code books, while in actual possession of officials shall be and remain the property of the City and shall be returned to the office of the Clerk when requested.

~~(1979 Code)~~

**Evanston, Illinois, Code of Ordinances >> TITLE 1 - GENERAL ADMINISTRATION
>> CHAPTER 2 - SAVING CLAUSE**

SECTION:

1-2-1: - REPEAL OF GENERAL ORDINANCES:

1-2-2: - PUBLIC UTILITY ORDINANCES:

1-2-3: - COURT PROCEEDINGS:

1-2-4: - SEVERABILITY CLAUSE:

1-2-1: - REPEAL OF GENERAL ORDINANCES:

All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are included in this City Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed:

1-2-2: - PUBLIC UTILITY ORDINANCES:

No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of the preceding section, excepting as this City Code may contain provisions for such matters, in which case this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

1-2-3: - COURT PROCEEDINGS:

No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable, if any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

2. Compensatory damages, including expenses of litigation, and a reasonable attorney's fee;
3. Reinstatement of promotion of an employee or hiring an applicant for employment;
4. Such other and further relief as may seem appropriate to the court for the enforcement of this Chapter and the elimination of violations thereof.

These remedies shall be available notwithstanding the penalties provided by this Chapter.

(B) Public Remedies: In cases of violation of this Chapter by a contractor, subcontractor or vendor, upon direction of the City Council:

1. The City Manager shall rescind any outstanding contract or purchase orders with the violator;
2. The City Manager shall refuse to deal with the violator for the period of time specified by the City Council.
3. The Corporation Counsel of the City shall apply to any court of competent jurisdiction for appropriate relief including:
 - a. A declaratory judgment to confirm rescission of a contract or purchase order with the violator;
 - b. A declaratory judgment to confirm a refusal to deal with the violator;
 - c. An injunction, including an order compelling compliance with this Chapter;
 - d. Compensatory damages, including expenses of litigation, and a reasonable attorney's fee;
 - e. Reinstatement or promotion of an employee or hiring an applicant for employment;
 - f. Such other and further relief as may seem appropriate to the court for the enforcement of this Chapter and the elimination of violations thereof.

These remedies shall be available notwithstanding the penalties provided by this Chapter.

~~(C) Penalties: Any person violating the provisions of this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed for each such violation that shall continue.~~

~~(Ord. 15-0-74)~~

FOOTNOTES:

~~(25) 775 ILCS 5/1-101 et seq. (Back)~~

**Evanston, Illinois, Code of Ordinances >> TITLE 1 - GENERAL ADMINISTRATION
>> CHAPTER 13 - MUNICIPAL ELECTIONS**

SECTION:

- 1-13-1: - ELECTIONS AND PUBLIC POLICY QUESTIONS:
- 1-13-2: - LOCAL ELECTION OFFICIAL:
- 1-13-3: - FORGED SIGNATURES ON PETITIONS:
- 1-13-4: - WARDS AND PRECINCTS:

1-13-4-1: - WARDS INCORPORATED BY REFERENCE:

1-13-1: - ELECTIONS AND PUBLIC POLICY QUESTIONS:

Municipal elections and questions of public policy in the City of Evanston shall be held in accordance with ~~chapters 24 and the Illinois Election Code, 10 ILCS 5/1-1 et seq. 46 of the Illinois Revised Statutes.~~

1-13-2: - LOCAL ELECTION OFFICIAL:

The City Clerk is the local election official for the City of Evanston.

1-13-3: - FORGED SIGNATURES ON PETITIONS:

Whenever it may be necessary in order to procure a license, permit, grant or privilege of any kind, or to obtain a referendum vote on any proposition, to secure signatures to a petition for the same under any provision of this Code or other ordinance of the City, or under any law or ordinance affecting the whole or any part of the City now or hereafter in force, it shall be unlawful for any person to forge the signature or procure the forging of the signature to the same of any person who is by law qualified to sign such petition, or to sign or procure the signing of a fictitious name to such petition by payment of money or other valuable thing to the person so signing.

~~(Ord. 107-0-84)~~

1-13-4: - WARDS AND PRECINCTS:

The ~~city~~City is hereby divided into nine (9) wards, all in Evanston ~~township~~Township. Precinct boundaries shall be those as established and revised by the Cook County ~~board~~Board of ~~commissioners~~Commissioners.

~~(Ord. 103-0-03)~~

1-13-4-1: - WARDS INCORPORATED BY REFERENCE:

The wards shall be as set forth as in exhibit A attached to ordinance 103-0-03 on file in the office of the ~~city clerk~~City Clerk and incorporated herein by reference.

~~(Ord. 103-0-03)~~

**Evanston, Illinois, Code of Ordinances >> TITLE 1 - GENERAL ADMINISTRATION
>> CHAPTER 14 - ORDINANCES**

SECTION:

1-14-1: - ENACTING STYLE OF ORDINANCES; SIGNATURES REQUIRED:

1-14-2: - RECORDATION AND MEMORANDUM OF ORDINANCES REQUIRED:

1-14-3: - PROOF OF ORDINANCES:

1-14-4: - INTRODUCTION AND CONSIDERATION OF ORDINANCES:

1-14-5: - ADOPTIONS BY REFERENCE:

1-14-6: - ORDINANCES PRINTED IN BOOK FORM; COSTS:

1-14-1: - ENACTING STYLE OF ORDINANCES; SIGNATURES REQUIRED:

The enacting style of all ordinances of the City shall be: "Be it ordained by the City Council of the City of Evanston, Cook County, Illinois," and ~~all~~All ordinances passed by



< Request #16-702 >

CLOSED

A copy of all "ordinances relating to elections" referred to in, and thus not repealed by, Ord. No. 8-0-12 (now codified as Sec. 1-2-1 of the Municipal Code).

Received

December 1, 2016 via web

Department

Clerk

Documents

(none)

Staff

Point of Contact

FOIA

Request Closed

Denial of Request

Your Request is hereby Denied in its entirety. The reason(s) for denial are stated below:

Burdensome request

You have a right to appeal this decision within 60 days to Sarah Pratt, Acting Public Access Counselor, Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, (phone number 1-877-299-FOIA) or to seek judicial review under Section 11 of FOIA, 5 ILCS 140/11.

3 days ago

Support Staff Added

10 days ago



< Request #16-724 >

CLOSED

The text and date of any City of Evanston referendum or ordinance through which the City of Evanston adopted or converted to a nonpartisan form of government, or a "nonpartisan" system of municipal elections in which candidates are not permitted by law to be candidates of political parties.

Received

December 9, 2016 via web

Department

Legal

Documents

(none)

Staff

Point of Contact

FOIA

Request Closed

Denial of Request

Your Request is hereby Denied in its entirety. The reason(s) for denial are stated below:

Burdensome request

You have a right to appeal this decision within 60 days to Sarah Pratt, Acting Public Access Counselor, Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, (phone number 1-877-299-FOIA) or to seek judicial review under Section 11 of FOIA, 5 ILCS 140/11.

3 days ago

Reopened