



Rules Committee Meeting

MONDAY, JUNE 3, 2019

6:00PM

Lorraine H. Morton Civic Center, 2100 Ridge Avenue

James C. Lytle City Council Chambers

AGENDA

- I. CALL TO ORDER/DECLARATION OF QUORUM: ALDERMAN BRAITHWAITE
- II. CITIZEN COMMENT
- III. APPROVAL OF MINUTES OF THE REGULAR MEETINGS OF APRIL 1, 2019*
- IV. UPDATE FROM ETHICS SUBCOMMITTEE
- V. NONPARTISAN ELECTION - REFERENDUM*
- VI. CITIZENS' POLICE REVIEW BOARD*
- VII. DISCUSSION OF CITY COUNCIL RULES*
- VIII. NEW BUSINESS
- IX. ADJOURNMENT

*Denotes materials included in packet

MINUTES OF THE RULES COMMITTEE

Monday, April 1, 2019

6:00 p.m.

Lorraine H. Morton Civic Center
Jay C. Lytle City Council Chambers

Present: Ald. Peter Braithwaite, Ald. Judy Fiske, Ald. Cicely Fleming, Ald. Eleanor Revelle, Ald. Ann Rainey, Ald. Thomas Suffredin, Ald. Donald Wilson, and Ald. Melissa Wynne

Absent: Mayor Stephen Hagerty and Ald. Rue Simmons

Presiding: Ald. Peter Braithwaite

Staff Present: Wally Bobkiewicz, City Manager and Michelle Masoncup, Corporation Counsel

CALL TO ORDER/DECLARATION OF QUORUM:

Ald. Braithwaite declared a quorum and called the meeting to order at 6:02pm

CITIZEN COMMENT:

Dan Coyne spoke on Council Rules and Ethics.

Clare Kelly spoke on the issue of what legal presented as the recommendations from the Board of Ethics.

Carlis Sutton spoke against any amendment that may be made to consideration of citizen comment.

Betty Ester spoke on the issue of the Administration and Public Works and the Planning and Development Committees.

Ray Friedman spoke on the request of feedback on public comments and the length of meetings.

Doreen Price spoke on public comments.

APPROVAL OF MINUTES OF THE REGULAR MEETING OF JANUARY 22, 2019:

Ald. Revelle moved approval of the January 22, 2019 minutes. Ald. Fiske seconded. Minutes approved.

DISCONTINUATION OF ADMINISTRATION & PUBLIC WORKS COMMITTEE AND SETTING OF START TIME FOR CITY COUNCIL MEETINGS:

Ald. Rainey pointed out why Administration and Public Works (A&PW) should not be eliminated. First, all items that appear on the A&PW agenda are items that have to do with spending money of the City of Evanston. For the most part, every penny spent comes before A&PW and it only comes there once. For example, there aren't other committees of the Council or citizen committees that meet prior to A&PW that deals with those issues, and then recommend or advise the Council on that spending. A&PW is where citizens come and hear the deliberation of whether or not they should spend. It is very important that they have citizen comment to make their decision on whether or not they're going to support it. The Committee sometimes argues about whether or not a bid is correct, whether or not a minority bidder has been given the proper chance or whether or not they should take the low bid. Another reason why A&PW shouldn't be eliminated, take Planning & Development (P&D) it has items that have already, in many cases, been flushed out at DAPR. Their items frequently go to the Zoning

Board of Appeals and sometimes to the Plan Commission. Many items that have come to P&D have had several public hearings and neighborhood meetings. You rarely have an item at A&PW that's been to a public hearing in the neighborhood. At A&PW they are spending tax dollars big time and they need to have an opportunity to air that. There needs to be transparency and this is a good example of sweeping things under the rug if they eliminate A&PW. Standing Committees are very formal and very important and they should not remove a Standing Committee.

Ald. Wilson agrees. He said it seems that A&PW has been working much more efficiently and quickly. Given the newly developed efficiencies they should start the P&D meetings earlier so they don't have big gaps of waiting time which has been occurring lately. He suggests keeping A&PW and maybe start P&D at 6:45pm. He also does not think they should have an end time for the Council meetings.

Ald. Suffredin stated the important thing would be setting a start time for Council meetings and having P&D be noticed early enough that if A&PW gets done quickly they can go seamlessly into P&D. That way they are not having 20 minute gaps between committees. So rather than eliminating A&PW they should work on trying to figure out a time to start Council meetings that they could publish that gives enough room and a time to post P&D. He said maybe start P&D at 6:30pm. The real problem is A&PW runs a little bit long then they take a break and then go into P&D and then take a little break before City Council meetings. He would like to talk about maybe ways they could tighten up the front end of the meetings. Perhaps do proclamations and so forth at one specific meeting a month rather than at every meeting. Perhaps the Clerk's comments could be reserved for one meeting a month and City Manager's comments. Find ways to get from a declaration of a quorum for the roll call to actual business more quickly. As for citizen comments, they should start their business 45 minutes after the start of public comment regardless of how they structure public comments. The real issue is less about discontinuing A&PW but more about being more efficient in their work so things can get done and not have to carry over agenda items. He would be most supportive of them figuring out a reasonable time to set for the start of Council meetings and trying to stick to that.

Ald. Fleming commented that they started this conversation when they first got the consent agenda started which has helped a lot with A&PW. She is aware that sometimes there is a gap between A&PW and P&D and she does like the suggestion of having an earlier start time for P&D. She thinks that since A&PW spends money it should remain as a Standing Committee. She would like them to be more efficient with making sure public comment is forty-five minutes. Making sure people understood how to sign up in advance so there are not as many people running up at the end saying they didn't sign up. It's very hard for her to make decisions and hold conversation much after 11:30pm. It's also unfair for citizens, who do want to come and participate, to be required to stay so late at night. She appreciates the suggestion regarding when they do proclamations and Special Orders of Business. They had committed last year to kind of sticking to their schedule for City Council and now it seems they are getting back to being here every Monday night because they do have so many Special Orders of Business that require an entire meeting. She would agree to keep A&PW and make a start time for P&D. She is open to a stop time for City Council meetings if they understood they were going to be able to start before 10:00pm.

Ald. Wynne noted with the changes in A&PW it has become more efficient and agrees that it needs to continue to be a Standing Committee. Moving the start time of P&D to 6:45pm is a good idea and if occasionally P&D has to be pushed back because there is an item at A&PW that takes a little longer that's better than always having the gap of time. Also, having recognized that the end time of A&PW is going to be 45 minutes, helps tighten up the discussion as well. Then if they have a firm time for the start of City Council they can do that. That is a struggle at times because P&D alters, depending on whether they have a large development or not. She is not in favor of having a stop time. Some things

just need more discussion. If they continue to tighten up the agendas they won't be here past midnight very often. She agrees with keeping A&PW and continuing to find the efficiencies in the schedule.

Ald. Braithwaite said he agrees to keep it the same. He thanked the members of A&PW and thinks with the new changes it does make the meetings more efficient. The Committee definitely takes the time to read through the packet and comes prepared to make decisions and prepared to discuss them as well. Ald. Rainey hit on the big buzz word, which is transparency. He would be surprised if any member of their frequent flyer club would be in favor of eliminating A&PW. That would just open them up to more criticism given the fact that they spend \$300 plus million dollars that passes through that committee during the course of the year.

Ald. Rainey noted that the rule is very clear regarding the starting of the City Council meetings and it's been implemented incorrectly and they've talked about this before. The Mayor allocates divided by 45 the number of people who are here. However, the rule says that the Council meeting shall begin 45 minutes after citizen comment begins. It does not say that the number of people shall be divided by 45. So, if you have 100 people they are not going to be finished in 45 minutes no matter how many seconds he gives each person. Just walking up to the podium is going to take longer than the amount of time he gives them. So if they impose that rule there is no way they're going to begin 45 minutes after citizen comment begins. But that is the Council rule that it begins at that time. That would allow them to begin Council meetings at a reasonable hour. Their Council meetings, by virtue of the Mayor allocating a certain amount of time, sometimes do not begin until 10:00pm or after. If they are really serious about beginning at a reasonable hour there needs to be a conversation about that.

Ald. Wilson moved to keep the A&PW Committee and notice the P&D Committee meeting for 6:45pm and Council meetings will commence at the conclusion of P&D. Ald. Wynne seconded.
Motion passed.

Ald. Wilson moved to decline to set a stop time for the Council meetings. City Manager Bobkiewicz stated that these are recommendation to the City Council so if they wish to not take action on anything they are merely not taking action on a recommendation to the City Council. Ald. Wilson said fine then there is no need for a motion.

AMEND COUNCIL RULES TO CHANGE START TIME FOR PLANNING & DEVELOPMENT MEETINGS FROM 7:15 P.M. TO 6:30 P.M.:

Ald. Braithwaite noted this item was taken care of with the previous motion.

CONSIDER AN AMENDMENT TO THE CITY COUNCIL RULES ON PUBLIC COMMENT ATSTANDING COMMITTEES:

City Manager Bobkiewicz stated on page 15 of your packet is a recommended change to Council rule 6.1. Currently that language states as follows " Any citizen may address a committee at the invitation of the chair of the committee. Official Public Hearings for citizens shall allow for comments by the City Council and citizens." Staff is recommending a new language for rule 6.1 which states "City Council standing committees shall provide opportunities for citizen comment at the beginning of each meeting. If there are five or fewer speakers, ten minutes shall be provided for Public Comment. If there are more than five speakers, a period of twenty minutes shall be provided for all comment, and no individual shall speak longer than two minutes. The committee chair will allocate time among the speakers to ensure that Public Comment does not exceed twenty minutes. The business of the Committee shall commence twenty minutes after the beginning of Public Comment. In addition, the Planning and Development committee shall allow an additional twenty minutes of public comment for

each Planned Development application following the guidelines above prior to the item being heard by the committee.”

Ald. Wilson said this is a good idea. He understands the points that members of the community have made. But in conjunction with the conversation they just had about the duration of the meeting, his understanding from a recent internal opinion, was that in the absence of something to the contrary the interpretation would be that the Council rules would apply. So it would be 45 minutes per Standing Committee. That would put them at close to two and a half hours and that’s an awfully long time in one night for citizen comment. Given the fact that there is an opportunity at the Council meeting the same night this makes some sense. He also appreciates that with regard to P&D they do have this for planned development applications, the additional amount of time. Because he recognizes that more conversation needs to occur on those occasions. This makes sense and it’s certainly not an attempt to limit their input. When perusing other communities, for example Rockford has, he thinks, a maximum of five speakers at 3 minutes a piece for a meeting. That is 15 minutes for a city much larger than Evanston. They are pretty open to the common process but have to ensure that there’s enough time to get the work done and have the conversations while people are here to hear what they are talking about.

Ald. Fleming said the part about the P& D Committee and allowing a mixture of 20 minutes for public comment seems like a whole lot. The last sentence “...In addition, the Planning and Development Committee shall allow an additional twenty minutes of public comment for each planned development application following the guidelines.....”. So if they have a night where they have two planned developments, that is an additional 20 minutes that is not accounted for in the 45 minutes. City Manager Bobkiewicz said this would be at the committee. So the planned development, under this particular rule, P&D would have 20 minutes every meeting and then an additional 20 minutes for a total of 40 minutes for when there are planned development applications before the committee. Ald. Fleming asked would that mean they would set the agenda so that they only have one planned development per meeting? City Manager Bobkiewicz noted it is not standard to have two on an agenda. Ms. Masoncup added that its very, very rare because of the length of time they take up in public comment. They usually just do one per meeting.

Ald. Revelle stated there are other instances besides planned developments where a large group of residents have a lot to say. Thinking most recently at P&D they had the neighbors who wanted to speak about the 2626 Reese Avenue project. Thinking about how that discussion happens at P&D they give the developer or the applicant time to make a special presentation that’s not part of the public comment. The residents deserve an opportunity also to have more time to really lay out their arguments about the proposal. She suggest that they say something about at P&D an additional 20 minutes of public comment for each applications, for a planned development, map amendment, major zoning variation and subdivision following the guidelines above. Those are the times when they are likely to get a presentation from the application and the residents might have quite a bit to say about it as well. Ald. Fleming asked would it still be within that 40 minutes? Ald. Revelle noted it would be adding additional opportunities and not just for planned developments that they would get the extra 20 minutes. Ald. Fleming felt that would just throw everything they just discussed out the window.

Ald. Fiske said she shares Ald. Fleming’s concern. The way it is written it says that the P&D Committee shall allow an additional 20 minutes of public comment for each planned development application. If they expand that to include subdivisions, etc. it seems that one person then could sign up to speak at each individual segment. She is fine if they want to say 45 minutes at P&D and leaving it at 2 minutes per person. If a developer or someone wants to have a special presentation they would clear that with the chair 4 or 5 days in advance so they would know it is coming. It sounds very

confusing and can see the public asking what the difference is.

Ald. Braithwaite agreed and to the public and members of the committee he would like to say he truly values the work that they do on the committee for two reasons. One, it's the best opportunity for engagement so just in contrast of what was said earlier the committee's allow for that conversation. That is where the real work takes place, at the committee level when they have an opportunity not only to listen but also respond to some of the comments. So by time it does come to City Council, unless it's a Special Order of Business, it's already been vetted. Sometimes they have conversations for months and even up to a year on particular developments. Of all the committee's P&D is where the lengthiest conversations take place and are managed pretty well by staff and the chairperson with the exception of those larger developments that require more conversation. So for someone to have to micro manage all these components does get a little bit confusing. They know when Council Chamber is full every two or three times during the years that it's going to be a lengthy meeting. Outside of that they're run pretty efficiently. He would agree with Ald. Fiske to kind of leaving it the way it is without making it more confusing.

After a lengthy discussion Ald. Wilson moved to adopt this recommended language. Ald. Wynne state the second paragraph only describes planned development applications.

Ald. Braithwaite said there is a motion on the table to adopt the recommended language as it's spelled out in the first two paragraphs on page 15. Is there a second for discussion purposes? Ald. Fleming seconded.

Ald. Wynne asked if she could make a motion with respect to the second paragraph. Ald. Wilson withdrew his motion.

Ald. Wynne moved to adopt the recommended language of the first paragraph to apply to all Standing Committees except for P&D. The motion is to adopt the twenty-minutes if there are five or fewer speakers, 10 minutes shall be provided for public comment if there are more than five speakers for a period of 20 minutes. So have that public comment apply to all Standing Committees except P&D and have separate provision regarding public comment at P&D. Ald. Wilson seconded.

City Manager Bobkiewicz reminded the committee that these are all recommendations to the City Council.

Ald. Braithwaite said he feels like all the committees run pretty efficiently with the exception of P&D. Having chaired these meetings in the past he thinks that would add a layer of complexity that would be difficult for the chair to keep track of. Ald. Revelle asked could they just limit it to 20 minutes at all the Standing Committees except P&D but not worry about when it tips over from the 10 minutes to 20 minutes.

Ald. Wynne said she was willing to amend her motion to substitute what Ald. Revelle just stated. Ald. Wilson seconded. Motion passed.

Ald. Fiske moved that the P&D Citizen comment be 45 minutes, 2 minutes per speaker. Ald. Wynne seconded. Motion passed.

Ald. Braithwaite noted these are recommendations that will come back to City Council.

For a point of clarification, City Manager Bobkiewicz said the language that was included, the business

of the committee shall commence twenty minutes after the beginning of public comment, that would work for all the committees. For the three committees, twenty minutes after the beginning of public comment and forty-five minutes after the beginning of public comment for P&D. The committee confirmed that was correct.

MOTION TO HOLD AND TO TABLE AND ITEM:

City Manager Bobkiewicz noted that the Rules Committee asked for an explanation of the difference. There's a memorandum on page 16 of your packet. Ms. Masoncup added that she believed the request came from Ald. Rue-Simmons. She asked for clarification on the difference between a motion to table and the motion to hold. This has become relevant in a few discussions where a previous item has been held and it cannot be held again, most recently the motion to table has been used. The memo addresses the difference between the two and when you can use each motion.

Ald. Fleming stated she asked for this item to be on the agenda because Ald. Rue-Simmons asked to hold something and was asked to give an explanation as to why she needed to hold. There was discussion about if an explanation was needed when an Alderperson asks to hold something. Just to provide more context as to when this came up. Ald. Rue Simmons asked to hold something, it was seconded by me. They came to Council and there was a discussion asking why she held it. She was under the impression, if someone held it then it was held without an explanation.

City Manager Bobkiewicz pointed out in the third sentence on page 17 is the language for the hold. It says, "An Alderman may ask either the City Manager or the Alderman requesting the holdover to explain the impact of the holdover at the time the holdover is requested." Ald. Fleming said but they it was asked why she held it not what the impact was. City Manager Bobkiewicz said if Council wishes to amend this to make it clearer it's up to the Council at this point. Ald. Fleming said it's clear as it is. She is just making a citation for remembrance that, that was why she asked.

Ald. Braithwaite clarified that if one abstains you do have to provide a reason per Council rules. On a hold, you don't need an explanation. However, you can ask. They do need clarification if the hold has an impact on the contract.

ETHICS SUBCOMMITTEE REPORT:

Ald. Wilson reported that they have done a great deal of work and the attorneys have prepared a good starting draft. Comments were made at the last meeting and those are being revised. The expectation is they will be presented with something close to a final product on the 22nd of April. They will review that, make any necessary changes and whatever they come with at the conclusion of that meeting will be presented to the committee for consideration and hopefully adoption. The next meeting is going to be April 22nd at 4:15pm in the Aldermanic Library.

EQUITY & EMPOWERMENT REPORT:

City Manager Bobkiewicz reported the Equity and Empowerment Commission asked that they wait one additional meeting before coming before the Rules Committee. They will be on the June 3rd agenda.

HIRING PROCESS FOR CITY MANAGER ROLE:

City Manager Bobkiewicz said Council asked for a memorandum regarding the hiring process for a City Manager. The memorandum starts on page 18 of the packet. It outlines five steps. The first would be the selection of an Interim City Manager once the position was vacant. Council has the ability to make an Interim appointment from amongst city staff or an outside appointment. The second would be to hire an executive search firm which has been the practice in Evanston in the past. In communities of our size and complexity, that would be something that makes sense to move forward with. The third point

would be to develop parameters for the search process. Specifically, the involvement of the City Council making all decisions or if a subcommittee would be utilized to assist the recruiter through the process. Decisions regarding community meetings for input on qualities desired in the next City Manager. Issues regarding when candidates name would be released to the public and the process for reviewing candidates. Point four would be the time frame for a selection process once the job announcement is released. The search firm will usually receive applications over a 30-45 day period. The firm usually takes 21 to 28 days to prepare the group of candidates for the Council to review. First interviews usually occur 14 to 21 days after that. Once Council has made a selection, a negotiated contract would occur and would have to be approved by the City Council at an open session. After that a selected candidate would usually report to work 30 to 60 days after approval of the contract.

Ald. Wilson moved to accept and place on file. Ald. Wynne seconded.

Ald. Suffredin said they should establish a community input meeting within a certain amount of time after a vacancy. Go through hiring a search firm and all but he thinks that would be important. The Mayor would be the appropriate person to convene that meeting. Maybe have it understood that upon a vacancy there'd be a community meeting within maybe 15-20 days. Not sure what the appropriate amount of time is, but the question about would there be community input, and would it be at the end when there are finalists. Having a rule or something in their policy that would say they are having a meeting with community input for the types of candidates early in the process, 21 days, 14 days whatever is appropriate after a vacancy. That's the only thing he would add.

Ald. Fiske stated she also agrees and thinks it makes sense to put that right at the beginning before hiring the executive search firm. They need to inform their interviews with executive search firms as to what the community expectations are. She would suggest they say upon receipt that a vacancy has occurred they immediately set forth the public process to get comments from the community.

Ald. Braithwaite said what he is hearing is similar to the process for Chief of Police. They had at least one community meeting where they invited members of the respective wards to come out. It was one meeting and they listened to things that were important to them and the search firm was present. It is important to note that the search firm was hired prior to that community meeting. So they could listen.

City Manager Bobkiewicz said conceivably you might want two meetings. From what he is hearing from Council is that perhaps you would have an initial meeting that would go through a process. Then once you had a firm selected, maybe have them conduct a meeting that talks about qualities when you're dealing with the job description. They serve different purposes and as long as they are done expeditiously, they would not slow the process down. If the concern is to get input on the very front end, that's a different kind of meeting than a meeting on the quality. For those who attended the meeting for the Chief of Police it was a very different kind of meeting and he doesn't think they would want to take away from that discussion and it'll honestly give people an opportunity to start thinking. A first community meeting perhaps will allow people to begin those thought processes and would come better prepared to a second meeting.

Ald. Rainey stated she has been through this process several times. She does not see them organizing a community meeting for the purpose of establishing qualities in a City Manager, without having first hired a search firm. They're paying a search firm who's done this before and it ought to be organized. She does not think Council or staff should be the ones handling that meeting. Somebody who really knows how to organize that should be the one to organize it. They should have several meetings like that. Ald. Fiske noted that things have changed in the past ten years, in terms of what expectations our community has for public input into the process. They need to do everything they can to listen to

them at the very beginning of the process and then start it and start through the deliberative step by step process that follows. If they don't do that they would be making a mistake. That is would be expected. They have a very engaged population and they would expect to be involved at the beginning. Ultimately, that's going to help them manage the process a little bit better by being more engaged at the beginning. Ald. Rainey stated she would like to see what other communities are doing today. This is an outline and they ought to do some research.

Ald. Braithwaite stated it's been properly moved and seconded that they receive the report. Motion passed 7-1 Ald. Fiske voted no.

NEW BUSINESS:

City Clerk Reid stated an item for the next meeting to designate an individual as the Open Meetings Act designee. The committee has designated the committee as a whole but not an individual. Legally they are mandated to have a designated Open Meetings Act designee. Ald. Rainey asked could Michelle. Masoncup be the designee? Clerk Reid replied the committee could name Ms. Masoncup. Ald. Rainey nominated Ms. Masoncup.

Ald. Braithwaite suggested the Clerk forward the language to Corporation Council and if there's something that requires a decision they will probably put it on the next agenda. Clerk Reid said he would forward the language.

ADJOURMENT:

Meeting adjourned 7:25p.m.

Respectfully submitted,
Darlene Francellno

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



Memorandum

To: Members of the Rules Committee

From: Michelle L. Masoncup, Corporation Counsel

Subject: Nonpartisan elections – referendum

Date: May 27, 2019

Summary

The City of Evanston has the authority under its home rule powers to implement nonpartisan elections if a nonpartisan public question is approved in a referendum. Following a review of local records, City staff cannot identify a previous referendum requiring nonpartisan elections. Therefore, the City Council will need to pass a resolution or ordinance submitting the public question to a referendum. City staff seeks confirmation that the Rules Committee requests that a resolution be drafted and placed on a Council agenda for Fall 2019.

Background

Following a thorough search of public records and media records conducted by the City Clerk's Office, Evanston Public Library, and the Law Department, we cannot locate a referendum to implement a nonpartisan election in the City of Evanston.

Under the Illinois Election Code, municipalities, generally, hold partisan elections. Article 7 of the Illinois Election Code, entitled "the Making of Nominations by Political Parties," Section 1(a) states:

Except as otherwise provided in this Article, the nomination of *all candidates for all elective* State, congressional, judicial, and county officers, State's Attorneys (whether elected from a single county or from more than one county), *city*, village, and incorporated town and municipal officers, trustees of sanitary districts, township officers in townships of over 5,000 population coextensive with or included wholly within cities or villages not under the commission form of government, precinct, township, ward, and State central committeepersons, and delegates and alternate delegates to national nominating conventions by all political parties, as defined in Section 7-2 of this Article 7, shall be made in the manner

provided in this Article 7 and not otherwise. 10 ILCS 5/7-1 (Emphasis Added)

The “manner provided” for in Article 7 is nomination of candidates by political parties; therefore, under the Illinois Election Code, the default mechanism to elect candidates in the City of Evanston (the “City”) is for political parties to nominate candidates for each election.

Exceptions for Illinois Home Rule Municipalities

Illinois Home Rule Municipalities have the discretion to change the manner in which municipalities elect their officers. Article VII, section 6(f), of the Illinois Constitution of 1970 provides:

“(f) A home rule unit shall have the power subject to approval by referendum to adopt, alter or repeal a form of government provided by law, except that the form of government of Cook County shall be subject to the provisions of Section 3 of this Article. A home rule municipality shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law. A home rule county shall have the power to provide for its officers, their manner of selection and terms of office in the manner set forth in Section 4 of this Article.”

In Boyer v. City of Aurora, 81 Ill. 2d 308, 410 N.E.2d 1 (1980), the Illinois Supreme Court addressed the issue and held that a municipality may choose by referendum to conduct its elections on a nonpartisan basis.” Boyer at 313-314.

Submitting a Public Question to a Referendum

The Illinois Election Code requires the City to put a public question to a referendum to allow its citizens to vote on whether to change from partisan elections to nonpartisan elections. Section 28-7 states, “[i]n any case in which Article VII...authorizes any action to be taken by or with respect to any unit of local government...by or subject to approval by referendum, any such public question shall be initiated in accordance with this Section.” 10 ILCS 5/28-7. The City is a municipality, which qualifies as a unit of local government, and switching from partisan to nonpartisan elections is authorized by Article VII of the Illinois Constitution; thus, the City must hold a referendum submitting a public question to the electorate to change from a partisan to nonpartisan election.

The City has two options to initiate a public question. First, City Council can initiate the public question by passing a resolution. Second, the public can submit a petition to add a public question. A petition must be “signed by a number of qualified electors equal to or greater than at least 8% of the total votes cast for candidates for Governor in the preceding gubernatorial election.” 10 ILCS 5/28-7. If City Council initiates the referendum by resolution, it must “be adopted not less than 79 days before a regularly

scheduled election to be eligible for submission on the ballot at such election." 10 ILCS 5/28-2. Petitions and resolutions also should not schedule referendums more than one (1) year from the date of passage or certification.

When a public question is placed on the ballot is determined by the document initiating the public question. "A petition, resolution or ordinance initiating the submission of a public question may specify a regular election at which the question is to be submitted, and must so specify if the statute authorizing the public question requires submission at a particular election." 10 ILCS 5/28-2(d). If the resolution is silent on which election the public question is to be presented, then "the public question shall be submitted to referendum at the next regular election occurring not less than 92 days after the filing of the petition." 10 ILCS 5/28-2(e).

Conclusion

If the City would like to hold nonpartisan elections, City Council should pass a resolution submitting a public question to a referendum not more than one year, but not less than 79 days prior to the next regular election. The next regular election is November 3, 2020, meaning that the Council will need to pass a resolution between August 14, 2019 and Friday August 14, 2020 (the 79th day falls on a Sunday) in order to add the referendum question to the ballot.



Memorandum

To: Members of the Rules Committee

From: Wally Bobkiewicz, City Manager
Demetrius Cook, Chief of Police

Subject: Implementation of the Citizen Police Complaint Assessment Committee
Final Report

Date: May 28, 2019

Recommended Action:

Corporate Council request authorization to draft an ordinance for the creation of the Citizens' Police Review Board and a resolution to dissolve the Citizens' Police Advisory Committee (CPAC).

Background:

The Citizen Police Complaint Assessment Committee, formed to evaluate the citizen police complaint process, presented its final report in December 2018 to the City Council. The City Council received the report and referred it to incoming Police Chief Demetrius Cook for his review and comment. Chief Cook gave general comments on the report at the March, 2019 meeting of the Human Services Committee.

The new Citizens' Police Review Board will be a nine (9) member committee with staggered three year terms, two terms maximum. The Board's responsibilities will be similar to CPAC, as they will review citizen complaints against sworn and non-sworn members of the Police Department, submit their recommendations to the Chief of Police, and report to the Human Services Committee. The Board will be staffed through the City Manager's Office and supported by the Police Department Office of Professional Standards.

Attachments:

Memo: Response to Citizen Police Complaint Assessment Committee
Final Report – Next Steps



Memorandum

To: Honorable Mayor and Members of the City Council

From: Wally Bobkiewicz, City Manager
Demetrius Cook, Chief of Police

Subject: Response to Citizen Police Complaint Assessment Committee
Final Report – Next Steps

Date: May 6, 2019

The Citizen Police Complaint Assessment Committee presented its final report in December 2018 to the City Council. The City Council received the report and referred it to incoming Police Chief Demetrius Cook for his review and comment. Chief Cook gave general comments on the report at the March, 2019 meeting of the Human Services Committee. This memorandum serves as the formal response to the recommendations of the report from the City Manager and Chief of Police.

Committee Recommendations

1. Implement new intake process for formal complaints within 90 days

A new intake process will be implemented by July 1, 2019.

All new police complaints will be received by the Office of Administrative Adjudication. Complaints can be filed on-line or in-person. For in person complaints, individuals may make an appointment to file the complaint during business hours by calling 311. This change will be reflected on line and in all written materials. Once the formal complaint is received and complaint form is completed, it will be forwarded to the Police Department Office of Professional Standards and the complaint will be investigated pursuant to existing policies and procedures.

2. Dissolve the Citizen Police Advisory Committee (CPAC) and implement new Citizen Review Board within 90 days

We are requesting that the Mayor ask the Rules Committee to dissolve CPAC and create a new Citizen Police Review Commission (CPRC). This nine member Commission would have members serve staggered three year terms, with two terms maximum. For the initial term, we are asking that the Mayor appoint three members for three years, three for two years and three for one year. Staff will prepare an ordinance creating the new Commission for consideration at the June Rules Committee meeting. We are asking the Mayor to begin recruitment for the new Commission as soon as possible. The Commission will be staffed through the City Manager's Office and supported by the Police Department Office of Professional Standards.

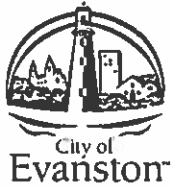
The new Commission would begin work September 1, 2019.

3. Create a RFP for a consultant to craft a ADR mediation program within 90 days

Given the potential legal constraints, we do not believe it is in the City's best interests to create an Alternative Dispute Resolution (ADR) mediation program at this time. Instead, it is our recommendation that we focus now on the new intake process and implementing the new Citizen Police Review Commission. Once the new process is up and running, we can revisit whether we should seek to modify collective bargaining agreements to create an effective ADR mediation program.

4. Craft scope of work for Police Auditor by Citizen Review Board and City staff (upon completion of CRB implementation).
5. Create a RFP for a Police Auditor position.

Based on the low number of complaints filed, we question whether the City should expend resources for a Police Auditor position. However, we agree that the management of the new CPRC should occur outside the Police Department. The City Manager will designate a senior manager outside the Police Department to serve as the primary staff to the Commission. This manager will attend all meetings and serve as liaison between the Commission, Police Department and the Human Services Committee.



Memorandum

To: Members of the Rules Committee

From: Wally Bobkiewicz, City Manager
Michelle L. Masoncup, Corporation Counsel

Subject: Decorum in the Council Chambers

Date: May 30, 2019

Summary

City staff seeks direction on amendments to the Rules as more fully outlined below to address: banners/posters/other signs in the Council chambers during meetings, standing during meetings, remote participation by members of the public, and any other decorum related issues.

Background

1. Banners/Posters:

The City Council may impose reasonable time, place, and manner regulations that are content neutral if the regulations are narrowly tailored to serve a significant governmental interest and leave open ample alternative channels of communication. The City Council meeting is a designated public forum for speech. The City may establish rules to balance a citizen's right to express his or her views while on public property and the government's interest conducting an efficient meeting to get work done. *Perry Education Association v. Perry Local Educators Assn.*, 460 U.S. 37 (1983).

Over the past several months, members of the public affix banners and posters to the walls and windows of the Council chambers. In addition, posters are waved and held up during the meeting by attendees. The signs are disruptive, block the views of other meeting attendees, and prevent the orderly conduct of the meeting.

Staff seeks direction if the Rules Committee seeks to address this conduct and prohibit posters, banners, and all other signs that are not part of a presentation for an agenda item or any other exception the Rules Committee believes is needed.

2. Standing during meetings:

Members of the public are standing during the meeting and staff requests direction if the Rules should be amended to address this conduct directly.

Staff submits that all persons in attendance at the Council meeting or its standing committees, should be seated in the Council chambers during the meeting and not block the free flow of traffic in and out of the Council chambers. There should be exceptions provided for medical necessity, practical necessity (e.g. making a presentation, or public comment speaker), and cases where standing is appropriate to show respect (e.g. award presented).

3. Remote/Electronic Public Comment:

Several months ago, a resident participated in public comment remotely by telephone. The Council Rules do not address this issue specifically and staff requests clarification from the Rules Committee's desire to address this issue.

City Council Rule 6.2 states in part "The Council shall provide a period for Citizen Comment. Interested persons shall sign their name, address, and agenda item or other topic to be addressed on a designated citizen participation sheet."

The Illinois Open Meetings Act ("OMA") provides that the public body must permit any person an opportunity to address public officials "under the rules established and recorded by the public body." 5 ILCS 120/2.06(g) The OMA does not require that the public body provide an opportunity for an individual to provide comments remotely for any reason. The OMA does address City Council members ability to participate in the meeting remotely, even those circumstances are limited and fully outlined in the OMA and Council Rule 21.2 (emergency, out of town for business, and medical reasons).

4. Boulder, Colorado – Decorum

At the April 2019 Rules Committee, the Boulder, Colorado's Rules on Decorum, Section XVI were circulated. We submit a copy of these rules once more to inquire if the Council wishes to address any additional issues on decorum not discussed above in detail or not previously addressed.

Link to YouTube video with an interview with the Boulder City Manager, Jane Brautigan:
https://youtu.be/_VZcE4uqMK0

Attachments:

City of Boulder, CO Rules of Decorum

XVI. - Rules of Decorum

a. Council Intent for Rules of Decorum. The City's business is conducted at city council meetings by the elected officials of the City. All council meetings are open to the public, but the public's participation is permitted only at formal council business meetings during the time and in the manner set forth in these rules. Public participation is generally not permitted during study sessions and other informal council meetings, although the public is encouraged to express comments in writing or other communication prior to those meetings. In order for the council to conduct its business in a manner completely open to the public in person, by audio and by video recordings, rules of decorum are necessary. Historically, council meetings have lasted numerous hours which may limit the practical ability for the public to participate and the effectiveness of staff to make presentations and elected officials to discuss issues and make decisions. The intent of these rules is to:

1. Provide a safe and secure setting for council and the public to attend to the City's business.
2. Enable council to conduct its deliberative process without interruption in a manner that can be heard and viewed by all in attendance and recorded for the simultaneous or later viewing by the public.
3. Ensure that the public has a full opportunity to be heard during public hearings and open comment periods of council meetings.
4. Facilitate transparency in the conduct of council meetings so that all persons have the opportunity to observe and hear all of the council discussion and votes.
5. State specific rules so that all may know the rules in advance and be subject to the same rules.
6. Limit interruptions, unreasonable delay, or duplication of comments, presentations, or discussion.
7. Develop an atmosphere of civility that is respectful of diverse opinions and allows presentation of positions that vary from the position of others at the meeting without insults or intimidation.
8. Balance the need for the council to conduct effective meetings without the meetings extending late into the night or early morning with the need to give a full opportunity for the public to be heard.
9. Facilitate council meetings as business meetings, therefore public comments should relate to the business of the City and, as such, be addressed to the council as a whole, which conducts the business of the City.
10. Adopt these rules of decorum as the standard for conduct of meetings of the city council and staff of the City.

b. Rules of Decorum for the Public. During all times a meeting of the city council is being conducted, the following rules shall apply:

1. Prior to addressing council, a person shall sign-up providing information for the council record.

2. All remarks to the council shall be at a microphone and only after the speaker is acknowledged by the presiding officer.

3. While in attendance at a council meeting, no attendee shall disrupt, disturb, or otherwise impede the orderly conduct of any council meeting by any means in a manner that obstructs the business of the meeting. Disorderly conduct also includes failing to obey any lawful order of the presiding officer to be seated, leave the meeting room or refrain from addressing the council.

4. No attendee shall make threats or other forms of intimidation against any person in the council chambers or meeting room, or possess any weapon or firearm while in the council chambers or meeting room unless the attendee possesses a valid permit meeting all of the requirements set forth in § 18-12- 204, C.R.S.

5. To maintain the fire code occupancy limits and allow for safe exit, unless addressing the council or entering or leaving the council chambers or meeting room, all persons in the audience shall remain seated in the seats provided. No person shall stand or sit in the aisles, nor shall the doorways be blocked.

6. All persons in the council chambers or other meeting room, including, without limitation, council members, staff, and attendees, shall silence all cell phones, pagers, and other electronic devices to prevent disruption at the meeting.

7. No person at any council meeting shall be in a state of intoxication caused by the person's use of alcohol or drugs.

8. Members of the public who wish to gather in the municipal building prior to a meeting shall make every effort to accommodate those with differing views. This shall include, not blocking entrances, pathways or stairways and being respectful at all times of those with opposing views. If individuals plan to gather for a meal or otherwise in the municipal building, such gatherings shall take place in the eastern end of the municipal building lobby so as not to require individuals with opposing views to pass through the gathering.

9. No sign shall be displayed in council chambers in a manner that blocks the view of another person or in a manner that would violate subsection 5 above.

c. Enforcement of Decorum. The mayor or other presiding officer of the council, with the assistance of the sergeant-at-arms, if any attending, shall be responsible for maintaining the order and decorum of meetings. The mayor or presiding officer may order removed from the council chambers, or other room in which a meeting of the council is occurring, any person who fails to observe these rules of decorum:

1. The mayor or presiding officer may interrupt any speaker who is violating these rules of decorum or disrupting a meeting.

2. The mayor or presiding officer shall attempt to provide a verbal warning to any attendee or particular speaker that may be violating these rules of decorum, but such verbal warning shall not be required as a condition of removing an offender from the council chambers or meeting

room.

3. These enforcement provisions are in addition to the authority held by the sergeant-at-arms or any other peace officer in attendance, to maintain order pursuant to the officer's lawful authority.

4. Any person removed from the council chambers or meeting room shall be excluded from further attendance at the meeting from which the person has been removed, unless permission to attend is granted upon the motion adopted by a majority vote of the council.

5. Any person who has been removed from a meeting may be charged with violation of the applicable provision of the Boulder Revised Code.

6. In addition, by vote of the council, any person removed from a meeting may be excluded from attendance at council meetings for thirty (30) days after such removal. A longer period of prohibition from attendance at council meetings may be determined by council by a vote, if the person has been removed from the council chambers or meeting room in the past twenty-four months for violation of these rules of decorum, or the council determines that the attendee's conduct was so severe as to necessitate a longer period of prohibition.

7. A person prohibited from attendance at council meetings may request a hearing to dispute prohibition under the provisions of Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, if the appeal is filed with the manager within ten days of the date of prohibition. The hearing will be before a hearing officer that is appointed by the city manager. The scope of the hearing will be limited to the following: (1) whether there was a prior removal in the past twenty-four months, and (2) the nature and extent of the behavior resulting in the suspension. The hearing officer will forward a recommendation to the council to affirm the sanction, modify the sanction, or to remove the sanction to the city council for its consideration at a subsequent meeting of the council.

8. In addition to any other authority of the mayor or presiding officer, the presiding officer may call a recess during which time the members of the council shall leave the meeting room.

9. If necessary for the safety of the council and public, the mayor or presiding officer may order the council chambers or meeting room cleared of all attendees. In such event, the meeting may continue only so long as the proceedings are televised or otherwise recorded so that the proceedings of the meeting are available to the public.

10. Any staff member may request that a police officer assess any person at a council meeting for intoxication. A police officer may also make such an assessment based on personal observation. If, in the officer's professional opinion, the officer has a reasonable suspicion that a person in attendance at a council meeting is intoxicated through the use of alcohol, the officer may exclude that person from further attendance at that meeting. A person excluded shall be readmitted if the person excluded submits to an alcohol breath test and produces a result below .05 blood alcohol level.

d. Rules of Decorum for Council. Members of the council shall attempt to balance the right of the public to know positions of the elected and appointed officials and rationale for decisions with the need for balanced discussion and timely adjournment of the meeting. In order to realize this balance, members shall endeavor to:

1. Articulate questions, opinions, comments and reasons for votes succinctly;

2. Exercise self-discipline by avoiding repeating statements of others, being verbose in expressing opinions or straying off the topic;
3. Allow the presiding officer to manage the meeting and call on members before speaking; 4. Support the presiding officer in enforcement of these rules;
5. Permit other members an opportunity to speak once on an issue before speaking a second time on the same issue;
6. Focus on the issue being discussed rather than disagreement of ideas by using "I" statements and avoiding personal attacks or assuming motives of another;
7. Consider the adopted council goals, staff work plans and limited resources when making requests for delay or additional information;
8. Acknowledge that new topics raised during a meeting by a member of the public or of the council may not have the benefit of all of the necessary background information, may not be presented from a balanced perspective, and decisions in such situations are more often emotionally driven. New topics raised during a meeting are most often best resolved by deferring the decision to the city manager or to a future agenda with direction to staff to provide background materials before the matter is considered at a future meeting. If council desires to take up a matter raised during a meeting, the request should be made and additional information requested under "Matters from the Mayor and Members of Council" portion of the agenda;
9. During a council meeting, refrain from electronic communication regarding subjects considered at that meeting. Except that council members may receive electronic copies of materials from staff displayed on monitors or otherwise made available at the meeting. E. Interpretation of Rules. These rules are intended to support the intent of the council set forth above. These rules are not to be used to limit public participation or council debate, but to enable the effective functioning of the council. Either the council or the presiding officer may temporarily suspend these rules or grant exceptions in order to effectuate their intent.