

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 its' 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 22<sup>nd</sup> 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 22<sup>nd</sup> 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 3<sup>rd</sup> 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](http://www.cityofevanston.org/government/agendas-minutes/agendas-minutes--rules-committee).