



## AGENDA

### Rules Committee

Monday, December 6, 2021

Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers, Room 2800  
5:00 PM

Those wishing to make public comments can sign up by completing the City Clerk's Office's online form at [www.cityofevanston.org/government/city-clerk/public-comment-sign-up](http://www.cityofevanston.org/government/city-clerk/public-comment-sign-up) or by calling/texting 847-448-4311. Community members may watch the City Council meeting online at [www.cityofevanston.org/channel16](http://www.cityofevanston.org/channel16) or on Cable Channel 16.

Page

#### (I) CALL TO ORDER - COUNCILMEMBER REID

#### (II) PUBLIC COMMENT

#### (III) RULES COMMITTEE MEETING MINUTES

##### (R1.) Approval of the Rules Committee Meeting Minutes

5 - 13

Staff recommends approval of the minutes for the Rules Committee meeting of September 7, 2021, October 4, 2021, and October 18, 2021.

##### For Action

[Rules Meeting Minutes - September 7, 2021.pdf](#)

[Rules Meeting Minutes - October 4, 2021.pdf](#)

[Rules Meeting Minutes - October 18, 2021.pdf](#)

#### (IV) ITEMS FOR CONSIDERATION

- (R2.) **Ordinance 110-O-21, Amending Title 2 of City Code and Codifying the Finance and Budget Committee** 14 - 21

Staff recommends City Council adoption of Ordinance 110-O-21, Amending Title 2 of the City Code and Codifying the Finance and Budget Committee.

**For Action**

[Ordinance 110-O-21, Amending Title 2 of City Code and Codifying the Finance and Budget Committee - Attachment - Pdf](#)  
[110-O-21 Amending Title 2 to Add the Finance and Budget Committee AR 10-7-21](#)

- (R3.) **Adoption of Ordinance 117-O-21 "Amending Title 2, Chapter 12 of the Evanston City Code "Equity and Empowerment Commission"** 22 - 26

The Equity and Empowerment Commission recommends the adoption of ordinance 117-O-21 "Amending Title 2, Chapter 12, "Equity and Empowerment Commission".

**For Action**

[117-O-17, "Equity and Empowerment Commission" and Discussion regarding Commission member vacancies - Attachment - Pdf](#)

- (R4.) **Ordinance 112-O-21, Amending Section 1-7-2 of the City Code, "General Duties of the Clerk" to add Processing of Temporary Disability Vehicle Placards and Vital Records** 27 - 30

Staff recommends adoption of Ordinance 112-O-21, Amending Section 1-7-2 of the City Code, "General Duties of the City Clerk" to add Processing of Temporary Disability Vehicle Placards and Vital Records

**For Action**

[Ordinance 112-O-21, Amending Section 1-7-2 of the City Code, "General Duties of the Clerk" to add Processing of Temporary Disability Vehicle Placards - Pdf](#)

**(V) ITEMS FOR DISCUSSION**

- (R5.) **Discussion Regarding Amending City Code 1-6-4 to Require the Mayor to Announce Mayoral Veto at the City Council Meeting Immediately Following the Veto** 31

Discussion regarding amending City Code 1-6-4 to require the Mayor to announce Mayoral veto at the next regular City Council meeting following said veto

**For Discussion**

[Discussion Regarding Amending City Code 1-6-4 to Require the Mayor to Announce Mayoral Veto at the City Council Meeting Immediately Following the Veto - Pdf](#)

- (R6.) **Discussion Regarding Elected Officials Compensation** 32 - 34

Councilmember Reid recommends discussion regarding elected officials compensation.

**For Discussion**

[Discussion Regarding Elected Officials Compensation - Attachment - Pdf](#)

- (R7.) **Discussion Regarding the Appointment of Corporation Counsel by the City Council** 35 - 36

Councilmember Reid Recommends the Rules Committee Discuss a Resolution for a Referendum to Allow for the City's Corporation Counsel to be Selected by the City Council

**For Discussion**

[Discussion Regarding the Appointment of Corporation Counsel by the City Council - Attachment - Pdf](#)

- (R8.) **Discussion Regarding the Creation of a Ward Redistricting Committee** 37 - 43

Councilmember Reid requests the Rules Committee discuss the creation of a Ward Redistricting Committee

**For Discussion**

[Discussion Regarding the Creation of a Ward Redistricting Committee - Attachment - Pdf](#)

- (R9.) **Discussion Regarding Creating a Committee to Monitor FOIA/OMA Compliance** 44 - 45

Councilmember Reid recommends the Rules Committee create a committee to oversee the City's compliance with the Freedom of Information Act and the Open Meetings Act.

**For Discussion**

[Discussion Regarding Creating a Committee to Monitor FOIA/OMA Compliance - Attachment - Pdf](#)

- (R10.) **Discussion Regarding the Realignment of Boards, Committees and Commissions**

Councilmember Reid recommends the Rules Committee to discuss the realignment of boards, committees and commissions.

**For Discussion**

**(VI) ITEMS FOR COMMUNICATION**

**(VII) ADJOURNMENT**

MINUTES OF THE RULES COMMITTEE  
Tuesday, September 7, 2021  
5:00 p.m.  
Lorraine H. Morton Civic Center  
Jay C. Lytle City Council Chambers

Present: Mayor Daniel Biss, Councilmembers Peter Braithwaite, Bobby Burns, Cicely Fleming, Clare Kelly, Jonathan Nieuwsma, Devon Reid, Eleanor Revelle, and Melissa Wynne

Presiding: Councilmember Melissa Wynne

Absent: Councilmember Thomas Suffredin

Staff Present: Kelley A. Gandurski, Deputy City Manager and Nicholas Cummings, Corporation Council

(I) **DECLARATION OF QUORUM: COUNCILMEMBER MELISSA WYNNE:**

Councilmember Braithwaite declared a quorum and called the meeting to order at 5:10 pm. (Chair Wynne was delayed)

(II) **PUBLIC COMMENT:**

Ray Friedman spoke on no notice of the Rules Committee and transparency of process and Reparations.

L.J. Ellul spoke on issues relating to the Ethics Board.

Mary Rosinski spoke on the Ethics Board as well as the no notice of the Rules Committee.

Trisha Connolly spoke on the Board of Ethics.

Meg Welsh spoke on the Board of Ethics.

(III) **EXECUTIVE SESSION**

**R1.** Mayor Biss said pursuant to 5ILCS 120/2a moved for the Rules Committee to convene into Executive Session to discuss agenda regarding meeting minutes. This agenda item is a permitted subject to be considered an executive session. It is an enumerated exception under the Open Meetings Act. These exceptions are 5ILCS 120/2c and are set forth as follows exception #21 discussion of minutes lawfully closed under the open meetings for the purposes of review and semi-annual review at 5:27pm. Councilmember Braithwaite seconded. Roll Call: Vote: 8-1. Councilmember Reid voted no.

**R2.** Chair Wynne called to reconvene the Rules Committee meeting at 6:00pm from Executive Session.

(IV) **APPROVAL OF MINUTES OF REGULAR MEETING**

**R3. Approval of the Minutes of the Rules Committee meeting of May 24, 2021**

Councilmember Reid moved approval. Councilmember Fleming seconded. Roll call: Vote 9-0. Minutes approved.

**R4. Approval of the Minutes of the Rules Committee meeting of June 7, 2021**

Councilmember Braithwaite moved approval. Councilmember Fleming seconded.  
Roll Call: Vote: 9-0. Minutes approved.

**(V) ITEMS FOR CONSIDERATION**

**R5. Discussion of City of Evanston City Council Rule 9.8 and Conflicts Pertaining to Committee Chair Schedules**

Chair Wynne referred to the memo in the packet stating conflicts pertaining to Committee Chair schedules. Ms. Francellno explained that Councilmember Reid was concerned about Councilmembers serving as chair on more than one Standing Committee at the same time, because it goes against what is stated in City Council rules.

Chair Wynne shared that in the past, the chairs were appointed by the Mayor and Council changed it to the seniority system to be more inclusive. The seniority process does allow everyone the opportunity to chair a committee, and is important particularly, when there are new members on the Council to rotate. She is willing to stop serving as Chair of the Rules Committee and allow the next person to step in.

Councilmember Fleming suggested that the vote be for Councilmember Reid to be the new chair through the end of October 2021. Ms. Francellno would then update the schedule and then a vote would be taken on the new schedule.

The Committee asked that the motion be repeated. Councilmember Reid said his motion is asking to commence a six-month term which becomes effective at the October meeting. Roll Call: 5-4. Voting no Councilmembers Braithwaite, Wynne, Nieuwsma and Mayor Biss. The motion passed.

**R6. 20-O-21, Amending Title 1, Chapter 10 of the Evanston City Code, “City of Evanston Code of Ethics and Board of Ethics”**

Chair Wynne read the statement from the packet and motioned for approval. Seconded by Councilmember Braithwaite.

Mr. Cummings reported best practices for the Boards of Ethics.

Councilmember Reid said he feels a subcommittee must be formed with citizen involvement to ensure that the ethical standards are met. Since the Hearing Officer will be paid the process should be more selective.

Chair Wynne said in the past there have been conflicts of interest, and also people who are the complainant have had contact with a member of the Ethics Board – this is not permitted. The modification is to create an arms-length process to create a fair, effective and speedy process. She feels the committee should move forward with this, and that a three-member board would satisfy the citizen participation. Councilmember Fleming said she also agrees they should move forward with the revised version so these individuals can have their issues resolved

Chair Wynne asked for a roll call on the motion to approve the amended version Title 1, Chapter 10. Roll call: Vote was 7 to 2 – motion carried and the ordinance will be sent to City Council.

**R7. Update and Discussion from the Referrals Committee to the Rules Committee**

Councilmember Fleming reported that there is a referral form that has been created that Council members put their referral into and goes into a referral tracker. It’s essentially a spreadsheet

that lists all of the referrals. The Referral Committee meets every two weeks and reviews the spreadsheet and use a scoring criterion. This process started in July and there were some items that had been referred from the City Manager's Office from May, so they were already working from behind. Therefore, getting items from the referral tracker to the committee has been a task.

Mayor Biss agreed and added that there has been a lack of clarity about what should and should not come to the Referral Committee. As mentioned by Councilmember Fleming the items they greenlighted should be placed on the various agendas as quickly as possible. Their role is not to be gatekeepers of all of the other committees. There is quite a backlog and cooperation is needed. The only way to work through the backlog of items is to place the submitted items on the various agendas in a timely fashion. The committee is willing to have discussions with staff or chairpersons to help with the workflow and help to move things forward.

Councilmember Reid questioned the scoring system since Rule 9.7 says the members of the committee would just refer items, not set up and score the items submitted. He is also concerned that there are no staff referrals going through this committee.

After a lengthy discussion, Chair Wynne suggested staff work on the language and bring it back to the next meeting.

**R8. Appointment of the Chair of the Finance & Budget Committee**

Mayor Biss stated there is a Finance & Budget Committee and a vote will be taken at the next City Council meeting, but now a chairperson is needed. Rule 5.6.5 says a special committee shall have a chair appointed by the Mayor with the advice and consent of the City Council. So he reached out to the members on the committee, based on seniority, to see who would be interested in being the chair. It was then brought to his attention that rule 5.6.2 says that committees consisting of Council members and citizens reporting directly to the Council shall have a Council member as chair appointed by the Rules Committee. He wanted to know if the Rules Committee would be in agreement in moving forward with his selection of Chair Wynne as the chair.

Councilmember Kelly suggested that it be a six-month rotation. Councilmember Nieuwsma made a motion for a six-month chair rotation and for Chair Wynne to serve as chair of the Finance & Budget Committee. Motion seconded by Councilmember Braithwaite. The vote was unanimous.

**(VI) NEW BUSINESS**

**(VII) ITEMS FOR COMMUNICATION**

**(VIII) ADJOURNMENT**

Meeting adjourned at 8:25 pm.

Respectfully submitted,  
Darlene Francellno

A video of this meeting is available at <https://www.cityofevanston.org/rules>.

MINUTES OF THE RULES COMMITTEE  
Monday, October 4, 2021  
5:00 p.m.  
Lorraine H. Morton Civic Center  
Jay C. Lytle City Council Chambers

Present: Mayor Daniel Biss, Councilmembers Peter Braithwaite, Bobby Burns Cicely Fleming, Clare Kelly, Jonathan Nieuwsma, Devon Reid, and Eleanor Revelle

Absent: Councilmembers Melissa Wynne and Thomas Suffredin

Presiding: Councilmember Devon Reid

Staff Present: Kelley A. Gandurski, Interim City Manager Alexandra Ruggie, Assistant City Attorney

(I) **DECLARATION OF QUORUM: COUNCILMEMBER DEVON REID:**  
Chair Reid declared a quorum and called the meeting to order at 6:23 pm. Roll Call: 7-0

(II) **PUBLIC COMMENT:**  
None

(III) **RULES COMMITTEE MEETING MINUTES**

R1. **Approval of the June 21, 2021 Rules Committee Meeting Minutes**  
Councilmember Nieuwsma moved for approval. Councilmember Fleming seconded. Roll call: Vote 7-0. Minutes approved.

(IV) **ITEMS FOR CONSIDERATION**

R2. **Approval of the 2022 City Council Meeting Schedule**  
Councilmember Fleming moved for approval. Councilmember Revelle seconded. Roll Call: 7-0  
Motion passed.

R3. **Revised Proposed Standing Committee Chair Schedule for 2021-2025**  
Councilmember Nieuwsma moved to approve the revised Standing Committee Chair Schedule for 2021-2025. Councilmember Revelle seconded.

Councilmember Fleming moved to amend the chart as presented to have the chairmanships end at the end of the month and the next chair start at the beginning of the next month. Councilmember Burns seconded. Motion passed 8-0.

Chair Reid said they now need to vote on the main motion that was moved by Councilmember Nieuwsma; seconded by Councilmember Revelle. Roll Call: 8-0.

(V) **ITEMS FOR DISCUSSION**

R4. **Review of City Council Rule 9.7 Further Clarifying the Authority of the Referrals**



**Committee**

Councilmember Fleming moved for discussion R4 which is City Council Rule 9.7 providing some clarity around the authority of the Referrals Committee. Councilmember Nieuwsma seconded.

Once committee members had an opportunity to ask questions and provide additional comments as it relates to the language update, Councilmember Fleming stated she agreed with the direction of Ms. Gandurski's for committee members to provide feedback to staff in an email to be incorporated for language that will be for action at the October 18 Rules Committee meeting. No further discussion or vote taken.

R5. **Discussion Regarding the Potential Conflict between City Council Rules 5.6.2 and 5.6.5**

Councilmember Braithwaite moved for discussion. Mayor Biss seconded.

Chair Reid explain the conflict created with the formation of the Finance and Budget Committee as a special committee of the City Council as it relates to chairmanship. Per his review of Council Rules and Robert's Rules, the newly formed committee should be standing committee and not a special committee as originally formed.

With little discussion, committee members were agreeable to direct staff to create an ordinance making the Finance and Budget Committee a standing committee. The ordinance will return to the next Rules Committee for action.

R6. **Discussion of Section 1.8.1 of the City Code Concerning Removal of the City Manager**

Councilmember Kelly moved for discussion; Mayor Biss seconded.

Chair Reid said this is a referral that he made months ago regarding what was the threshold for removal of the City Manager, which would be a vote of six members of the City Council including Mayor who would have to vote to remove a City Manager.

Councilmembers Braithwaite and Nieuwsma express concern in reducing the number of votes to remove the City Manager as they begin the recruitment of a new City Manager. Mayor Biss expressed support of the changing from a super majority and simple majority, however expressed concern of voting on this tonight as it was meant to be a discussion not a binding vote.

Chair Reid stated the purpose of tonight's vote was to gage the support of the Rules Committee members to continue this discussion and prepare for a vote for Council action at the next Rules Committee meeting.

After further discussion, Councilmember Fleming recommended the Chair reach out separately to the members to poll if there is the support to bring this item back on the agenda for formal action. No vote was taken.

(VI) **ITEMS FOR COMMUNICATION**

(VII) **ADJOURNMENT**

Meeting adjourned at 7:31 pm.

A video of this meeting is available at <https://www.cityofevanston.org/rules>.

MINUTES OF THE RULES COMMITTEE  
Monday, October 18, 2021  
5:00 p.m.  
Lorraine H. Morton Civic Center  
Jay C. Lytle City Council Chambers

Present: Mayor Daniel Biss, Councilmembers Peter Braithwaite, Bobby Burns, Cicely Fleming, Clare Kelly, Jonathan Nieuwsma, Devon Reid, Eleanor Revelle, Thomas Suffredin (virtual), and Melissa Wynne

Presiding: Councilmember Reid

Staff Present: Kelley A. Gandurski, Interim City Manager and Nicholas Cummings, Corporation Council

Guest: Former Governor Pat Quinn

(I) **DECLARATION OF QUORUM: COUNCILMEMBER DEVON REID:**

Chair Reid declared a quorum and called the meeting to order at 5:06 pm. Roll Call: 6-0.

(II) **PUBLIC COMMENT:**

Allie Harnard spoke on the Voter Initiative item.

Ray Freidman spoke on his support on Evanston Voter Initiative.

Beth Stare, Action Committee Chair spoke on the Evanston Voter Initiative.

(III) **ITEMS FOR CONSIDERATION**

R1. **Proposed Amendment to City Council Rule 9.7**

Mayor Biss moved to adopt the proposed amendment to rule 9.7. Councilmember Wynne seconded. Motion passed 9-1.

R2. **Ordinance, 97-O-21, Amending Section 1-8-1 of the City Code Concerning Removal of the City Manager**

Councilmember Fleming moved for discussion. Councilmember Kelly seconded. After a lengthy discussion the vote was taken on amending Section 1-8-1 of the city code. Roll Call: 5-5. Voting yes: Councilmembers Kelly, Burns, Reid, Fleming and Mayor Biss. Voting no: Councilmembers Braithwaite, Wynne, Nieuwsma, Suffredin and Revelle.

Mr. Cummings pointed out that because it's a committee vote, it still goes to City Council with a neutral recommendation coming from the Rules Committee as a tie. He asked for direction, because of the implications in the rules, to amend rules 7.1, 7.2 and 25.5 in order to comport or do they wait until the City Council makes a decision? Chair Reid said yes and the ordinance would have to be updated as well. So that is the neutral direction.

Councilmember Burns pointed out that he was fine not moving this forward if they don't have the votes because it keeps it out there more. Also acknowledge that Mayor Biss will not vote the next time this comes up at Council leaving the vote five to four. Chair Reid stated he will figure it out with staff with the neutral recommendation.

R3. **Discussion of Rules of the City Council applying to All Standing Committees and Sub-Committees of City Council**

Councilmember Burns moved. Councilmember Fleming seconded.

Roll call: Vote: 8-2. Councilmembers Reid and Kelly voted no.

(IV) **ITEMS FOR DISCUSSION**

R4. **Discussion Regarding the Appointment of Corporation Counsel by the City Council**  
Held.

R5. **Discussion Regarding the Evanston Voter Initiative**

Councilmember Kelly moved for discussion. Mayor Biss seconded. Chair Reid stated this is a recommendation to discuss whether to draft a resolution directing a voter referendum question regarding the Evanston Voter initiative. Former Governor, Pat Quinn, a longtime advocate of voter initiatives and public inclusion was invited by the Chair to speak on the Evanston Voter Initiative.

Under the terms of the Evanston Voters Initiative, community members can submit the proposals to the Council, who has 60 days to consider that proposal. If the Council supports, the proposal the measure will not proceed as a referendum. However, if the Council fail to pass the measure it goes on the ballot as a referendum for voters to express themselves. If the voters approve the initiative referendum, the Council has 30 days to decide whether or not to approve it or the Council can veto.

In 2019, the Evanston Voter Initiative group petitioned to place on the ballot a referendum to support a voter initiative, which received approximately 4,000 signatures. However, the referendum did not move forward to be placed on the ballot by the Court, as the only way the referendum could be adopted is by the City Council placing a binding referendum on the ballot.

Chair Reid stated that the City Council would need to approve an ordinance and resolution. The ordinance would authorize the voter initiative system. The resolution would then be placed on the ballot to let the voters decide if they want a voter initiative system here in Evanston, and then from there, the system would be created where the process as outlined would take place.

After a lengthy discussion among the committee members, Councilmembers Nieuwsma, Braithwaite and Revelle stated that they were not in support to move this forward. Chair Reid stated that this initiative is not just about holding the Council accountable and to enfranchise voters by giving voters greater options in participating in our democracy. It's about a tool for providing both, our residents, a tool for engaging with their neighbors to talk. No further action was taken.

(V) **NEW BUSINESS**

**(VI) ITEMS FOR COMMUNICATION**

**(VII) ADJOURNMENT**

Mayor Biss moved to adjourn. Councilmember Fleming seconded. Meeting adjourned at 6:18 pm.

Respectfully submitted,  
Darlene Francellno

A video of this meeting is available at [www.cityofevanston.org/government/agendas-minutes/agendas-minutes--rules-committee](http://www.cityofevanston.org/government/agendas-minutes/agendas-minutes--rules-committee).



## Memorandum

To: Members of the Rules Committee  
From: Alexandra Ruggie, Assistant City Attorney  
Subject: Ordinance 110-O-21, Amending Title 2 of City Code and Codifying the Finance and Budget Committee  
Date: December 6, 2021

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Recommended Action:

Staff recommends City Council adoption of Ordinance 110-O-21, Amending Title 2 of the City Code and Codifying the Finance and Budget Committee.

Council Action:

For Introduction

Summary:

In July 2021, the City Council adopted amended Rules and Organization of the City Council of the City of Evanston, which contained Rule 9.11.3.1 et seq., the Finance and Budget Committee. The Finance and Budget Committee was created as a "special committee" under City Council Rules. The Committee is set to consist of Councilmembers and citizens and report directly to City Council.

Rule 5.6.2 requires "Committees consisting of Councilmembers and citizens, which report directly to the Council, shall have a Councilmember as Chair appointed by the Rules Committee for a term determined by the Rules Committee."

Rule 5.6.5 requires "Special Committees (Ad Hoc) shall have a chair appointed by the Mayor with the advise and consent of the City Council."

Ultimately, the Rules Committee selected a chair for the Finance and Budget Committee on September 7, 2021; however, to reduce any future confusion, the creation of the Finance and Budget Committee should be done as every other City Board, Commission or Committee should be: by ordinance of City Council.

Staff recommends adoption of Ordinance 110-O-21 to codify the Finance and Budget Committee into Title 2 of the City Code.

Attachments:

[110-O-21 Amending Title 2 to Add the Finance and Budget Committee AR 10-7-21](#)

**110-O-21**  
**AN ORDINANCE**  
**Amending Title 2 of City Code and Codifying the Finance and Budget Committee**

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

**SECTION 1:** Title 2 of the Evanston City Code of 2012, as amended  
("City Code"), is hereby amended as follows:

**CHAPTER 19 – FINANCE AND BUDGET COMMITTEE.**

**2-19-1. - PURPOSE.**

The City Council establishes a Finance and Budget Committee to consider matters relating to bills, budgets, financial reporting and management, investments, rating agencies, police and fire pension boards, and the funding of capital improvements and other long term obligations.

**2-19-2. - MEMBERSHIP.**

The Committee consists of no more than eight (8) members who serve without compensation. The members must include the following:

- A. A maximum of five (5) Councilmembers; and
- B. Three residents of Evanston with financial expertise. "Financial expertise" shall mean individuals who have held finance positions for at least two (2) years.

**2-19-3. – TERM.**

Councilmembers shall serve staggered two-year terms, with members changing in May with the option to extend as needed. The three (3) resident members shall serve two (2) year terms with the option to extend as needed.

**2-19-4. – POWERS AND DUTIES.**



- A. Perform a monthly in-depth review of the financial performance of the City and its departments, including City revenue projections and actuals;
- B. Propose goals for the annual and long-range budget process (internal and community based);
- C. Provide a forum to develop more transparent reporting and budgeting process (i.e. having a public meeting for community participation outside of council);
- D. Review/monitor the finances/budget and continuous improvement goals of City operations and policies;
- E. Recommend funding for City Pensions (including debt issuance) and the Capital Plan; and
- F. Propose financial budgeting policies for adoption by the City Council.

**2-17-5. - ADOPTION OF RULES; SELECTION OF A CHAIRPERSON.**

The Committee must elect a Chairperson from among its members, with a rotating Chair system. The Committee must also adopt rules and regulations necessary to exercise its responsibilities.

**SECTION 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: \_\_\_\_\_, 2021

Approved:

Adopted: \_\_\_\_\_, 2021

\_\_\_\_\_, 2021

\_\_\_\_\_  
Daniel Biss, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Stephanie Mendoza, City Clerk

\_\_\_\_\_  
Nicholas E. Cummings, Corporation  
Counsel

**110-O-21**

**AN ORDINANCE**

**Amending Title 2 of City Code and Codifying the Finance and Budget Committee**

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

**SECTION 1:** Title 2 of the Evanston City Code of 2012, as amended (“City Code”), is hereby amended as follows:

**CHAPTER 19 – FINANCE AND BUDGET COMMITTEE.**

**2-19-1. - PURPOSE.**

The City Council establishes a Finance and Budget Committee to consider matters relating to bills, budgets, financial reporting and management, investments, rating agencies, police and fire pension boards, and the funding of capital improvements and other long term obligations.

**2-19-2. - MEMBERSHIP.**

The Committee consists of no more than eight (8) members who serve without compensation. The members must include the following:

- A. A maximum of five (5) Councilmembers; and
- B. Three residents of Evanston with financial expertise. “Financial expertise” shall mean individuals who have held finance positions for at least two (2) years.

**2-19-3. – TERM.**

Councilmembers shall serve staggered two-year terms, with members changing in May with the option to extend as needed. The three (3) resident members shall serve two (2) year terms with the option to extend as needed.

**2-19-4. – POWERS AND DUTIES.**

- A. Perform a monthly in-depth review of the financial performance of the City and its departments, including City revenue projections and actuals;
- B. Propose goals for the annual and long-range budget process (internal and community based);
- C. Provide a forum to develop more transparent reporting and budgeting process (i.e. having a public meeting for community participation outside of council);
- D. Review/monitor the finances/budget and continuous improvement goals of City operations and policies;
- E. Recommend funding for City Pensions (including debt issuance) and the Capital Plan; and
- F. Propose financial budgeting policies for adoption by the City Council.

**2-17-5. - ADOPTION OF RULES; SELECTION OF A CHAIRPERSON.**

The Committee must elect a Chairperson from among its members, with a rotating Chair system. The Committee must also adopt rules and regulations necessary to exercise its responsibilities.

**SECTION 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: \_\_\_\_\_, 2021

Approved:

Adopted: \_\_\_\_\_, 2021

\_\_\_\_\_, 2021

\_\_\_\_\_  
Daniel Biss, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Stephanie Mendoza, City Clerk

\_\_\_\_\_  
Nicholas E. Cummings, Corporation  
Counsel



## Memorandum

To: Honorable Mayor and Members of the City Council  
CC: Members of the Equity and Empowerment Commission  
From: Kimberly Richardson, Deputy City Manager  
Subject: Adoption of Ordinance 117-O-21 "Amending Title 2, Chapter 12 of the Evanston City Code "Equity and Empowerment Commission"  
Date: December 6, 2021

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Recommended Action:

The Equity and Empowerment Commission recommends the adoption of ordinance 117-O-21 "Amending Title 2, Chapter 12, "Equity and Empowerment Commission".

Council Action:

For Action

Summary:

At the November 18 meeting, the Equity and Empowerment Commission approved the amended language to Title 2, Chapter 12, "Equity and Empowerment Commission" for adoption by City Council.

Legislative History:

85-O-17, "Creating Title 2, Chapter 12 of the Evanston City Code Forming an "Equity and Empowerment Commission"

Attachments:

[117-O-21 Amending Title 2, Chapter 12 of the Evanston City Code "Equity and Empowerment Commission"](#)

10/20/2021

11/22/2021

**117-O-21**

**AN ORDINANCE**

**Amending Title 2, Chapter 12 of the Evanston City Code “Equity and Empowerment Commission”**

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

**SECTION 1:** Legislative Statement. This Ordinance creates a City of Evanston Equity and Empowerment Commission whose primary function is to address issues of access, equity, and empowerment within the City. Diversity and inclusion are core values of the Evanston community. The City Council determines that it is in the best interest of the City to create an Equity and Empowerment Commission to achieve lasting change, leverage diversity, and actively practice inclusion.

Article VII, Section (6)a of the Illinois Constitution of 1970, which states that the “powers and functions of home rule units shall be construed liberally,” was written “with the intention that home rule units be given the broadest powers possible” (*Scadron v. City of Des Plaines*, 153 Ill.2d 164). Pursuant to 65 ILCS 5/1-2-1, the City may make all rules and regulations to carry into effect the powers granted to the City, such broad and general grant of authority complementing the City’s home rule powers. At meetings held in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*), the City Council considered this Ordinance, heard public comment, and made findings. It is well-settled law in Illinois that the legislative judgment of the City Council must be considered presumptively valid (*see Glenview State Bank v. Village of*

*Deerfield*, 213 Ill.App.3d 747(1991)) and is not subject to courtroom fact-finding (see *National Paint & Coating Ass'n v. City of Chicago*, 45 F.3d 1124 (1995)).

The City Council finds that creating an entity that proactively addresses issues of equity and empowerment in the City of Evanston is a priority. The City Council desires to amend the City Code to create an Equity and Empowerment Commission.

**SECTION 2:** Title 2, Chapter 12 of the Evanston City Code of 2012, as amended ("City Code"), is hereby further amended and shall read as follows:

## **CHAPTER 12 – EQUITY AND EMPOWERMENT COMMISSION**

### **2-12-1: PURPOSE.**

The purpose of the Equity & Empowerment Commission ("Commission") is to identify systems of inequity, and guided by resident voices, hold the City of Evanston and its governing leadership bodies to provide racial equity measurement tools to dismantle racist policies and practices as they rebuild equitable ones. The scope of these efforts includes systems within City services, programs, and policies, including decision-making processes and practices. ~~and eradicate inequities in the City of Evanston, including City services, programs, human resources practices, and decision-making processes.~~ The Commission will work with community partners and businesses to promote equity and inclusion within the City and provide guidance, education, and assistance to City Departments to build capacity in achieving equitable outcomes and services. Further, the Commission will be transparent and collaborative with both internal and external individuals and entities, holding all accountable for measurable improvements and outcomes. Finally, the Commission will promote, support, and build capacity with laws, ordinances, and regulations related to equity and empowerment within the City.

### **2-12-2: MEMBERSHIP.**

The Commission consists of nine (9) members who ~~serve without compensation and are residents of~~ live in the City of Evanston, with no more than two (2) being Councilmembers. ~~The members must include the following:~~ shall have training and/or lived racial equity experience along with at least one (1) of the following requirements:

- (A) ~~One (1) member who has the t~~ Training and/or experience representing the needs of those who have a physical or mental disability;
- (B) Experience in social justice advocacy, environmental justice or similar areas of advocacy or civic engagement work; and



- (C) Bilingual speakers representing dominant languages spoken within the City of Evanston.
- ~~(B) Five (5) members who have experience in human rights, social justice advocacy, or similar areas;~~
- ~~(C) One (1) member who is a bilingual Spanish speaker; and~~
- ~~(D) One (1) member who is an Alderman.~~

The Commission's membership must reflect the demographic makeup of the City of Evanston population, including but not limited to: race, color, religion, national origin, sex, sexual orientation, gender identity, marital status, age, source of income, physical disability or mental disability.

### **2-12-3: TERM.**

Commission members are appointed to three (3) year terms by the Mayor with the advice and consent of the City Council. ~~Non-aldermanic M~~members may serve for not more than two (2) full terms.

### **2-12-4: POWERS AND DUTIES.**

In carrying out its responsibilities, the Commission must:

- ~~(A) Evaluate, develop and recommend equity tools to be used to examine policies, practices, services and programs;~~
- ~~(B) Develop ways to measure and monitor community relations, race relations, and civil rights issues, particularly those that are sources of intergroup conflict;~~
- ~~(C) Study and investigate problems of prejudice, bigotry, and discrimination for the purpose of developing action strategies to eliminate these problems;~~
- ~~(D) Develop strategies to improve quality of life, livability and equity for all residents of Evanston;~~
- (A) Identify and recommend a Racial Equity framework to be used by City Commissions, Committees, and the City Manager to examine policies, practices, services and programs and all significant decisions made across the City.
- (B) Develop a process and mechanism for community members to evaluate the quality of life, livability and impact of the City of Evanston's racial equity work and progress. Publish equity annual report based on community survey/ feedback results.
- (C) Develop an Equity Review (Rubric) of City policy, practices, services and programs to help guide a more equitable development.
- (D) Evaluate and recommend new policies, practices, services and programs for issues that are referred to the Commission by the City Council, Mayor or the Commission Chair. These projects would have to meet the project threshold rubric as outlined by the Commission.
- (E) Continually foster alignment between the equity goals of the City Manager's Office, the Mayor, City Council and the EEC.

- (F)** ~~(E)~~ Submit an annual report to City Council on the goals, activities and accomplishments of the Commission; and
- (G)** ~~(F)~~ Create subcommittees, as necessary, in furtherance of the Commission's purpose.

**2-12-5: ADOPTION OF RULES; SELECTION OF A CHAIRPERSON.**

The Commission must annually elect a Chairperson from among its members. The Commission must also adopt rules and regulations necessary to exercise its responsibilities.

**SECTION 3:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4:** This ordinance must be in full force and effect after its passage, approval, and publication in a manner provided by law.

**SECTION 5:** If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity must not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: \_\_\_\_\_, 2021

Approved:

Adopted: \_\_\_\_\_, 2021

\_\_\_\_\_, 2021

\_\_\_\_\_  
Daniel Biss, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Stephanie Mendoza, City Clerk

\_\_\_\_\_  
Nicholas E. Cummings, Corporation Counsel



## Memorandum

To: Members of the Rules Committee  
From: Alexandra Ruggie, Assistant City Attorney  
Subject: Ordinance 112-O-21, Amending Section 1-7-2 of the City Code, "General Duties of the Clerk" to add Processing of Temporary Disability Vehicle Placards and Vital Records  
Date: December 6, 2021

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Recommended Action:

Staff recommends adoption of Ordinance 112-O-21, Amending Section 1-7-2 of the City Code, "General Duties of the City Clerk" to add Processing of Temporary Disability Vehicle Placards and Vital Records

Funding Source:

N/A

Council Action:

For Action

Summary:

Ordinance 112-O-21 updates City Code Section 1-7-2 to add additional duties to the City Clerk's Office. Currently the City Clerk processes temporary disability vehicle placards under Illinois State Statute, 625 ILCS 5/11-1301.2. This ordinance amendment codifies these duties.

Additionally, the Clerk's office is able to make vital records available pursuant to State statute, 410 ILCS 535/8. Again, these are duties currently held by the City Clerk's office and this ordinance seeks to codify these duties.

Attachments:

[112-O-21 Amending Title 1, Chapter 7 of the City Code, "General Duties of the City Clerk"](#)

**112-O-21**

**AN ORDINANCE**

**Amending Section 1-7-2 of the City Code, "General Duties of the Clerk" to add Processing of Temporary Disability Vehicle Placards and Vital Records**

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

**SECTION 1:** City Code Section 1-7-2 "General Duties of the Clerk" of the Evanston City Code of 2012, as amended, is hereby amended to add as follows:

**1-7-2. - GENERAL DUTIES OF THE CLERK.**

In addition to the duties now imposed upon the City Clerk by Illinois law, 65 ILCS 5/3.1-35-90, said City Clerk shall perform the following duties:

- (A) Issue notices of all regular and special meetings to the members of the City Council and also send notices to the members of the different committees of that body and to all persons whose attendance will be required before any such committee, when directed by the chairman thereof.
- (B) All petitions, remonstrances or other communications addressed to the City Council shall be received by the Clerk and read at the meeting of the Council next succeeding their receipt, unless otherwise ordered by the Council.
- (C) Deliver, without delay, to the officers of the City and to all committees of the City Council, all resolutions and communications referred to such officers or committees by the City Council.
- (D) Deliver, without delay, to the Mayor all ordinances or resolutions under his/her charge which may require approval or other action by the Mayor, with all the papers on which the same were founded.
- (E) Furnish to the members of the City Council a copy of the proceedings of the meetings of the City Council not later than the fifth day following such meeting.

- (F) Within five (5) days after the result of any municipal election is declared or appointment made, notify all persons elected or appointed to any City office of their election or appointment and of the requirements necessary to qualify for such office, and unless such persons shall respectively qualify within ten (10) days after mailing of such notice, the office shall become vacant.
- (G) The City Clerk shall be the custodian and keeper of all the books, records, ordinances and papers of the City. The compensation allowed the City Clerk shall be considered full compensation to cover such duties as may be performed in the capacity of City Clerk for the City.
- (H) Generally do and perform such other duties as may be required by the City Council and the ordinances of the City.
- (I) The City Clerk shall keep the City Seal, pursuant to Section 1-15-2 of this Title, and all papers belonging to the City, the custody and control of which are not given to other officers.
- (J) The City Clerk shall attend all meetings of the City Council and shall keep a full record of its proceedings in minutes of the meeting.
- (K) The City Clerk, as a public official, may solemnize marriages pursuant to the Illinois Marriage and Dissolution of Marriage Act 750 ILCS 5/ et seq.
- (L) The City Clerk shall make available and process temporary disability vehicle placards pursuant to 625 ILCS 5/11-1301.2.
- (M) The City Clerk shall make available vital records, such as birth, death and marriage certificates to Evanston residents pursuant to 410 ILCS 535/8.

**SECTION 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: \_\_\_\_\_, 2021

Approved:

Adopted: \_\_\_\_\_, 2021

\_\_\_\_\_, 2021

\_\_\_\_\_  
Daniel Biss, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Stephanie Mendoza, City Clerk

\_\_\_\_\_  
Nicholas E. Cummings,  
Corporation Counsel



## Memorandum

To: Members of the Rules Committee  
From: Nicholas Cummings, Corporation Counsel  
Subject: Discussion Regarding Amending City Code 1-6-4 to Require the Mayor to Announce Mayoral Veto at the City Council Meeting Immediately Following the Veto  
Date: December 6, 2021

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Recommended Action:

Councilmember Reid recommends the Rules Committee consider amending City Code 1-6-4 to require the Mayor to announce Mayoral veto at the next regular City Council meeting following said veto

Council Action:

For Discussion

Summary:

On October 19, 2021 Councilmember Reid made a referral requesting a requirement that the Mayor announce when the Mayor exercised their veto power at the next regular City Council meeting following the veto.

City Code Section 1-6-4 outlines the veto authority and process. Under the current process, if the Mayor objects to the passage of any City Council resolution or motion that creates any liability against the City or provides for the expenditure or appropriation of City funds must be deposited with the Clerk and signed by the Mayor. If the Mayor does not agree or disapproves of the resolution or ordinance, the ordinance/resolution must be returned unsigned to City Council along with written objections within five (5) days of its passage. The resolution/ordinance and written objections will be on the agenda at the next regular meeting of the City Council to be reconsidered by the City Council. Failure of the Mayor to return the resolution or ordinance and written objections will result in the resolution/ordinance passing in conjunction with state law, despite the Mayor's objections. 65 ILCS 5/5-3-2.

Recently, this process was invoked to veto Ordinance 109-O-21, as that Ordinance, although passed by City Council, was not in compliance with State law.

Legislative History:

Previously amended by Ordinance 8-O-12



## Memorandum

To: Members of the Rules Committee  
From: Alexandra Ruggie, Assistant City Attorney  
Subject: Discussion Regarding Elected Officials Compensation  
Date: December 6, 2021

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Recommended Action:

Councilmember Reid recommends discussion regarding elected officials compensation or in the alternative, provision of an additional stipend.

Council Action:

For Discussion

Summary:

On August 9, 2021, Councilmember Reid made a referral to the Rules Committee to discuss elected official compensation. On October 19, 2021, Councilmember Reid made a referral to discuss implementation of a stipend of \$7,200.00 for the Mayor and councilmembers to cover costs of a home office, internet, cell phone, travel and membership fees to professional organizations.

Evanston City Code, Illinois Municipal Code and the Illinois Constitution currently mandate the process for setting elected official compensation rates. Evanston City Code 1-5-9(B) states that a non-aldermanic committee shall review the aldermanic compensation every four years and then submit a report and recommendations to the City Council.

The Illinois Municipal Code further mandates that, "[t]he salaries that are fixed by ordinance for those officers who hold elective office for a definite term shall neither be increased nor diminished during that term and shall be fixed at least 180 days before the beginning of the terms of the officers whose compensation is to be fixed." 65 ILCS 5/3.1-50-10.

Furthermore, the Article VII, Section 9(b) of the Illinois Constitution states, "An increase or decrease in the salary of an elected officer of any unit of local government shall not take effect during the term for which that officer is elected."

Per the Illinois Constitution, the City cannot change the compensation for the current term. Therefore, any proposed change to the elected official compensation will not take effect until a new City Council is seated in 2025.



City Council Rule 28 provides for a "Technology Allowance" of seventy-five (\$75.00) per month "to assist with technological amenities associated with conducting City business, including, but not limited to: high-speed internet service, a mobile phone device/service or other communication needs."

Attached is the recommended compensation from Councilmember Reid.

Attachments:

[City Council Compensation Spreadsheet](#)

	Plan A (~70% AMI)		Plan B (~50% AMI)		Status Quo (~20% AMI)		Wage Comparison	
	Councilmember	Mayoral	Councilmember	Mayoral	Councilmember	Mayoral	Minimum Wage (\$13/hr) 40% AMI	Living Wage (40.12/hr)
Total Compensation	\$45,990.00	\$55,317.00	\$35,990.00	\$45,317.00	\$15,990.00	\$25,317.00	\$27,040.00	\$83,450.00
Increase		\$30,000.00		\$20,000.00			- Area Median Income/wage figures are calculated using a family of 3 and are, in most cases, rounded down to create simplicity.	
Budget Impact		\$300,000.00		\$200,000.00				



## Memorandum

To: Members of the Rules Committee  
From: Nicholas Cummings, Corporation Counsel  
Subject: Discussion Regarding the Appointment of Corporation Counsel by the City Council  
Date: December 6, 2021

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Recommended Action:

Councilmember Reid Recommends the Rules Committee Discuss a Resolution for a Referendum to Allow for the City's Corporation Counsel to be Selected by the City Council

Council Action:

For Discussion

Summary:

On August 10, 2021, Councilmember Reid made a referral to change the way the City's Corporation Counsel is appointed. Currently, the Corporation Counsel is appointed by the City Manager (65 ILCS 5/5-3-7(2); City Code 1-8-3(b)). The City Manager has the authority to appoint and remove all officers who are not required to be elected by Article 3.1 of the Illinois Municipal Code. (65 ILCS 5/5-3-7(4)).

The appointment authority of the City Manager relates to the form of government, and may not be altered absent a referendum approved by the voters of the City. *Pechous v. Slawko*, 64 Ill.2d 576 (1976). Requiring that the City's attorney/Corporation Counsel be appointed by the City Council, rather than the City Manager is an alternation in the balance of power between the legislative and executive branches of City government. *Dunne v. Cook County*, 108 Ill.2d 161 (1985). A resolution putting forth a question to Evanston voters must be put forward at least 79 days prior to a regularly scheduled election. 10 ILCS 5/28-2(c). The next regularly scheduled election is the primary in June 28, 2022. 10 ILCS 5/1-3. Notice of the question must be published no earlier than April 29, 2022 (no more than 60 days) and before June 18, 2022 (no less than 10 days) prior to the June 28, 2022 election. 10 ILCS 5/12-5(a).

Referenda questions must meet standards of clarity and completeness. *Leck v. Michaelson*, 111 Ill. 2d 532 (1986). Thus, if the City Council were to propose a resolution putting forth a referendum question, that question must "adequately [work] out and articulate the details of the new scheme." *Id.* at 531. Provided the referendum question met those standards, this would be a valid exercise of home rule authority under Article 7, Section 6(f) of the Illinois Constitution.

Generally, it is uncommon for City department heads and officers to be appointed by the legislative rather than the executive branch of government in a City Manager form of government in Illinois; however, in neighboring Skokie, each of the City's attorneys (the Corporation Counsel and any assistant Corporation Counsel) are appointed by the Mayor with the advice and consent of the Village Board. All other law department staff are hired by the Village Manager. A survey of other suburban-Chicago communities including Mt. Prospect, Wilmette, Wheeling and Oak Park shows the village manager maintains the authority to appoint the municipal attorney and law department staff.



## Memorandum

To: Members of the Rules Committee  
From: Nicholas Cummings, Corporation Counsel  
Subject: Discussion Regarding the Creation of a Ward Redistricting Committee  
Date: December 6, 2021

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Recommended Action:

Councilmember Reid requests the Rules Committee discuss the creation of a Ward Redistricting Committee

Council Action:

For Discussion

Summary:

On October 19, 2021, Councilmember Reid made a referral regarding the creation of a Ward Redistricting Committee. According to the 2020 Census, Evanston saw an increase in population of 3,624 residents. Media reporting indicates the increase in population is related to specific planned developments in the City, causing a potential imbalance in ward populations.

While Evanston operates as a City Manager form of government under Article 5 of the state Municipal Code, it elects its officials pursuant to Article 3.1. Evanston city Code 1-5-1 et seq.; 65 ILCS 5/3.1 et seq. However, in the event of a conflict between Article 3.1 and Article 5, Article 5 controls. 65 ILCS 5/3.1-5-5. State law mandates the City redistrict should there be a change in population that would require an increase or decrease in the number of wards in the City. 65 ILCS 5/3.1-20-25(b). The City's population would have to dip below 70,000 or increase above 90,000 in order to have mandatory redistricting. 65 ILCS 5/3.1-20-10. However, if the City Council feels the need to redistrict for some other reason--such as population shifts in the various wards--redistricting is permitted. 65 ILCS 5/3.1-20-25(c).

The City is entitled to either sixteen (16) or eighteen (18) alderpersons under State law. 65 ILCS 5/3.1-20-10(a) (allowing for 18 alderpersons) and (b) (allowing for 16 alderpersons). State law mandates the City have half the number of wards as the number of alderpersons to which it is entitled. 65 ILCS 5/3.1-20-15. Thus the City must have no fewer than eight (8) wards and no more than nine (9) wards based on its current population.

The last redistricting of Evanston occurred in 2003 following hearings on redistricting conducted by the Rules Committee. At least fifteen (15) maps were presented and considered by the Rules Committee. Ultimately, the Rules Committee recommended to the City Council Ordinance 103-O-03 which approved the current ward map for all nine (9) wards of the City.

City Council Rule 9.11.1 allows for the creation of Special Committees to be appointed to consider particular problems. 9.11.2 governs committees made up entirely of councilmembers whereas 9.11.3 governs committees comprised of councilmembers and citizens of the City. The Rules Committee may appoint special committees pursuant to either rule. A committee comprised entirely of citizens may be appointed by the Mayor with the advice of the City Council pursuant to 9.11.4.

The Rules Committee must determine:

- Whether to have a redistricting committee and whether there is data to support such a committee;
- Whether the redistricting committee should be comprised of only councilmembers;
- Whether the redistricting committee should be comprised of councilmembers and citizens; or
- Whether the redistricting committee should be comprised entirely of Citizens.

Any new map drawn would take effect for the next municipal election, with councilmembers representing the new wards. A candidate for City Council may be elected from any ward that contains part of the ward in which he or she resided at least one year next preceding the election that follows the redistricting. 65 ILCS 5/3.1-20-25(c). A new map would need to be approved no less than 30 days before the first day set by general election law for the filing of candidate petitions for the next municipal election. 65 ILCS 5/3.1-20-25(b). Based on prior years, it is expected the filing dates occur sometime in the fall preceding the municipal election; thus, it is advised that a new map be adopted no later than August 1, 2024.

Legislative History:

Ordinance 103-O-03, Amending Title 1, Chapter 13, Section 4 "Wards and Precincts"

Attachments:

[103-O-03](#)

11/7/03, 11/13/2003, 11/24/03

**103-O-03**

**AN ORDINANCE**

**Amending Title 1, Chapter 13, Section 4,  
"Wards and Precincts" of the Evanston City Code**

**WHEREAS**, the City of Evanston is an Illinois municipal corporation having home rule powers under Article VII of the 1970 Illinois Constitution; and

**WHEREAS**, pursuant to Article VII, Section 6 of the Illinois Constitution of 1970 a Home Rule of Government may exercise and perform concurrently with the State any power or function of a Home Rule Unit to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State's exercise to be exclusive; and

**WHEREAS**, among the powers granted to a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution is the power to exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the apportionment and redistricting of the Wards of the City of Evanston is a matter pertaining to the government and affairs of the City; and

**WHEREAS**, the Rules Committee of the Evanston City Council has on June 2, 2003, August 4, 2003, September 3, 2003, October 7, 2003 and October 20, 2003, as well as on many occasions prior to June 2, held either public hearings, public comment or public meetings on the redistricting of the City of Evanston; and

**WHEREAS**, all citizens and residents of the City have been encouraged and solicited to present redistricting maps and proposals to the Rules Committee; and

**WHEREAS**, no less than fifteen proposed redistricting maps have been presented to the Rules Committee; and

**WHEREAS**, the Rules Committee has considered in its redistricting deliberations, Traditional Districting Concepts, including but not limited to; compactness, contiguity, natural geographic boundaries, protection of incumbency, communities of interests (including residential property owners, municipal taxpayers, lakefront properties owners, commercial business interests, and student population) man-made geographic boundaries, traditional Evanston neighborhoods and the minimization of voter confusion as well as the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution and the Voting Rights Act of 1965; and

**WHEREAS**, the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution requires that each Legislative District (Ward) be as approximately equal in population as is practicable; and

**WHEREAS**, the Rules Committee has determined that the appropriate population basis for an Equal Protection analysis is total population as determined by the most recent U.S. Census; and

**WHEREAS**, Section 2 of the Voting Rights Act of 1965 prohibits the denial or abridgement of the right of any citizen of the United States to vote on account of race, or color or membership in a language minority group; and

**WHEREAS**, the Rules Committee has recommended to the City Council the adoption of the redistricting map as set forth in Exhibit A herein; and



**WHEREAS**, the City Council does hereby adopt the findings and considerations of the Rules Committee; and

**WHEREAS**, the City Council specifically finds that in adopting a Redistricting Map, the Council has considered all the aforementioned Traditional Districting principles, as well as the requirements of the Fourteenth Amendment to the U.S. Constitution protecting "one person one vote" and the requirements of the Voting Rights Act prohibiting voter dilution; and

**WHEREAS**, the City Council does find that the redistricting map as shown in Exhibit A does reflect all the aforesaid considerations and;

**WHEREAS**, such map is in the best interests of all the citizens and residents of the City of Evanston,

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

**SECTION 1:** Title 1, Section 1-13-4 of the Code of the City of Evanston, as amended, be and the same is hereby amended so that the Sections enumerated below shall hereafter read as follows:

**1-13-4:** **WARDS AND PRECINCTS:** The City is hereby divided into nine (9) wards, all in Evanston Township. Precinct boundaries shall be those as established and revised by the Cook County Board of Commissions.

**1-13-4-1:** The Wards shall be as set forth as in Exhibit A attached hereto and incorporated herein by reference.

**SECTION 2:** The City Manager or his designee is hereby directed to provide a meets and bounds or other legal or written description of the ward boundaries as set forth in Exhibit A.

**SECTION 3:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4:** That this ordinance shall be published in the manner provided by law and shall be in full force and effect from and after the date of the municipal election August 1, 2004.

Introduced: November 10, 2003

Adopted: December 15, 2003

Approved:

December 18, 2003  
Lorraine A. Norton  
Mayor

ATTEST:

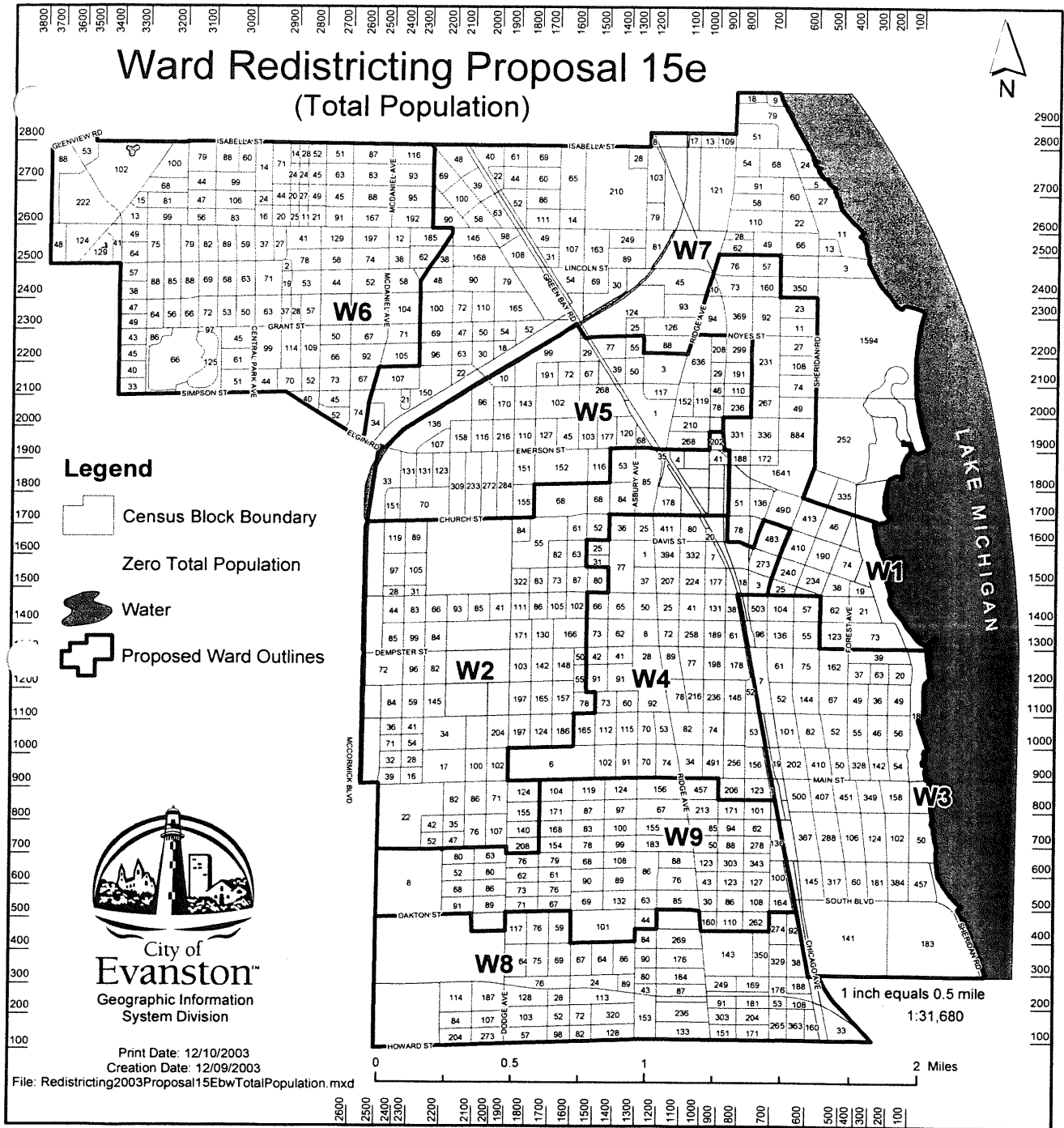
Mary J. Morris  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel

EXHIBIT A

# Ward Redistricting Proposal 15e (Total Population)



Proposal 15e - Total Population												
Ward	Total	Deviation	White	% Black	%	Total18	White18	%T18	Black18	%T18	Minor18	%T18
W1	7,996	-253	6,159	77.0	437	7,474	5,713	76.4	424	5.7	1,761	23.6
W2	8,041	-206	2,522	31.4	4,135	5,864	1,976	33.7	2,937	50.1	3,888	66.3
W3	8,197	-52	7,074	86.3	427	7,136	6,212	87.1	348	4.9	924	12.9
W4	8,122	-127	6,488	79.9	768	6,884	5,547	80.6	623	9.0	1,337	19.4
W5	7,965	-284	2,429	30.5	4,453	5,998	2,123	35.4	3,060	51.0	3,875	64.6
W6	8,563	314	7,971	93.1	189	6,401	6,010	93.9	137	2.1	391	6.1
W7	8,676	427	7,380	85.1	312	7,186	6,053	84.2	270	3.8	1,133	15.8
W8	8,642	393	3,348	38.7	4,009	6,141	2,762	45.0	2,554	41.6	3,379	55.0
W9	8,037	-212	5,058	62.9	1,974	6,154	4,124	67.0	1,363	22.1	2,030	33.0
<b>Totals</b>	<b>74,239</b>		<b>48,429</b>	<b>16,704</b>	<b>59,238</b>	<b>40,520</b>	<b>11,716</b>				<b>18,718</b>	

Map compiled by the City of Evanston from U.S. Census Bureau's Census 2000 Summary File 1. For more information on Census data see <http://www.census.gov>  
Page 7 of 7 This map is provided "as is" without warranty of any kind. See <http://www.cityofevanston.com> for more information.



## Memorandum

To: Members of the Rules Committee  
From: Nicholas Cummings, Corporation Counsel  
Subject: Discussion Regarding Creating a Committee to Monitor FOIA/OMA Compliance  
Date: December 6, 2021

---

Recommended Action:

Councilmember Reid recommends the Rules Committee create a committee to oversee the City's compliance with the Freedom of Information Act and the Open Meetings Act.

Council Action:

For Discussion

Summary:

On October 19, 2021, Councilmember Reid made a referral to create a committee tasked with monitoring the City's compliance with the Freedom of Information Act (FOIA) and the Open Meetings Act (OMA). City Council Rule 9.11 governs the creation of Special Committees. Rules 9.11.2 and 9.11.3 allow Special Committees to be created by the Rules Committee.

City Council Rule 9.3 identifies the jurisdiction of the Rules Committee. The Rules Committee is tasked with ensuring compliance with the OMA. (Rule 9.3(E)).

FOIA is a comprehensive legislative scheme that details obligations for disclosure and allowances for exemptions to disclosure. 5 ILCS 140/1 et seq. FOIA establishes the Public Access Counselor within the Office of the Attorney General to ensure compliance with FOIA. 5 ILCS 140/9.5. Additionally, FOIA provides relief through the courts, wherein a requestor who has been denied access to records can seek injunctive or declaratory relief from the courts. 5 ILCS 140/11. FOIA sets forth statutory penalties for failure to comply with FOIA. 5 ILCS 140/11(j).

The City Clerk is the keeper of records of the City that are not designated to be kept by other municipal officers. 65 ILCS 5/3.1-35-90. Pursuant to the Act, the Clerk is the City's designated FOIA officer for records excluding the collector's office, law department and police records. 5 ILCS 140/3.5. State law provides for penalties for the failure of the City Clerk to perform their duty in the form of a petty offense and a fine not more than \$100. 65 ILCS 5/3.1-35-80. While the corporate authorities may designate further duties to the Clerk, 65 ILCS 5/3.1-35-90, there

is nothing in state law that the Law Department has been able to find giving guidance on the corporate authorities overseeing the fulfillment of the duties of another elected official.