

116-O-15**AN ORDINANCE****Amending Title 1, Chapter 9 of the City Code to Implement a Reorganization and Consolidation of the Executive Departments in the City of Evanston to Ensure a Stable City Budget, and that Community Standards for City Services and Livability are Met****SECTION 1. Legislative Statement.**

As an unfortunate result of the State of Illinois' fiscal crisis, the City of Evanston faces enormous budget challenges in the months and years ahead. Since Evanston receives funding through the State for many items, a multi-million dollar decrease in revenue will adversely impact service delivery throughout the City. The State is actively cutting or clawing back funds previously issued to the City, and greatly reducing Motor Fuel Tax Funding. A fundamental change in the City's organizational structure is necessary to meet this economic reality, while at the same time, accounting for and utilizing best practices for service delivery and organizational efficiency. It is through this prism that the City studied consolidation and organizational realignment of several City departments. This work relied upon and utilized the efforts of City staff at all levels.

Ensuring that City residents get more and better services with existing resources while prudently managing taxpayer funds will align with the City Council's goals and community standards. Service realignment and reorganization has been an ongoing process in the City for many years. One of the core goals in all these efforts is to save money and streamline operations. Improving operations while saving taxpayer funds is critical given the continuing impact of State cuts to City revenues.

Since May 2015, dozens of City staff members evaluated the City's capital planning, infrastructure investments, facility and park maintenance and stewardship of natural resources. Comparable organizational models from similarly situated jurisdictions informed the process, and ensured evidence based decisions for the reorganization were articulated clearly. As a result of the reorganization and consolidation of the Public Works, Utilities, and other City departments, the City is eliminating several Full-Time Equivalent ("FTE") positions, effective January 1, 2016 for Fiscal Year 2016. The reorganization also recognizes and codifies work done in the City following the electorally mandated dissolution of Evanston Township in 2014.

As reorganization is implemented, further legislative and budgetary action will be necessary. The City will conduct internal recruitments and application processes consistent with City policies and applicable law. The City Council approves of the substantive work to improve service delivery, and to reduce or consolidate management positions to save taxpayer funds, such work which is a legislative act with prospective implications. *Bagley v. Blagojevich*, 646 F.3d 378 (7th Cir. 2011).

Introduction, analysis, discussion, and passage of this ordinance are integral steps in the legislative process, and these legislative activities performed by City staff and the City Council are entitled to absolute legislative immunity. *Bogan v. Scott-Harris*, 523 U.S. 44 (1998); *Rateree v. Rockett*, 852 F.2d 946, (7th Cir. 1988); *Biblia Abierta v. Banks*, 129 F.3d 899 (7th Cir. 1997); *Reeder v. Madigan*, 780 F.3d 799 (7th Dist. 2015). The reorganization and consolidation reflects discretionary, policymaking decisions implicating the budgetary priorities of the City of Evanston, and as such, the US Supreme Court stated these decisions are entitled to deference. *Bogan* at 55. See also

In re Chicago Flood Litigation, 176 Ill.2d 179 (1997)(Discretionary policy-making acts entitled to immunity under 745 ILCS 10/2-201). The actions by the City's staff and Council members in balancing competing interests and making judgment calls is entitled to immunity under 745 ILCS 10/2-109. *Weiler v. Village of Oak Lawn*, 2015 WL 1538498 (ND Ill. 2015).

The City Council finds that a rational basis exists for implementing a reorganization of the City departments specified in this Ordinance and in subsequent legislative enactments. This legitimate governmental reorganization is constitutionally proper and embodies valid, non-pretextual reasons to eliminate or reclassify certain Full Time Equivalent (FTE) positions. *Schulz v. Green County*, 645 F.3d 949 (7th Cir. 2011); *Misek v. City of Chicago*, 783 F.2d 98 (7th Cir. 1986); *Groark v. Thorleif Larsen & Son, Inc.*, 231 Ill.App.3d 61 (1st Dist. 1992).

Over the course of 2015, the City Council considered and adopted the records and recommendations of the City Manager and staff. The City Council held meetings in compliance with the provisions of the Illinois Open Meetings Act and considered the statements, points, and authorities made in the legislative Record, and received additional input from the public.

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

SECTION 2: Title 1 of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

1-9-1. - MUNICIPAL OFFICERS AND DEPARTMENTS.

For the purposes of this Code, and for the administration and enforcement of the affairs and policies of the City, there shall be the following executive

departments of the City. Each department shall be administered by a department head appointed by the City Manager, except for the Library Director, who shall be appointed by the Evanston Public Library Board of Trustees. The department heads shall perform all duties required by the City Code, applicable law, or by the City Manager. Department heads and their deputies shall be officers of the City.

Departments and department heads shall be as follows:

DEPARTMENT	DEPARTMENT HEAD
Administrative Services	Director of Administrative Services
Community Development	Director of Community Development
Fire Department	Fire Chief
Health and Human Services	Director of Health and Human Services
Law	Corporation Counsel
Parks, Recreation and Community Services	Director of Parks, Recreation and Community Services
Police	Police Chief
Public Library	Library Director
Public Works Agency	Director of Public Works Agency

1-9-2. - BONDS AND OATH OF OFFICE PURSUANT TO 65 ILCS 5/5-3-9.

(A) Bonds. The Finance Director shall secure and keep in force and effect faithful performance bonds for all employee positions of the City in the amount of one hundred thousand dollars (\$100,000.00), except faithful performance bonds on three (3) positions shall be kept at indicated levels as follows:

Finance Director	\$250,000.00
City Clerk	1,000.00
Mayor	3,000.00

(B) Oath Of Office. All officers of the City, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe to the following oath or affirmation:

I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of _____ according to the best of my ability.

Such oath or affirmation shall be filed in the office of the City Clerk.

1-9-3. - COMPENSATION.

The salaries or compensation of all officers and employees of the City, except the Mayor, Aldermen, and the City Clerk shall be determined and fixed by the City Council in the annual budget.

1-9-4. - PROPERTY RETURNED TO CITY.

Any officer or employee of the City whose term expired, who resigned, or who terminated from office or employment shall, within three calendar (3) days after notification and request, deliver to the Administrative Services Department all property, computers or other technological devices, books and effects of every description in his/her possession belonging to the City or related to his/her official duties.

1-9-5. - EXAMINATION AND INSPECTION OF EFFECTS OF OFFICE.

All books, papers, vouchers, warrants, entries, accounts, and electronic records and memoranda of each and every officer and employee of the City may be examined at any time by the Mayor or City Manager.

1-9-6. - OPERATION OF CITY OFFICES.

Office hours.

(A) The offices of the respective City officers, except as may otherwise be provided for by resolution of the City Council, and except as provided in this Section, shall be

open for business from eight thirty o'clock (8:30) A.M. until five o'clock (5:00) P.M., except Saturdays, Sundays and legal holidays.

(B) The office of the Mayor shall be open at such hours as he/she shall prescribe.

(C) The office of the City Clerk shall be open at such additional hours as may be prescribed.

1-9-7. - RETIREMENT AND PENSION PROGRAMS.

The employees of the City shall and do participate in the pension programs as required by the Illinois Compiled Statutes, specifically the Illinois Municipal Retirement Fund, 40 ILCS 5/7-101 et seq., Police Pension Fund, ILCS 5/3-101 et seq., and Firefighters Pension Fund, 40 ILCS 5/4-101 et seq.

(A) The City Manager or his/her designee shall be the authorized agent for the Illinois Municipal Retirement Fund;

(B) The authorized agent shall have all the powers and duties to take any action with respect to the Illinois Municipal Retirement Fund as set forth in 40 ILCS 5/7-101 et seq.

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

SECTION 4: 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.

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

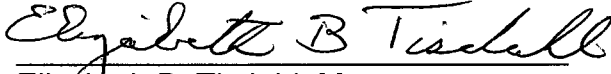
SECTION 6: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: September 15, 2015

Approved:

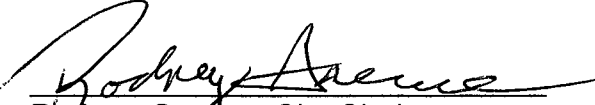
Adopted: September 21, 2015

September 23, 2015


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form and legality:


Rodney Greene, City Clerk


W. Grant Farrar, Corporation Counsel