



AGENDA

Rules Committee

Monday, July 17, 2023

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

Join Zoom Meeting

<https://us06web.zoom.us/j/83522662349?pwd=b0ZpSUlnM2NxSk1ybUpzNW9zSTZyZz09>

Meeting ID: 835 2266 2349

Passcode: 176767

Those wishing to make public comments can sign up by completing the City Clerk's Office's online form here: 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 or on Cable Channel 16.

The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact 847-866-2919 (Voice) or 847-866-5095 (TTY). Requests for access assistance must be made 48 hours (two working days) in advance. Requests received with less than 48 hours (two working days) advance notice will be attempted using best efforts, but cannot be guaranteed.

Page

(I) CALL TO ORDER - COUNCILMEMBER BURNS

(II) PUBLIC COMMENT

A period of twenty minutes shall be provided for all comment at the Rules Committee meeting, 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 the allotted time.

(III) RULES COMMITTEE MEETING MINUTES

- M1. **Approval of the Rules Committee Meeting Minutes** 4 - 7
Staff recommends approval of the minutes for the Rules Committee meeting of June 5, 2023
[Rules Committee - Jun 05 2023 - Minutes](#)

(IV) ITEMS FOR CONSIDERATION

- (R1.) **Resolution 4-R-23, Amending City Council Rule 1 to Add Rule 1.3, Adjournment** 8 - 11
Staff recommends adoption of Resolution 4-R-23, amending the City Council Rules to include Rule 1.3 Adjournment.
For Action
[Resolution 4-R-23, Amending City Council Rule 1 to Add Rule 1.3, Adjournment](#)
- (R2.) **Ordinance 56-O-23, Adding Title 1, Chapter 13, Section 5, "Small Donor Matching System for Fair Elections"** 12 - 29
Councilmember Geracaris recommends approval of Ordinance 56-O-23, creating a Small Donor Matching Fund for Fair Elections.
For Action
[Ordinance 56-O-23, Adding Title 1, Chapter 13, Section 5, "Small Donor Matching System for Fair Elections"](#)
- (R3.) **Ordinance 67-O-23, Amending Title 2, Chapter 20, "Finance and Budget Committee"** 30 - 34
Councilmembers Kelly, Burns and Reid request the Rules Committee recommend approval of Ordinance 67-O-23, Amending Title 2, Chapter 20, "Finance and Budget Committee" of the Evanston City Code, to the City Council.
For Action
[Ordinance 67-O-23, Amending Title 2, Chapter 20, "Finance and Budget Committee"](#)

(V) ITEMS FOR DISCUSSION

(D1.) **Discussion Regarding Sending Special Use Permit Applications, Unique Use Applications, Major Variation Applications and Planned Development Applications Directly to City Council from Land Use Commission**

35 - 36

Staff seeks direction from the Rules Committee on having Special Use Permit Applications, Unique Use Applications, Major Variation Applications and Planned Development Applications go directly from the Land Use Commission to the City Council.

For Discussion

[Discussion Regarding Sending Special Use Permit Applications, Unique Use Applications, Major Variation Applications and Planned Development Application](#)

(VI) ADJOURNMENT

Draft



City of
Evanston™
MINUTES

Rules Committee

Monday, June 5, 2023 @ 5:00 PM

Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers, Room 2800

COMMITTEE MEMBER

Councilmembers

PRESENT:

STAFF PRESENT:

(I) CALL TO ORDER - COUNCILMEMBER KELLY

Called to order by Chair Burns at 5:00pm

(II) PUBLIC COMMENT

(III) RULES COMMITTEE MEETING MINUTES

A. Approval of the December 5, 2022, Regular Rules Committee Meeting

Staff recommends approval of the minutes of the regular Rules Committee meeting of December 5, 2022.

Moved by Councilmember Nieuwsma
Seconded by Councilmember Reid

Ayes: Mayor Biss, Councilmember Kelly, Councilmember Nieuwsma,
Councilmember Burns, Councilmember Suffredin, Councilmember Revelle,
Councilmember Reid, and Councilmember Geracaris

Abstained: Councilmember Harris

Approved 8-0 on a recorded vote

B. Approval of the October 3, 2022, Regular Rules Committee Meeting

Staff recommends approval of the minutes of the regular Rules Committee meeting of October 3, 2022.

Moved by Councilmember Nieuwsma
Seconded by Councilmember Reid

Ayes: Mayor Biss, Councilmember Kelly, Councilmember Nieuwsma,
Councilmember Burns, Councilmember Suffredin, Councilmember Revelle,
Councilmember Reid, and Councilmember Geracaris

Abstained: Councilmember Harris

Approved 8-0 on a recorded vote

(IV) ITEMS FOR CONSIDERATION

A. Rules of the Commission on Aging and Disabilities

Staff recommends electing Commission on Aging and Disabilities member Ms. Litrea Hunter as the current Chair through September 2024, when a new chair would be elected in accordance with the rules regarding elections.

Moved by Councilmember Kelly
Seconded by Councilmember Reid

Ayes: Mayor Biss, Councilmember Kelly, Councilmember Nieuwsma,
Councilmember Burns, Councilmember Suffredin, Councilmember Revelle,
Councilmember Reid, Councilmember Harris, and Councilmember
Geracaris

Approved 9-0 on a recorded vote

B. Resolution 4-R-23, Amending City Council Rule 1. Adjournment to add Rule 1.3

Councilmember Kelly recommends the Rules Committee approve Resolution 4-R-23 amending City Council Rule 1. Adjournment to add Rule 1.3 and forward to the City Council for adoption.

Moved by Councilmember Kelly
Seconded by Councilmember Reid

Motion to table Resolution 4-R-23 to the next Rules Committee

Moved by Councilmember Reid
Seconded by Councilmember Kelly

Ayes: Mayor Biss, Councilmember Kelly, Councilmember Wynne, Councilmember
Nieuwsma, Councilmember Burns, Councilmember Suffredin,
Councilmember Revelle, Councilmember Reid, Councilmember Harris, and
Councilmember Geracaris

Approved 10-0 on a recorded vote

C. Resolution 40-R-23, Adoption of the Civility Pledge by the Mayor and City Council

The City Manager requests the Rules Committee recommend the adoption of Resolution 40-R-23 to the City Council. This resolution would require adoption by the Mayor and

Councilmembers of a Civility Pledge to ensure that the communication between local elected officials remains open, honest, and transparent.

Moved by Councilmember Reid
Seconded by Mayor Biss

Ayes: Mayor Biss, Councilmember Kelly, Councilmember Wynne, Councilmember Nieuwsma, Councilmember Burns, Councilmember Suffredin, Councilmember Revelle, Councilmember Reid, Councilmember Harris, and Councilmember Geracaris

Approved 10-0 on a recorded vote

D. **Ordinance 56-O-23, Adding Title 1, Chapter 13, Section 5, "Small Donor Matching System for Fair Elections"**

Councilmember Geracaris recommends approval of Ordinance 56-O-23, creating a Small Donor Matching Fund for Fair Elections.

Moved by Councilmember Geracaris
Seconded by Councilmember Reid

Motion to table to the next Rules Committee meeting

Moved by Councilmember Geracaris
Seconded by Councilmember Nieuwsma

Ayes: Councilmember Kelly, Councilmember Wynne, Councilmember Nieuwsma, Councilmember Burns, Councilmember Suffredin, Councilmember Revelle, Councilmember Reid, Councilmember Harris, and Councilmember Geracaris

Nays: Mayor Biss

Approved 9-1 on a recorded vote

E. **Ordinance 58-O-23, Amending Title 1, Chapter 13, Section 4, "Wards and Precincts" of the Evanston City Code**

The Redistricting Committee Recommends Adoption of Ordinance 58-O-23, Amending Title 1, Chapter 13, Section 4 "Wards and Precincts" of the Evanston City Code.

Moved by Councilmember Reid
Seconded by Councilmember Geracaris

Ayes: Mayor Biss, Councilmember Kelly, Councilmember Wynne, Councilmember Nieuwsma, Councilmember Burns, Councilmember Suffredin, Councilmember Revelle, Councilmember Harris, and Councilmember Geracaris

Nays: Councilmember Reid

Approved 9-1 on a recorded vote

(V) ITEMS FOR DISCUSSION

A. **Setting an Established Start Time for City Council Meetings**

Councilmember Suffredin requests members of the Rules Committee discuss establishing a firm time that City Council meetings begin. Staff requests direction from this discussion.

Moved by Councilmember Suffredin
Seconded by Councilmember Nieuwsma

Staff will bring back recommendations at the next Rules meeting.

(VI) ADJOURNMENT

Meeting adjourned at 6:23pm



Memorandum

To: Members of the Rules Committee
From: Nicholas Cummings, Corporation Counsel
Subject: Resolution 4-R-23, Amending City Council Rule 1 to Add Rule 1.3, Adjournment
Date: July 17, 2023

Recommended Action:

Staff recommends adoption of Resolution 4-R-23, amending the City Council Rules to include Rule 1.3 Adjournment.

CARP:

Municipal Operations

Committee Action:

For Action

Summary:

In October 2022, Councilmember Kelly made a referral to implement the concept of sine die for the Evanston City Council. Resolution proposes an amendment to the City Council Rules where any item that has not reached a final vote of the City Council would die at the end of the City Council term. Specifically, any resolution, ordinance or other item that has not received a vote of the City Council "for action" at the end of the term will not carry over to the next City Council term. Any item that has not received a final vote of the City Council seated in a given term will need to be brought back through the referrals process.

After receiving direction from the Rules Committee on June 5, 2023, the Resolution was amended to include a provision allowing the Referrals Committee to refer a reintroduced item directly to a standing committee, as opposed to a board, committee, or commission (BCC). This would avoid asking volunteer residents (whose terms are not aligned with the Council's term) to address an identical proposal more than once.

Legislative History:

Resolution 4-R-23 was tabled at the June 5, 2023 Rules Committee meeting.

Attachments:

[4-R-23 Amending City Council Rule 1. Adjournment](#)

4-R-23

A RESOLUTION

**Amending City Council Rule 1.
Adjournment to add Rule 1.3**

WHEREAS, the Evanston City Council has its own internal City Council Rules and Organization of the City Council of the City of Evanston (“City Council Rules”); and

WHEREAS, the City Council may adopt proposed changes to the City Council Rules at its discretion; and

WHEREAS, there is no City Council Rule to address pending legislation that carries over from one term to the next; and

WHEREAS, City Council believes that it is appropriate to create a process through City Council rules to dispose of this legislation and allow it to be introduced at a later date.

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

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

SECTION 2: That Rule 1.3 of the City Council Rules is hereby added to read as follows:

1.3 Upon adjournment of a Council Term, any outstanding legislation, resolution, amendment, or any other matter that has not been resolved through a final City Council dies at the end of the term. Any measure or initiative that dies due to the end of a Council term can be reintroduced in the new Council term through the Referrals process to restart the legislative process from the beginning. Any measure or initiative that died and was reintroduced in the new term, and has already passed through a Board, Commission or Committee in the previous term, may be referred to a Standing Committee by the Referrals Committee.

SECTION 3: Be it further resolved that this resolution shall be in full force and effect from and after the date of its passage and approval in the manner provided

by law.

Attest:

Stephanie Mendoza, City Clerk

Adopted: _____, 2023

Daniel Biss, Mayor

Approved as to form:

Nicholas E. Cummings, Corporation
Counsel



Memorandum

To: Members of the Rules Committee
From: Alexandra Ruggie, Deputy City Attorney
Subject: Ordinance 56-O-23, Adding Title 1, Chapter 13, Section 5, "Small Donor Matching System for Fair Elections"
Date: July 17, 2023

Recommended Action:

Councilmember Geracaris recommends approval of Ordinance 56-O-23, creating a Small Donor Matching Fund for Fair Elections.

CARP:

N/A

Committee Action:

For Action

Summary:

Ordinance 56-O-23 creates a Small Donor Democracy Matching System for Fair Elections. The Small Donor Matching system sets out a maximum allocation for the fund of one-fortieth of a percent of the Evanston annual budget or \$68,750, whichever is greater. Ordinance 56-O-23 also allocates \$50,000 additional dollars to the City Clerk's budget per election cycle in order to hire attorneys and/or accountants to carry about the Clerk duties as required by this ordinance.

The Ordinance at this time only creates the matching small donor fund for those candidates running for the office of Mayor.

The Ordinance also sets out certain criteria for a candidate to be eligible for the small donor matching, limits the maximum amount a candidate can receive from any one source to \$150 dollars, and sets numerous disclosure requirements pertaining to the use of the funds.

Ordinance 56-O-23 sets out additional duties for the City Clerk to manage and oversee the small donor matching funds, which includes oversight of the disclosures from the candidates and creating rules and regulations for the administration of this ordinance. It also empowers the City Clerk to investigate all matters relating to the performance of its functions and any other matter relating to the proper administration of Ordinance 56-O-23.

Ordinance 56-O-23 provides for public campaign financing program penalties but does not specify what these penalties are. This section of the ordinance allows any member of the public to have standing to file a complaint alleging a violation of this ordinance, which may be problematic. Generally, only the City of Evanston has standing to bring about a charge alleging a violation of its Ordinances.

Legislative History:

This item was tabled at the December 5, 2022 and June 5, 2023 Rules Committee Meeting.

Attachments:

[56-O-23 Amending Title 1, Chapter 13, Section 5, Small Donor Matching Program](#)

56-O-23

AN ORDINANCE ADDING TITLE 1, CHAPTER 13, SECTION 5, “SMALL DONOR MATCHING SYSTEM FOR FAIR ELECTIONS”

WHEREAS, the current campaign finance system available to residents of the City of Evanston is not adequate; and

WHEREAS, the current campaign finance system discourages many otherwise qualified candidates from running for office because of the need to raise substantial sums of money to be competitive and to enable them to adequately get their message out to voters; and

WHEREAS, the current campaign finance system undermines public confidence in the democratic process and democratic institutions by encouraging candidates to rely unduly on personal wealth, wealthy individuals, and special interests to fund their campaigns; and

WHEREAS, the current campaign finance system creates a danger of corruption or undue influence by encouraging elected officials to take money from private interests that are directly affected by governmental actions; and

WHEREAS, the current campaign finance system diminishes elected officials’ accountability to their constituents by compelling them to be disproportionately accountable to the relatively small group of contributors who finance their election campaigns; and

WHEREAS, the current campaign finance system reduces the opportunity of all citizens to equally and meaningfully participate in the democratic process; and

WHEREAS, the current campaign finance system disadvantages challengers, because campaign contributors tend to give their money to incumbents, thus causing elections to be less competitive; and

WHEREAS, the current campaign finance system burdens candidates with the rigors of fundraising and thus decreases the time available to carry out their public responsibilities; and

WHEREAS, the current campaign finance system Necessitates the creation of a Fair Elections Small Donor Matching System to address these concerns.

NOW THEREFORE BE IT ORDAINED, by the Evanston City Council that Title 1, Chapter 13, "Municipal Elections" of the Evanston City Code of 2012, as amended is further amended to include as follows:

1-13-5. - SMALL DONOR DEMOCRACY MATCHING SYSTEM FOR FAIR ELECTIONS.

1-13-5-1. DEFINITIONS.

The following words, terms, and phrases, when used in this chapter shall have the meaning ascribed to them in this section, except where otherwise specifically indicated:

<u>Candidate.</u>	<u>Consistent with the State Election Code (10 ILCS 5/9-1.3) and any regulations issued by the State Board of Elections (all referred to hereafter as the "State Election Code"), any person who seeks nomination for election, election to, or retention in public office. A person seeks nomination for election, election or retention if the person (1) takes the action necessary under the laws of this State to attempt to qualify for nomination for election, election to or retention in public office, or (2) receives contributions or makes Expenditures, or gives consent for any other person to receive contributions or make Expenditures with a view to bringing about their nomination for election or election to or retention in public office.</u>
<u>Consolidated Election.</u>	<u>Consistent with the State Election Code (10 ILCS 5/2A-1.1(b), 5/2A-1.1a and 5/2A-1.2(c)) the election for municipal officers, held in odd-numbered years on the first Tuesday in April (unless that election day conflicts with the</u>

	celebration of Passover, in which case it is postponed to the first Tuesday in April following the last day of Passover).
<u>Contribution.</u>	<p><u>Consistent with pursuant to the current State Election Code (10 ILCS 5/9-1.4).</u></p> <ul style="list-style-type: none"> a. <u>a gift, subscription, donation, dues, loan, advance, deposit of money, or anything of value, knowingly received in connection with the nomination for election, election, or retention of any Candidate or person to or in public office or in connection with any question of public policy;</u> b. <u>a gift, subscription, donation, dues, loan, advance, deposit of money, or anything of value that constitutes an electioneering communication made in concert or cooperation with or at the request, suggestion, or knowledge of a Candidate, a political committee, or any of their agents;</u> c. <u>the purchase of tickets for fund-raising events, including but not limited to dinners, he value of luncheons, cocktail parties, and rallies made in connection with the nomination for election, election, or retention of any person in or to public office, or in connection with any question of public policy;</u> d. <u>a transfer of funds received by a political committee from another political committee;</u> e. <u>the services of an employee donated by an employer, in which case the contribution shall be listed in the name of the employer, except that any individual services provided voluntarily and without promise or expectation of compensation from any source shall not be deemed a contribution; and</u> f. <u>an Expenditure by a political committee made in cooperation, consultation, or concert with another political committee.</u> g. <u>notwithstanding anything in the foregoing to the contrary, the following shall not be</u>

~3~

	<p><u>deemed a "Contribution":</u></p> <ul style="list-style-type: none"> i. <u>the use of real or personal property and the costs of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for Candidate related activities; provided the value of the services so provided does not exceed an aggregate of \$150 in a reporting period as the Evanston City Clerk may provide;</u> ii. <u>the sale of any food or beverage by a vendor for use in a Candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a Candidate's campaign is at least equal to the cost of such food or beverage to the vendor;</u> iii. <u>communications by a corporation to its stockholders and executive or administrative personnel or their families;</u> iv. <u>communications by an association to its members and executive or administrative personnel or their families;</u> v. <u>voter registration or other campaigns encouraging voting that make no mention of any clearly identified Candidate, public question, political party, group or combination thereof;</u> vi. <u>a loan of money by a national or state bank or credit union made in accordance with the applicable banking laws and regulations and in the ordinary course of business, but the loan shall be listed on disclosure reports required by this Ordinance and the State Election Code; however, the use, ownership, or control of any</u>
--	--

~4~

	<p>security for such a loan, if provided by a person other than the Candidate or their committee, qualifies as a Contribution; or</p> <p>vii. <u>an Independent Expenditure that does not fall under clause (5) of this definition (an “Independent Expenditure”).</u></p>
<u>Coordination.</u>	<u>An Expenditure made in cooperation, consultation, or concert with or at the request or suggestion of a Candidate, an authorized committee of a Candidate, a political committee of a political party, or agents of the Candidate or committee, or any payment for any communication which republishes, disseminates or distributes, in whole or in part, any broadcast or any written, graphic, or other form of campaign material prepared by the Candidate or their committee, or their agents.</u>
<u>Debate.</u>	<u>The moderated reciprocal discussion of issues among Candidates on the ballot for the same office.</u>
<u>Election Cycle.</u>	<u>Either of the two separate periods defined under the State Election Code (10 ILCS 5/9-1.9(4)), the cycle beginning on July 1 following a Consolidated Election and ending on June 30 following a Consolidated Election.</u>
<u>Expenditure.</u>	<p><u>Consistent with the State Election Code (10 ILCS 5/9-1.5),</u></p> <p>a. <u>a payment, distribution, purchase, loan, advance, deposit, gift of money, or anything of value, in connection with the nomination for election, election, or retention of any person to or in public office or in connection with any question of public policy;</u></p> <p>b. <u>a payment, distribution, purchase, loan, advance, deposit, gift of money, or anything of value that constitutes an electioneering communication made in concert or cooperation with or at the request, suggestion, or knowledge of a Candidate, a political committee, or any of their agents; or a transfer of funds by a political committee to another political committee.</u></p> <p>c. <u>“Expenditure” does not include:</u></p> <p style="padding-left: 40px;"><u>(a) the use of real or personal</u></p>

	<p><u>property and the cost of invitations, food, and beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises for Candidate-related activities; provided the value of the service provided does not exceed an aggregate of \$150 in a reporting period as the Evanston City Clerk may provide; or</u></p> <p>(b) <u>the sale of any food or beverage by a vendor for use in a Candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a Candidate's campaign is at least equal to the cost of such food or beverage to the vendor.</u></p>
<u>Fund.</u>	<u>The Small Donor Democracy Matching Fund created by Section 5-2 of this Section.</u>
<u>Immediate Family.</u>	<u>A person's parents, siblings, spouse and children.</u>
<u>Initial Qualifying Contribution.</u>	<u>A Qualified Contribution of not less than five dollars and not greater than the initial fifty dollars of any Contribution used for the purpose of determining whether a candidate has raised the minimum number of contributions to participate in the small donor Matching Funds Program under this Ordinance.</u>
<u>Matching Funds.</u>	<u>Funds paid to a Participating Candidate pursuant to the Matching Funds Program.</u>
<u>Matching Funds Program.</u>	<u>The small donor democracy matching funds program created by this Ordinance.</u>
<u>Nomination Period.</u>	<u>The period specified by state law during which Candidates must submit nomination papers for Evanston offices</u>
<u>Non-Participating Candidate.</u>	<u>Any Candidate who is not a Participating Candidate, including any Candidate who has not qualified for matching funds or who has elected not to participate in the small donor matching system created under this Section.</u>
<u>Participating Candidate.</u>	<u>A Candidate who qualifies for matching funds under this ordinance and opts to participate in the small donor matching system created under this ordinance.</u>

<u>Qualified Contribution.</u>	<u>A monetary Contribution not greater than the initial fifty dollars of any Contribution made by a Qualified Contributor</u>
<u>Qualified Contributor.</u>	<u>A natural person resident of Evanston who is eligible under federal law to donate to a political campaign.</u>
<u>Qualifying Period.</u>	<u>The period beginning the day after the date of the most recent Consolidated Election for the specific office or seat that a Candidate is seeking and ending thirty (30) days prior to the election for which the matching funds are sought.</u>

1-13-5-2. - ESTABLISHMENT OF THE MATCHING FUND.

The Evanston City Council shall establish a continuing and non-lapsing “Small Donor Democracy Matching Fund” (the “Fund”) for the purpose of:

- A. Providing public financing for the election campaigns of Participating Candidates; and
- B. Paying for the administrative and enforcement costs of the Evanston City Clerk related to the Matching Funds Program created by this ordinance.

1-13-5-3. - APPROPRIATIONS TO THE FUND.

- A. The Evanston City Council shall appropriate \$68,750 each year, or one-fortieth of a percent of Evanston’s annual budget to the Fund, whichever is greater.
- B. Other sources of revenue to be deposited in the Fund shall include:
 - 1) Any funds returned by any Participating Candidate that remain unspent by a Participating Candidate following the date of the election for which they were distributed, in accordance with 1-13-5-12(C).
 - 2) Fines levied against the Candidates for violation of election laws;
 - 3) Voluntary donations made directly to the Fund;
 - 4) Other funds appropriated by the Evanston City Council.
- C. The Evanston City Council may, by adoption of an ordinance, make an official declaration of fiscal emergency and suspend or reduce the amount of the annual appropriation specified in subsection (A) of this Section. Any such ordinance suspending or reducing the annual appropriation shall be effective for no more than one year.

1-13-5-4. - OFFICES COVERED.

Candidates for the office of Mayor shall be eligible to participate in the Matching Funds Program.

1-13-5-5. - ELIGIBILITY FOR MATCHING FUNDS.

~7~

- A. To be eligible to be certified as a Participating Candidate, a Candidate must:
- (1) During the Qualifying Period for the election involved, choose to participate in the Matching Funds Program by filing with the Evanston City Clerk a written application for certification as a Participating Candidate in such form as may be prescribed by the Evanston City Clerk, containing the identity of the Participating Candidate, the office that the Participating Candidate seeks, and the Participating Candidate's signature, under penalty of perjury, certifying that:
 - a. The Participating Candidate has complied since the last election or the adoption of this Ordinance, and will continue to comply with, the restrictions of this Ordinance during the applicable Election Cycle; (a candidate who has accepted impermissible contributions prior to filing to participate in this program shall return any such impermissible contributions prior to filing to participate in this Matching Funds Program);
 - b. The Participating Candidate's campaign committee has filed all campaign finance reports required by law during the applicable Election Cycle to date and that they are complete and accurate; and
 - c. The Participating Candidate shall sign a Participating Candidate contract signifying the candidate's prior compliance and continuing commitment to comply with the requirements of this ordinance, to comply with the Expenditure and Contribution limits set forth below and in that contract, to comply with the requirements to participate in public forums or debates set forth below and in that contract and to comply with any other requirements set forth in that contract.
 - (2) Meet all requirements of applicable law to be listed on the ballot;
 - (3) Before the close of the Qualifying Period, collect at least 100 Initial Qualifying Contributions for the office of Mayor and each Such Initial Qualified Contribution shall:
 - a. Have the Initial Qualified Contributor's signature, or an electronic equivalent for any donations received online, signifying that the Initial Qualified Contributor understands that the purpose of the Initial Qualified Contribution is to help the Candidate qualify for Matching Funds Program and that the Contribution is made without coercion or reimbursement.
 - b. Be acknowledged by a written receipt, or the electronic equivalent for any donation received on-line, to the Initial Qualified Contributor, with a copy retained by the Candidate. The receipt shall include the Qualified Contributor's signature, printed name, home address, and telephone number, if any, and the name of the Candidate on whose behalf the contribution is made.
 - c. A Contribution for which a Candidate has not obtained a signed and fully completed receipt, or their electronic equivalents, shall not be counted as an Initial Qualified Contribution for the purpose of satisfying this qualification requirement.

- B. To remain eligible to continue to receive matching funds under this Ordinance, a Candidate must:
- (1) Maintain such records of all Contributions, receipts and Expenditures as required by the Evanston City Clerk;
 - (2) Obtain and furnish to the Evanston City Clerk any information it may request relating to their campaign Expenditures, Contributions, and Qualified Contributions and furnish such documentation and other proof of compliance with this Ordinance as may be requested by the Evanston City Clerk.
 - (3) Remain in compliance with the requirements set forth in this Ordinance.
- C. At the earliest practicable time after a Candidate files a written application for certification as a Participating Candidate with the Evanston City Clerk, (in no event exceeding ten business days), the Evanston City Clerk shall certify in writing that the Candidate is or is not eligible. Eligibility can be revoked if the Candidate commits a substantial violation of the requirements of this Ordinance, in which case all Matching Funds granted to the Candidate shall be repaid to the Fund. Such determination shall be made by the Evanston City Clerk after an appropriate hearing, affording due process to the aggrieved party, under rules and regulations to be adopted by the Evanston City Council that further define what constitutes a "substantial violation" and that set forth the procedures to be followed in connection with any such hearing.

1-13-6. - MATCHING FUNDS PAYMENTS

- A. A Candidate who is certified as a Participating Candidate shall receive payment of Matching Funds equal to nine times the amount of Qualified Contributions received by the Participating Candidate during the Election Cycle with respect to a single election subject to the aggregate limit on the total amount of Matching Fund payments to a Participating Candidate specified in in subsection B of this Section unless the Candidate has no opposition on the ballot. Unopposed candidates shall not be eligible to receive Matching Funds unless and until they cease to be unopposed.
- B. The aggregate amount of Matching Funds payments that may be made to a Participating Candidate during an Election Cycle may not exceed \$81,000 for the Consolidated Election.
- C. A Participating Candidate's application for Matching Funds, including an initial request submitted with an application for certification as a Participating Candidate, shall be made using a form prescribed by the Evanston City Clerk and shall be accompanied by Initial Qualified Contribution receipts and any other information the Evanston City Clerk requires by rule or regulation. This application shall be accompanied by a signed statement from the Participating Candidate indicating that all information on the Initial Qualified Contribution receipts is complete and accurate to the best of the Participating Candidate's

knowledge. The Evanston City Clerk shall verify that a Participating Candidate's Qualified Contributions meet all of the requirements and limitations of this Ordinance prior to the disbursement of Matching Funds to the Participating Candidate.

- D. The Evanston City Clerk shall make an initial payment of the Matching Funds within four business days of the Clerk's certification of a Participating Candidate's eligibility in accordance with the provisions of this Ordinance, or as soon thereafter as is practicable.
- E. The Evanston City Clerk shall establish a schedule for the submission of Matching Funds payment requests, permitting a Participating Candidate to submit a Matching Funds payment request at least once per week, in accordance with a schedule established by the Clerk.
- F. In the event that 90% of the existing Fund has been distributed, the Evanston City Clerk shall give notice within 24 hours to all candidates that only 10% of the Fund remains. Thereafter, the Clerk shall make no further matching funds payments until after election day and it shall only pay any requests submitted after notice has been distributed under this subsection proportionally, spread over all candidates and requests equally, in a manner to be determined in greater detail pursuant to rules adopted by the Clerk.

1-13-5-7.- LIMITS ON CONTRIBUTIONS.

Participating Candidates shall adhere to the following limitations in accepting contributions to their campaigns:

- A. No Candidate shall accept, directly or indirectly, any Contribution (or combination of Contributions) from the same person, corporation, partnership, political party, political action committee or other legal entity in excess of the following amounts in any election cycle:
- 1) For Mayor _____ \$150
- B. No Participating Candidate shall accept any Contribution (or combination of Contributions) from any person, corporation, partnership or other legal entity who lobbies members of the Evanston government, within the meaning of the Illinois Lobbyist Registration Act, 25 ILCS 170, or does business exceeding \$5,000 with Evanston, or seeks zoning variances from Evanston for non-residential properties. Nor shall any Participating Candidate encourage, support, cooperate or coordinate with any Independent Expenditure committee or any individual engaging in Independent Expenditures, whether in support of the Candidate or in opposition to the Candidate's opponent. The Evanston City Council may adopt additional rules and regulations defining who constitutes a "lobbyist", who is

deemed to be “doing business” with the municipality, and who is deemed to be “seeking non-residential” zoning variances, within the meaning of this Ordinance.

- C. No Participating Candidate shall make Expenditures from or use their own personal funds or the personal funds or property held jointly with their spouse, domestic partner or unemancipated children in connection with their nomination for election or election except as a contribution to their political committee in an amount that does not exceed three times the maximum Contribution applicable under subsection A of this Section. Such Candidate shall not make Expenditures from or use other personal funds or property of their spouse, domestic partner or unemancipated children in furtherance of their own campaign.

1-13-5-8. - LIMITS ON OVERALL CAMPAIGN EXPENDITURES.

During an Election Cycle, each Participating Candidate agrees to limit their campaign Expenditures to no more than the following sums:

- A. For Mayor: \$160,000 for the Consolidated Election.

1-13-5-9.- ADJUSTING PROVISIONS.

- A. The Evanston City Council shall review the amounts and numbers of required Initial Qualifying Contributions, the ratio of Matching Funds, the additional limits on Contributions, and the limits on overall Contributions and Expenditures in the six month period following each Consolidated Election to determine if they shall stay the same (after any adjustment for inflation) or be increased for the next Consolidated Election.
- B. If the Evanston City Council determines that any of the figures specified in Section 5-8(A) should change, then any proposed change (other than an adjustment for inflation) shall be adopted for the next Consolidated Election by a majority vote of the Evanston City Council.
- C. The Evanston City Clerk shall revise the limits on Contributions, on overall Contributions and on overall Expenditures at least one year prior to the next Consolidated Election, to adjust them by an amount equal to the change in the federal Consumer Product Index for inflation. Amounts shall be rounded to the nearest ten dollar figure. The revised overall limits shall be published no later than one year prior to the date of the next Consolidated Election.

1-13-5-10. - CAMPAIGN ACCOUNTS FOR PARTICIPATING CANDIDATES.

During an Election Cycle, each Participating Candidate shall conduct all campaign financial activities through a single candidate committee, consistent with the State

Election Code, (10 ILCS 5/9-2(b) and shall comply with any additional record keeping requirements imposed under this ordinance by the Evanston City Clerk.

1-13-5-11. - EXPENDITURE OF MATCHING FUNDS.

- A. A Participating Candidate shall use Matching Funds only for direct campaign purposes.
- B. A Participating Candidate (nor anyone acting on their behalf) shall not use Matching Funds for:
 - 1) Costs of legal defense in any campaign law enforcement proceeding;
 - 2) Indirect campaign purposes, including but not limited to:
 - a. The Participating Candidate's personal support or compensation to the Participating Candidate or the Participating Candidate's Immediate Family;
 - b. Clothing, haircuts and other items related to the Participating Candidate's personal appearance;
 - c. A Contribution or loan to the campaign committee of another Candidate, a party committee, or other political committee;
 - d. An Independent Expenditure;
 - e. Automobile Purchases or tuition payments;
 - f. Dues, fees or gratuities at a country club, health club, recreational facility or other nonpolitical organization unless part of a specific fundraising event that takes place on the organization's premises;
 - g. Admission to a sporting event, theater, concert, or other entertainment event not part of a specific campaign activity;
 - h. Gifts, except for brochures, buttons, signs and other campaign materials and token gifts valued at not more than fifty dollars that are for the purpose of expressing gratitude, condolences or congratulations.

1-13-5-12. - DISCLOSURE REQUIREMENTS AND PROCEDURES; RETURN OF FUNDS.

- A. Each Participating Candidate shall file reports of Contribution receipts and of Expenditures of Matching Funds and other campaign funds at such times and in such manners as the Evanston City Clerk may prescribe, including but not limited to, reports containing information necessary to verify that the Qualified Contributions received by Participating Candidates and that the Matching Funds spent by Participating Candidates comply with the restrictions and requirements of this Ordinance.
- B. Within 90 days after the Consolidated Election, every Candidate for one of the offices covered by this ordinance (whether or not they received matching funds under this ordinance), who received campaign Contributions or made campaign Expenditures in excess of \$5000, shall file a copy of their most recent quarterly

~12~

report to the Illinois State Board of Elections with the Evanston City Clerk. The Evanston City Clerk shall adopt such procedures for auditing such reports and issuing a public report summarizing the election results, the campaign Expenditures made in connection with offices covered by this Ordinance, and the level and amount of Matching Funds provided to each campaign.

- C. Within 90 days after the Consolidated Election, every Participating Candidate who received Matching Funds under this Ordinance shall repay the Fund any unused Matching Funds, calculated as follows: any unused campaign funds shall be multiplied by a ratio consisting of the total amount of Matching Funds received by the campaign in the numerator and the total amount of campaign funds raised by the campaign in the denominator. The amount of any such repayment is not to exceed the total amount of Matching Funds paid to the campaign.

1-13-15-13. - APPLICATION OF CONTRIBUTION AND EXPENDITURE LIMITATION TO CERTAIN POLITICAL ACTIVITIES.

Nothing in this Ordinance shall be construed to restrict Candidates or their agents from making appearances at events sponsored or paid for by persons, political committees, or other entities that are not in any way affiliated with such Candidate or any agent of such Candidate. The costs of such events shall not be considered Contributions to or Expenditures by such a Candidate for purposes of this Ordinance simply because the Candidate or agent appears at such an event. However, this provision does not apply to events at which Contributions are solicited on behalf of the Candidate.

1-13-5-14. - OTHER REQUIREMENTS OF PARTICIPATING CANDIDATES.

Participating Candidates shall also be required to participate in at least two Debates or public forums with the other candidates for the office in question, including any other Participating Candidates for the office and any willing, Non-Participating Candidates for the office. For the purpose of satisfying this provision, the forum or Debate must be held at least two days prior to the Election and must last at least 50 minutes. Such forums or Debates shall be run by a non-partisan organization under reasonable rules adopted by such organizations and made final in consultation with the Evanston City Clerk. A copy of the rules governing any such forum or Debate shall be submitted to the Evanston City Clerk.

1-13-5-15. - RESPONSIBILITIES OF THE EVANSTON CITY CLERK.

- A. The Evanston City Clerk's office may employ additional people, including but not limited to attorneys and accountants, to carry out its duties. The total budget for the Clerk's operations shall not exceed \$50,000 per election cycle, without prior express approval from the Evanston City Council.
- B. The Clerk shall have the authority to promulgate such rules and regulations and provide such forms as it deems necessary to administer the Matching Funds

system created by this Ordinance. The Clerk shall promulgate regulations concerning the form in which Contributions and Expenditures are to be reported, the periods during which such reports must be filed, the measures for auditing and reporting on campaign Contributions and Expenditures and the verification required.

- C. The Clerk shall have the power to investigate all matters relating to the performance of its functions and any other matter relating to the proper administration of this ordinance. It shall have the power to require the attendance of witnesses, to examine and take testimony under oath of such persons as it shall deem necessary, and to require the production of books, accounts, papers and any other relevant evidence relative to such investigation.
- D. The Clerk shall develop a program for informing candidates and the public about the small donor Matching Funds system created by this ordinance. The Clerk may prepare and make available educational materials, including compliance manuals and summaries of the relevant provisions of this program. The Clerk shall prepare and make available materials including, to the extent feasible, computer software, to facilitate the task of compliance with the disclosure and record-keeping requirements under this ordinance.
- E. The Clerk shall have the power to render advisory opinions with respect to questions arising under this Ordinance. Such opinions may be requested in writing by any Candidate, political committee or member of the general public. The Clerk shall promulgate rules regarding submissions and responses to such requests, including response times. The Clerk shall make public its response to any such requests, as well as to any other formal rulings or interpretations it makes, including by posting them on its website, if practicable.
- F. The Clerk may take such other actions as are necessary and proper to carry out its functions and the purposes of adoption of a small donor Matching Funds system. The specific grants of power under this Section do not constitute and shall not be construed as limitations on the other proper and necessary powers of the Clerk.

1-13-5-16. - PUBLIC CAMPAIGN FINANCING PROGRAM PENALTIES.

- A. It is a violation of the law for Participating Candidates to accept more Matching Funds than those to which they are entitled or to misuse such Matching Funds.
 - 1) If a Participating Candidate knowingly or willingly accepts or spends Matching Funds in violation of this Ordinance, then the Candidate shall repay to the Fund an amount equal to twice the value of the funding unlawfully accepted or spent.
 - 2) The Evanston City Council shall have the authority to make willful violation of this ordinance a misdemeanor and impose appropriate penalties after affording appropriate due process.

~14~

- B. Any member of the public, as well as the Clerk on its own initiative, shall have standing to file a complaint alleging a violation of this ordinance. In the event a complaint is filed by an opposing Candidate, or in coordination with an opposing Candidate’s campaign, the Clerk shall have the option of awarding costs and attorneys’ fees in the event the complaint is found to have been lacking in a reasonable basis.
- C. The Clerk shall adopt appropriate rules guaranteeing notice and due process to anyone accused of violating this ordinance and setting forth the process the Clerk will follow in investigating and adjudicating any such complaint.

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 ruled 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 4: 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.

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.

Introduced: _____, 2023

Approved:

Adopted: _____, 2023

_____, 2023

Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza, City Clerk

Nicholas E. Cummings, Corporation
Counsel

~16~



Memorandum

To: Members of the Rules Committee
From: Alexandra Ruggie, Deputy City Attorney
Subject: Ordinance 67-O-23, Amending Title 2, Chapter 20, "Finance and Budget Committee"
Date: July 17, 2023

Recommended Action:

Councilmembers Kelly, Burns and Reid request the Rules Committee recommend approval of Ordinance 67-O-23, Amending Title 2, Chapter 20, "Finance and Budget Committee" of the Evanston City Code, to the City Council.

CARP:

Municipal Operations

Committee Action:

For Action

Summary:

In September of 2021, the Evanston City Council established the Finance and Budget Committee to consider matters relating to bills, budget and financial reporting of the City of Evanston. The current membership of the Committee includes eight members, including five Councilmembers and three Evanston residents with financial expertise. Based on the Finance and Budget Committees demanding learning curve to gain and understand the City's budget process and financial accounting practices, Councilmembers Burns and Reid are recommending approval of changes to the terms of the Committee members.

Ordinance 67-O-23 would update the terms for the five Councilmembers to be a four-year term to coincide with the election cycle. Ordinance 67-O-23 also updates the terms for the three Evanston residents to be four or five-year terms with an option for a one-time renewal, in order to stagger the terms and allow for members to serve for a longer time based on the Committee's learning curve and demand.

Legislative History:

Ordinance 110-O-21 established the Finance and Budget Committee.

Attachments:

[Ordinance 67-O-23 Amending Title 2, Chapter 20 Finance and Budget Committee](#)

67-O-23
AN ORDINANCE
Amending Title 2, Chapter 20, “Finance and Budget Committee” to
Amend Member Terms

WHEREAS, in September of 2021, the Evanston City Council established the Finance and Budget Committee to consider matters relating to the bills, budget and financial reporting of the City of Evanston; and

WHEREAS, the current membership includes eight members, including five Councilmembers and three Evanston residents with financial expertise; and

WHEREAS, the Finance and Budget Committee has an extremely demanding learning curve to gain and understand the City’s budget process and financial accounting practices; and

WHEREAS, the Evanston City Council has determined it is in the best interest of the City to extend the terms of the Evanston resident members to four and five year terms to stager the membership and allow for two consecutive terms; and

WHEREAS, the Evanston City Council has also determined it is in the best interest of the City to extend the term of the Councilmembers to align with their election cycle as is standard with other committee appointments.

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 20 – FINANCE AND BUDGET COMMITTEE.

2-20-1. - 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.

2-20-2. - 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.

2-20-3. – TERM.

Councilmembers ~~shall serve staggered two-year terms, with members changing in May with the option to extend as needed~~ are assigned by the Rules Committee to four-year terms coinciding with the election term. The three (3) resident members shall serve ~~two (2) staggered four (4) or five (5) year terms with the option to extend as needed to be reappointed one (1) time, or two (2) consecutive terms.~~ Resident members may serve for not more than two (2) full terms.

2-20-4. – 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.

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: _____, 2023

Approved:

Adopted: _____, 2023

_____, 2023

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, Deputy City Attorney
CC: Nicholas Cummings, Sarah Flax, Elizabeth Williams
Subject: Discussion Regarding Sending Special Use Permit Applications, Unique Use Applications, Major Variation Applications and Planned Development Applications Directly to City Council from Land Use Commission
Date: July 17, 2023

Recommended Action:

Staff seeks direction from the Rules Committee on having Special Use Permit Applications, Unique Use Applications, Major Variation Applications and Planned Development Applications go directly from the Land Use Commission to the City Council.

Committee Action:

For Discussion

Summary:

At the June 5, 2023 Rules Committee Meeting, the Committee discussed several different options to establish a set start time for City Council meetings. Through this discussion and review of the City Code, staff noted that per City Code Sections 6-3-5-8, 6-3-6-8, 6-3-7-8 and 6-3-8-20(D) for Special Use Permit Applications, Planned Development Applications, Unique Uses and Major Variation Applications, respectively, these applications per City code should be heard by the Land Use Commission for a recommendation to the City Council for final approval. Under the City Code, there is no direction to send these items to the Planning and Development Committee.

Staff seeks direction from the Rules Committee as it pertains to these four applications. Several options are available to the Committee.

Option 1: Follow City Code Sections 6-3-5-8, 6-3-6-8, 6-3-7-8 and 6-3-8-20(D) for Special Use Permit Applications, Planned Development Applications, Unique Uses and Major Variation Applications to go directly from the Land Use Commission to the City Council.

Option 2: Amend the City Code to have the Land Use Commission be the final determining body on all of these applications.

Option 3: Amend the City Code to have these matters go for recommendation from the Land Use Commission to recommendation from the Planning and Development Committee for final approval by City Council. (Option 3 keeps the status quo).

Options 1 and 2 would help facilitate the City Council to set a hard start time for City Council meetings as it would lessen the items on the Planning & Development Committee Meeting. Option 1 would obviously still allow for the City Council to be the final determining body on these applications. Discussions pertaining to these applications can be done solely at City Council meetings with the Council as a whole. This would allow for residents who wish to speak for or against any project to only have to provide public comment to the determining body and not to both P&D and the Council. This option would also help to ensure that hard start time for Council meetings to assist residents wishing to make public comment and be present for the Council decision without having to wait several hours to do so. From a legal standpoint, this also assists in making a clear record if a final decision by City Council is appealed to the Circuit Court. As it stands now, the City has had matters set to the Circuit Court for administrative review only to have the Court confused by the procedure that certain matters take through the different committees within the City. Ensuring that the City follows its City Code would assist a Circuit Court in its review of the administrative record in a clearer fashion.

Option 2 would also help facilitate City Council to set a hard start time for City Council meetings. These items would go to the Land Use Commission for final approval and then be appealable directly to the Circuit Court. This would also likely make the clearest administrative record for the Court.

Option 3 would not help facilitate the City Council to set a hard start time for City Council meetings. It also does not provide a clear record for the Circuit Court. If option 3 is the direction of the Committee, the City Code should be updated to include the Planning and Development's role in review of these applications.

Legislative History:

On June 5, 2023, the Rules Committee discussed ways to ensure a hard start time for the City Council meetings.