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**Rules Committee
Closed Session Minutes
Aldermanic Library
Monday, May 5, 2008**

PRESENT: Mayor Morton, Aldermen Rainey, Wollin, Jean- Baptiste, Wynne, Bernstein, Holmes, Moran and Tisdahl

ABSENT: Alderman Hansen

STAFF: Joellen Daley, Elke Tober-Purze and Rolanda Russell

PRESIDING: Alderman Tisdahl, Chairman

START: 6:15 p.m.

Mayor Morton gave her position on filling the city clerk's position; had talked with Jack Siegel about this. He told her a clerk can receive his/her salary and funds as the Collector. Evanston already has a city collector. Phillip Baugher was under the impression that the salary was negotiable. It is not. He told her he is 66 years old, there are many late meetings, and the possibility of not winning election to the office was a concern. His answer was no.

Alderman Rainey asked Phillip if he would be willing to serve as interim city clerk. He said he was and asked about the salary. She was sure he could keep his salary; promised him the full support of the City Council. He told her he would love to run and had never thought of it. The issue is pay. He cannot take a cut in pay.

Alderman Wynne asked if they have a definitive answer from the legal department as to whether Phillip Baugher could be appointed.

Mayor Morton said her integrity is on the line. It is her responsibility to make a recommendation to fill the city clerk position. She thought about this, went through all the applications, on the basis of merit, it is critical that somebody be in that office immediately. The deputy clerk has a long list of things to be done, and someone is needed who has the capacity to do the job. Her recommendation remains Emily Guthrie. Two aldermen spoke and made personal remarks about Ms. Guthrie. She is qualified far above the other applicants. Mayor Morton said if they don't take her recommendation, she has no recommendation.

Interim First Assistant Corporation Counsel Elke Purze did research and spoke with Jack Siegel who told her they could have a joint position of city clerk and collector. She cited Illinois statutes. It can be done in a town of less than one million and would have to be done by ordinance. Since it is an elected clerk and appointed collector they also would need to amend the City Code to show the clerk's salary of \$49,000 and say \$10,000 for collector. She related they don't have a collector, but a manager of collections. Another option may be that Phil Baugher could be on the payroll in finance and help out in the clerk's office. Perhaps that arrangement could be made. Mayor Morton asked if that is honest. Alderman Jean-Baptiste asked what Mr.

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Baughner earns. Human Resources Director Joellen Daley stated that Mr. Baughner makes in the mid fifties. He asked if someone can be assigned from another department. Ms. Daley said they would have to consult legal for an answer.

Mayor Morton asked for a show of hands that would not vote for Emily Guthrie and those who would vote for her. There were more votes against Ms. Guthrie than for her. Alderman Rainey said if Emily Guthrie cannot get enough votes and they give up on Phillip, they still have a problem. Mayor Morton asked what qualifications Emily Guthrie doesn't have for this job. Alderman Bernstein clarified that the Clerk hires personnel. Functions need to be performed. He did not know what job the city clerk does other than taking minutes. Mayor Morton noted this year there are significant elections.

Assistant City Manager Rolanda Russell related that Deputy Clerk Press had contacted her with concerns about getting the work done with the clerk's retirement. A meeting was held with Delphyne Woods, Rolanda Russell, Elke Tober-Purze, Mayre Press and Mary Morris to plan for additional assistance a couple of days a week. That plan could be expanded. They could have several employees come in so that each day they have two or three employees. She noted that executive secretaries can take minutes and be given a Temporary Duty Assignment (TDA).

Alderman Moran noted they are talking about morphing positions and cobbling together things. If Phillip wants the city clerk position, he should resign his job or stay in finance. He would rather get some pinch hitters and pay them overtime.

Alderman Wynne did not think it terrible to put Phillip in the position and label it differently. She advised they talk to him again. Continuity is needed.

Ms. Russell suggested that they look at a temporary solution of executive secretaries, and give them a TDA. The Mayor can go out again and look for a full-time city clerk, and if not found, these employees would gain experience. Alderman Holmes was concerned about the salary. Alderman Jean-Baptiste said it is about being competent and understanding the election process. Alderman Rainey thinks Phil is competent. Alderman Jean-Baptiste opined that Phillip would not have to resign and could be assigned to the City Clerk's job.

Alderman Wollin said the League of Women Voters could take over registrations. Alderman Rainey said that this is an important position and they are desperately trying to fill it but did not think two executive secretaries that have other responsibilities can come and fill in. It does not show respect for the office - not a good idea. Phil Baughner wanted that job when he felt he could get paid a salary equivalent to what he is earning now. When he found the salary was less than he is making, the other reasons to not take it came up. She suggested they give him the opportunity to change his mind.

Mayor Morton said when she spoke with Phillip the salary was not negotiable. There is the possibility of losing his job and not being elected. His answer was no. She took the man at his word.

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Ms. Purze noted the appointment of someone to an elected position must live in Evanston and have voted in the last election. There are certain powers that the City Clerk has. One is the City seal. Alderman Bernstein asked if Phillip was willing to do it, would Mayor Morton appoint him. Yes.

Ms. Russell suggested that Phillip Baugher could be paid for doing the A&PW Committee meeting as a TDA and the Clerk's salary. Alderman Wynne suggested he given a special assignment.

Alderman Wynne moved that Phillip be temporarily assigned by Finance to the City Clerk's position. The motion was seconded. Motion carried.

Mayor Morton commented that Acting Finance Director Steve Drazner asked that Phillip Baugher not be taken away as he is short handed already.

City Manager position

Chairman Tisdahl said Council members are concerned about the City Manager's position and are asking who is in the pipeline for interviews and at what stage are they.

Alderman Tisdahl stated she was asked for research on extraordinary circumstances, hiring people back, a list of all openings and Rolanda Russell's resume. Alderman Rainey wanted to know if Julia Carroll had taken ERI.

Alderman Jean-Baptiste thought a decision could be made that evening since Carroll has submitted her resignation. They could decide between now and June 27. Elke Purze was asked to do research.

Ms. Russell explained that Dennis Marino is being considered to serve as interim Community Development Director. For Finance Director they have four resumes and have scheduled interviews for the middle of May. There is one internal candidate, Steve Drazner. For Assistant City Manager (to replace Judy Aiello) they have interviewed three candidates and have one candidate who may be an excellent fit. He was city manager in Plymouth and village manager in Glen Ellyn. The search firm did a background check. Currently he is not working. He left Homer Glen in October 2007 when the Mayor brought in his own team. Alderman Wynne asked if candidates are being informed of Julia Carroll's resignation. Yes.

Elke Purze said that they don't want to give the impression that Ms. Carroll was fired. Minutes should reflect that Council accepted her resignation. Council can place Ms. Carroll on administrative leave. If they want to change her retirement, according to IMRF they must give 30-days notice.

Alderman Jean-Baptiste advised them to move on. When leadership decides to leave and there are problems, they should not have Ms. Carroll involved in decision making. He suggested they rely on new leadership.

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Alderman Moran asked what it means when somebody is put on administrative leave. Who puts them on? It is the City Council and could be involuntary. Ms. Daley stated the manager's contract talks about voluntary or involuntary leave. She is voluntarily relinquishing her job. Ms. Daley said to make her whole they would pay her through June 27. Alderman Moran said if Ms. Carroll feels her health prevents her from performing the duties of her office, and is agreeable to administrative leave, he could support that. He is not looking for any change in direction. He would be happy to have her as city manager until the last day; thought she is doing a great job. It is serious when a person of Ms. Carroll's caliber is put involuntarily on administrative leave. She has not said she cannot do her job. An involuntary administrative leave is a vote of no confidence and a drastic remedy.

Alderman Bernstein said administrative leave has nothing to do with a vote of loss of confidence. Her letter said, health permitting, she would be here until June 27. Council member's blood pressure went up and these are tough times. He doesn't want to put a sick person through tough times. He wished her well but did not want to depend on her to work if she is sick. He wished that she had come to the Mayor and Council and told them of her illness before circumstances changed here. Ms. Carroll has taken herself out. He thought they need to get somebody in the city manager position that they can depend on.

Alderman Holmes said they have to be humane and show compassion regarding her health; saw her yesterday and she looked pale and stumbled while giving her speech. Alderman Rainey also saw her and thought she looked great. Obviously she is not well. Alderman Holmes thought they have an obligation to ask Julia Carroll back. That evening she said that she wanted to give 60-days but it depended on her health. The correct thing is to ask Julia Carroll if she can do it, then move ahead. She has resigned.

Alderman Jean-Baptiste noted that Julia Carroll put herself first and given the leadership of the City is being depleted and the long-term assistant manager gone, there was no discussion of the possibility of resigning. The Council's job is to look out for the City. Already people are concerned about 708 Church and the EDC meeting about finances and Ms. Carroll was not there. Their job is to look after the City and to move on. Julia Carroll can be available for consultation. Decisions have to be made about the Finance Director, Assistant City Manager and Community Development Director.

Alderman Rainey had questions about early retirement. She said that when Council was convinced that ERI was the way to get rid of deadwood, they voted on a plan that would involve 15 or so staff. The last report in the *RoundTable* said 40-50 people have opted for early retirement. What she did not realize, is that Julia Carroll's early retirement (for which she is eligible) is a \$300,000 plus payout in addition to retirement. How is it that all these people ended up retiring? Judy Witt did not take ERI. Alderman Holmes recalled a list of 15 who were likely to retire and a larger list of eligible employees. Alderman Rainey wanted to know the cost of ERI. She recalled arguing that it was going to cost more and thought that it will cost the City millions of dollars. Why is Julia Carroll eligible for ERI?

Ms. Daley stated 44 people are taking early retirement. At the time of ERI adoption, there were 100 names eligible for it including Julia Carroll. Ms. Daley has the individual cost for people. In

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order for a person to take early retirement, the individual has to buy it. They take the best salary over four years and the rest is apportioned based on where people have worked. In the city manager's case, because she elected to take ERI, the money to be paid to buy that service comes from the City of Evanston (10-year cost) but as she continues to collect retirement that is apportioned to various jurisdictions. If Ms. Carroll buys five years of service, and she does not know that to be the case, there is a cost. The jurisdiction that offers the ERI has to pay whatever the employee selects to purchase. If she elects to purchase five years, that is \$312,000. Alderman Rainey asked what the number is for all 44. The cost is \$6 million and the projected savings are \$7.5 million. There are savings related to FICA and Medicaid, and some are related to health insurance because of position eliminations. The net savings is about \$4 million. Adjusted net savings over 10 years is \$3.5 million.

Alderman Rainey said the people they are hiring have greater skill. She wanted to see the figures. When they say this city manager made the greatest contribution to this city, they have to look at the situation they find themselves in. She heard Frank Aguado is leaving, which leaves only Martin Travis and Bill Dunkley, who was unable to fill a request.

Alderman Wynne asked under ERI, is it possible to hire back certain individuals for temporary assignments. Ms. Daley said if somebody changed their mind to stay, Human Resources can only bring someone back in extraordinary circumstances. If somebody takes ERI, and payouts are involved, people are precluded from working for an IMRF employer and face possible forfeiture of their pension.

Alderman Rainey asked when Julia Carroll became eligible for early retirement. In April 2008, the same month she resigned.

Alderman Wynne asked if there was a window in which the employee must state the departure date. Ms. Daley said that was the intention of the City and the practical application to IMRF. When ERI was discussed there was the intention to have 120 days notice for directors and 60-days for everybody else. IMRF does not require a specific time. They prefer 30-days notice. Somebody could walk in the last day and apply.

Alderman Wynne asked if someone put in for ERI would they be required to leave. Ms. Daley said in some cases, the employer can change the date. All who take ERI must leave by June 30.

Ms. Daley handed out a list of vacant positions. They are filling 75-80 positions.

Alderman Holmes agreed they need to think of the City first. She suggested that Mayor Morton talk with Ms. Carroll about moving her date up. Alderman Jean-Baptiste suggested that Ms. Carroll keep her benefits and be asked to relinquish her duties. Ms. Purze suggested if Council wishes Julia Carroll to relinquish her duties to do so by motion.

Alderman Bernstein moved to ask City Manager Carroll to relinquish her duties. The motion was seconded.

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Alderman Wynne suggested they interview the manager and then appoint Rolanda Russell as interim city manager. There are concerns about making hiring decisions and does Ms. Carroll want to take administrative leave? Alderman Wollin said out of respect for all the work done by Julia Carroll, they owe her to ask how she feels. She was confident that Rolanda Russell could do the job.

Alderman Rainey noted on Rolanda Russell's resume, she served as interim city manager in Decatur, Illinois during a stressful time. She suggested they offer Ms. Carroll the opportunity to take administrative leave. Alderman Holmes suggested they ask Rolanda Russell to step in as interim manager. Meet with the manager and express concern about her health, the health of the city and hiring people. They are willing to give her time to tie up loose ends.

Mayor Morton had a call from Judy Aiello who was asked to step in. She said no. However if the City needed help she would help in any way she could on a volunteer basis.

It was agreed that Rolanda Russell would be asked to serve as interim city manager. Alderman Rainey moved to have a closed session on Wednesday after the P&D Committee meeting to meet with Julia Carroll.

Mayor Morton asked Rolanda Russell if she could step in at a moments notice as acting city manager. Yes. Ms. Russell wants to work with the Council on an interim basis but won't apply for the manager position. She will take the organization through the hiring so there are not so many vacancies. She said that when a potential manager sees that many vacancies they know something is wrong.

Mayor Morton will talk to Julia Carroll and get back to Rolanda Russell. Wednesday the Council will talk with Julia Carroll. Mayor Morton said that Rolanda Russell may have questions and need to have a discussion with Council.

Rolanda Russell stated they have three positions in the managers' office to be filled. A transition plan may have been discussed.

Alderman Wynne suggested that they schedule meetings once a week every Monday if needed. Seconded by Alderman Jean-Baptiste. Council is intensifying oversight.

Rolanda Russell wants to talk about an organizational transition plan. If a director has a strong number two in the department, they can proceed, but if not it can be chaotic. She will share with Council the vacant positions and how they will be filled. The Monday meetings will be closed and the topic will be personnel.

There being no further business to come before the committee, the meeting was adjourned by Mayor Morton at 8:05 p.m.

Mary P. Morris,
City Clerk

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