



United City of Yorkville

800 Game Farm Road
Yorkville, Illinois 60560
Telephone: 630-553-4350
www.yorkville.il.us

AGENDA CITY COUNCIL MEETING Tuesday, June 28, 2016 7:00 p.m.

City Hall Council Chambers
800 Game Farm Road, Yorkville, IL

Call to Order:

Pledge of Allegiance:

Roll Call by Clerk: WARD I

Carlo Colosimo
Ken Koch

WARD II

Jackie Milschewski
Larry Kot

WARD III

Chris Funkhouser
Joel Frieders

WARD IV

Diane Teeling
Seaver Tarulis

Establishment of Quorum:

Amendments to Agenda:

Presentations:

Public Hearings:

Citizen Comments on Agenda Items:

Consent Agenda:

1. ADM 2016-37 Monthly Treasurer's Report for May 2016
2. ADM 2016-41 Ordinance Declaring the United City of Yorkville's Compliance with Illinois Prevailing Wage Act – *authorize Mayor and City Clerk to execute*
3. PW 2016-34 Intergovernmental Agreement (KC-TAP) for Kennedy Road Multi-Use Path – *authorize Mayor and City Clerk to execute*
4. PW 2016-35 Resolution Approving the Transfer of the United City of Yorkville's Interest in the Stone Subdivision Sign Located at the Southwest Corner of Diehl Farm Road and U.S. Route 34 (1605 Cottonwood Trail) – *authorize Mayor and City Clerk to execute*
5. PW 2016-36 Wrigley – Grant of Easement – *authorize Mayor and City Clerk to execute*
6. PW 2016-37 IL Route 47 Improvements at Wrigley Access Drive – *accept bid and award contract to Geneva Construction in an amount not to exceed \$400,504.10*
7. PW 2016-39 104 Beaver Street – Grant of Easement – *authorize Mayor and City Clerk to execute*
8. PW 2016-41 NPDES Annual Report – *authorize the City Administrator to execute*

Minutes for Approval:

Bills for Payment (Informational): \$1,446,027.49

Mayor's Report:

1. CC 2016-40 Bond Ordinances
 - a. Ordinance Authorizing the Issuance of Waterworks and Sewerage Revenue Refunding Bonds of the United City of Yorkville, Kendall County, Illinois, in an aggregate principal amount not to exceed \$6,500,000
 - b. Ordinance Authorizing the Issuance of General Obligation Refunding Bonds (Alternate Revenue Source), Series 2016 of the United City of Yorkville, Kendall County, Illinois in an amount not to exceed \$6,500,000 for the purpose of refunding all or a portion of the City's outstanding Refunding Debt Certificates, Series 2006A and General Obligation Refunding Bonds (Alternate Revenue Source), Series 2007A
 - c. Ordinance Calling a Public Hearing Concerning the Intent of the City Council of the United City of Yorkville, Kendall County, Illinois, to sell not to exceed \$6,500,000 General Obligation Alternate Revenue Bonds
2. CC 2016-41 Ordinance Approving the Bristol Bay Park Purchase and Sale Agreement

Public Works Committee Report:

1. PW 2016-38 Fountain Village – Development Status

Economic Development Committee Report:

1. EDC 2016-33 Ordinance Creating a Planning and Zoning Commission

Public Safety Committee Report:

Administration Committee Report:

1. ADM 2016-42 Clerk and Treasurer Referendums
 - a. Resolution Providing for the Submission to the Electors of the United City of Yorkville, Kendall County, Illinois, a Referendum of Whether the City Should Abolish the Elected Office of City Clerk and the Duties of the City Clerk be Assigned to the Deputy Clerk
 - b. Resolution Providing for the Submission to the Electors of the United City of Yorkville, Kendall County, Illinois, a Referendum of Whether the City Should Abolish the Elected Office of City Treasurer and the Duties of the City Treasurer be Assigned to the Finance Director
2. ADM 2016-43 Resolution Providing for the Submission to the Electors of the United City of Yorkville, Kendall County, a Referendum of Whether the City Should Become a Home Rule Municipality

Park Board:

Plan Commission:

1. PC 2016-12 Ordinance of the United City of Yorkville, Kendall County, Illinois, Approving a Special Use for a Commercial/Trade School Within Units B and C at 210 Beaver Street

Zoning Board of Appeals:

City Council Report:

City Clerk's Report:

Community and Liaison Report:

Staff Report:

Additional Business:

Executive Session:

Citizen Comments:

Adjournment:

COMMITTEES, MEMBERS AND RESPONSIBILITIES

ADMINISTRATION: July 20, 2016 – 6:00 p.m. – City Hall Conference Room

<u>Committee</u>	<u>Departments</u>	<u>Liaisons</u>
Chairman: Alderman Milschewski	Finance	Library
Vice-Chairman: Alderman Frieders	Administration	
Committee: Alderman Teeling		
Committee: Alderman Tarulis		

ECONOMIC DEVELOPMENT: July 5, 2016 – 6:00 p.m. – City Hall Conference Room

<u>Committee</u>	<u>Departments</u>	<u>Liaisons</u>
Chairman: Alderman Koch	Community Development	Plan Commission
Vice-Chairman: Alderman Teeling	Building Safety and Zoning	Yorkville Econ. Dev. Corp.
Committee: Alderman Colosimo		Kendall Co. Plan Commission
Committee: Alderman Funkhouser		

PUBLIC SAFETY: July 7, 2016 – 6:30 p.m. – City Hall Conference Room

<u>Committee</u>	<u>Departments</u>	<u>Liaisons</u>
Chairman: Alderman Kot	Police	School District
Vice-Chairman: Alderman Frieders		
Committee: Alderman Colosimo		
Committee: Alderman Tarulis		

PUBLIC WORKS: July 19, 2016 – 6:00 p.m. – City Hall Conference Room

<u>Committee</u>	<u>Departments</u>	<u>Liaisons</u>
Chairman: Alderman Funkhouser	Public Works	Park Board
Vice-Chairman: Alderman Milschewski	Engineering	YBSD
Committee: Alderman Kot	Parks and Recreation	
Committee: Alderman Koch		

UNITED CITY OF YORKVILLE
WORKSHEET
CITY COUNCIL
Tuesday, June 28, 2016
7:00 PM
CITY COUNCIL CHAMBERS

AMENDMENTS TO AGENDA:

CITIZEN COMMENTS ON AGENDA ITEMS:

CONSENT AGENDA:

1. ADM 2016-37 Monthly Treasurer's Report for May 2016

☐ Approved: **Y** _____ **N** _____ ☐ Subject to _____

☐ Removed _____

☐ Notes _____

2. ADM 2016-41 Ordinance Declaring the United City of Yorkville's Compliance with Illinois Prevailing Wage Act

☐ Approved: **Y** _____ **N** _____ ☐ Subject to _____

☐ Removed _____

☐ Notes _____

3. PW 2016-34 Intergovernmental Agreement (KC-TAP) for Kennedy Road Multi-Use Path

☐ Approved: **Y** _____ **N** _____ ☐ Subject to _____

☐ Removed _____

☐ Notes _____

4. PW 2016-35 Resolution Approving the Transfer of the United City of Yorkville's Interest in the Stone Subdivision Sign Located at the Southwest Corner of Diehl Farm Road and U.S. Route 34 (1605 Cottonwood Trail)

☐ Approved: **Y** _____ **N** _____ ☐ Subject to _____

☐ Removed _____

☐ Notes _____

5. PW 2016-36 Wrigley Grant of Easement

☐ Approved: **Y** _____ **N** _____ ☐ Subject to _____

☐ Removed _____

☐ Notes _____

6. PW 2016-37 IL Route 47 Improvements at Wrigley Access Drive

☐ Approved: **Y** _____ **N** _____ ☐ Subject to _____

☐ Removed _____

☐ Notes _____

7. PW 2016-39 104 Beaver Street – Grant of Easement

☐ Approved: **Y** _____ **N** _____ ☐ Subject to _____

☐ Removed _____

☐ Notes _____

8. PW 2016-41 NPDES Annual Report

☐ Approved: **Y** _____ **N** _____ ☐ Subject to _____

☐ Removed _____

☐ Notes _____

BILLS FOR PAYMENT:

1. Bills for Payment (Informational)

☐ Notes _____

MAYOR'S REPORT:

1. CC 2016-40 Bond Ordinances

☐ Approved: **Y** _____ **N** _____ ☐ Subject to _____

☐ Removed _____

☐ Notes _____

2. CC 2016-41 Ordinance Approving the Bristol Bay Park Purchase and Sale Agreement

☐ Approved: **Y** _____ **N** _____ ☐ Subject to _____

☐ Removed _____

☐ Notes _____

PUBLIC WORKS COMMITTEE:

1. PW 2016-38 Fountain Village – Development Status

☐ Approved: **Y** _____ **N** _____ ☐ Subject to _____

☐ Removed _____

☐ Notes _____

ECONOMIC DEVELOPMENT COMMITTEE:

1. EDC 2016-33 Ordinance Creating a Planning and Zoning Commission

☐ Approved: **Y** _____ **N** _____ ☐ Subject to _____

☐ Removed _____

☐ Notes _____

ADMINISTRATION COMMITTEE:

1. ADM 2016-42 Clerk and Treasurer Referendums

a. Resolution – Clerk Referendum

b. Resolution – City Treasurer Referendum

☐ Approved: **Y** _____ **N** _____ ☐ Subject to _____☐ Removed _____☐ Notes _____

2. ADM 2016-43 Home Rule Referendum☐ Approved: **Y** _____ **N** _____ ☐ Subject to _____☐ Removed _____☐ Notes _____

PLAN COMMISSION:

1. PC 2016-12 Ordinance of the United City of Yorkville, Kendall County, Illinois, Approving a Special Use for a Commercial/Trade School Within Units B and C at 210 Beaver Street

☐ Approved: **Y** _____ **N** _____ ☐ Subject to _____☐ Removed _____☐ Notes _____

ADDITIONAL BUSINESS:

CITIZEN COMMENTS:



Reviewed By:	
Legal	☐
Finance	☒
Engineer	☐
City Administrator	☒
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

CA #1

Tracking Number

ADM 2016-37

Agenda Item Summary Memo

Title: Monthly Treasurer's Report for May 2016

Meeting and Date: City Council – June 28, 2016

Synopsis: _____

Council Action Previously Taken:

Date of Action: ADM – 06/15/16 Action Taken: Moved forward to CC consent agenda

Item Number: ADM 2016-37

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Rob Fredrickson Finance
Name Department

Agenda Item Notes:



UNITED CITY OF YORKVILLE
TREASURER'S REPORT - for the month ending May 31, 2016

	Projected Beginning Fund Balance	Cash Basis		Revenue Budget	% of Budget	May Expenses		YTD Expenses	Expense Budget	% of Budget	Projected Ending Fund Balance
		May	Revenues	YTD Revenues		May	Expenses				
General Fund											
01 - General	5,646,250		984,975	984,975	14,516,822	7%	983,409	983,409	14,803,097	7%	5,647,816
Special Revenue Funds											
15 - Motor Fuel Tax	790,394		63,712	63,712	512,577	12%	12,298	12,298	740,580	2%	841,808
79 - Parks and Recreation	506,232		233,914	233,914	1,654,988	14%	117,674	117,674	1,796,995	7%	622,471
72 - Land Cash	210,378		1,337	1,337	489,000	0%	4,349	4,349	453,855	1%	207,366
87 - Countryside TIF	(549,947)		-	-	200,000	0%	77,913	77,913	162,759	48%	(627,860)
88 - Downtown TIF	248,876		5,448	5,448	70,050	8%	1,237	1,237	52,780	2%	253,088
11 - Fox Hill SSA	(3,780)		847	847	7,073	12%	-	-	4,833	0%	(2,933)
12 - Sunflower SSA	(31,175)		1,807	1,807	20,392	9%	-	-	17,534	0%	(29,368)
Debt Service Fund											
42 - Debt Service	-		27,169	27,169	320,675	8%	-	-	320,675	0%	27,169
Capital Project Funds											
25 - Vehicle & Equipment	1,317		17,553	17,553	140,883	12%	6,426	6,426	193,617	3%	12,444
23 - City-Wide Capital	2,985,776		67,355	67,355	1,823,662	4%	74,145	74,145	3,796,671	2%	2,978,987
Enterprise Funds											
* 51 - Water	5,328,450		57,782	57,782	3,794,908	2%	498,039	498,039	6,445,269	8%	4,888,193
* 52 - Sewer	1,610,245		111,892	111,892	2,534,994	4%	46,890	46,890	2,965,298	2%	1,675,248
Library Funds											
82 - Library Operations	496,243		65,612	65,612	731,887	9%	54,252	54,252	756,943	7%	507,604
83 - Library Debt Service	-		73,129	73,129	752,771	10%	-	-	752,771	0%	73,129
84 - Library Capital	15,559		3,101	3,101	20,010	15%	-	-	11,895	0%	18,660
Total Funds	17,254,818		1,715,633	1,715,633	27,590,692	6%	1,876,631	1,876,631	33,275,572	6%	17,093,820

* Fund Balance Equivalency

As Deputy Treasurer of the United City of Yorkville, I hereby attest, to the best of my knowledge, that the information contained in this Treasurer's Report is accurate as of the date detailed herein. Further information is available in the Finance Department.

Rob Fredrickson, Finance Director/Deputy Treasurer



Reviewed By:	
Legal	☒
Finance	☐
Engineer	☐
City Administrator	☒
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

CA #2

Tracking Number

ADM 2016-41

Agenda Item Summary Memo

Title: Prevailing Wage Ordinance

Meeting and Date: City Council – June 28, 2016

Synopsis: Ordinance to be compliant with the Prevailing Wage Act.

Council Action Previously Taken:

Date of Action: ADM 06/15/16 Action Taken: Moved forward to CC consent agenda

Item Number: ADM 2016-41

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Lisa Pickering

Name

Administration

Department

Agenda Item Notes:

Have a question or comment about this agenda item?

Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/gov_officials.php



Memorandum

To: Administration Committee
From: Lisa Pickering, Deputy Clerk
CC: Bart Olson, City Administrator
Date: June 7, 2016
Subject: Prevailing Wage Ordinance

Summary

Ordinance to be compliant with the Illinois Prevailing Wage Act.

Background

During the month of June each year, the city is required by state statute to investigate and ascertain the prevailing rate of wages as defined in 820 ILCS 130 – Prevailing Wage Act. The purpose of the Prevailing Wage Act is to ensure that the general prevailing rate of wages for laborers, mechanics, and other workers engaged in the construction of public works coming under the jurisdiction of the city are the same as the prevailing rate of wages for construction work in the Kendall County area. The rate of wages is determined by the Illinois Department of Labor.

I have attached a draft ordinance along with the list of Kendall County prevailing wages for July 2015, which is the most recent month that the state has posted prevailing wages.

After the approval of the ordinance by City Council, a copy of the ordinance will be publicly posted in the glass case in the lobby, a public notice will be placed in the newspaper, and a certified copy will be filed with the Illinois Department of Labor.

Recommendation

Staff recommends approval of the attached ordinance.

**AN ORDINANCE DECLARING THE UNITED CITY OF YORKVILLE'S
COMPLIANCE WITH ILLINOIS PREVAILING WAGE ACT**

WHEREAS, the State of Illinois has enacted "An ACT regulating wages of laborers, mechanics, and other workers employed in any public works by the State, County, City or any public body or any political subdivision or by anyone under contract for public works," approved June 26, 1941, as amended, being Chapter 820 ILCS 130/1-12 Illinois Compiled Statutes; and

WHEREAS, the aforesaid Act requires that the United City of Yorkville investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics, and other workers in the locality of said City employed in performing construction of public works, for said City.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1. As required by "An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, County, City or any public body or any political subdivision or by anyone under contract for public works" approved June 26, 1941, as amended, the general prevailing rate of wages in the locality for laborers, mechanics, and other workers engaged in the construction of public works coming under the jurisdiction of this City is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Kendall County area as determined by the Department of Labor and the State of Illinois as of July 2015, a copy of that determination being attached hereto as Exhibit "A" and incorporated herein by reference. The definition of any terms appearing in this Ordinance which are also used in the aforesaid Act shall be the same as in said Act.

Section 2. Nothing herein shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works of this City to the extent required by the aforesaid Act.

Section 3. The City Clerk shall publicly post or keep available for inspection by any interested party in the main office of this City this determination of such prevailing rate of wage.

Section 4. The City Clerk shall mail a copy of this determination to any employer, and to any association of employers and to any person or association of employees who have filed or file their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

Section 5. The City shall promptly file a certified copy of this Ordinance with the Department of Labor of the State of Illinois.

Section 6. The City Clerk shall cause a notice to be published in a newspaper of general circulation within the area that the determination of prevailing wages has been made. Said notice shall conform substantially to the notice attached hereto as Exhibit "B". Such publication shall constitute notice that this is the determination of the City and is effective.

PASSED by the City Council of the United City of Yorkville, Kendall County, Illinois,
this ____ day of _____, A.D. 2016.

City Clerk

CARLO COLOSIMO _____
JACKIE MILSCHEWSKI _____
CHRIS FUNKHOUSER _____
DIANE TEELING _____

KEN KOCH _____
LARRY KOT _____
JOEL FRIEDERS _____
SEAVAR TARULIS _____

APPROVED by me, as Mayor of the United City of Yorkville, Kendall County, Illinois,
this ____ day of _____, A.D. 2016.

Mayor

Exhibit A

Kendall County Prevailing Wage for July 2015

(See explanation of column headings at bottom of wages)

Trade Name	RG	TYP	C	Base	FRMAN	M-F>8	OSA	OSH	H/W	Pensn	Vac	Trng	
=====	==	===	=	=====	=====	=====	===	===	=====	=====	=====	=====	
ASBESTOS ABT-GEN		ALL		39.400	39.950	1.5	1.5	2.0	13.42	11.28	0.000	0.500	
ASBESTOS ABT-MEC		BLD		36.340	38.840	1.5	1.5	2.0	11.47	10.96	0.000	0.720	
BOILERMAKER		BLD		47.070	51.300	2.0	2.0	2.0	6.970	18.13	0.000	0.400	
BRICK MASON		BLD		43.780	48.160	1.5	1.5	2.0	10.05	14.43	0.000	1.030	
CARPENTER		ALL		44.350	46.350	1.5	1.5	2.0	11.79	16.40	0.000	0.630	
CEMENT MASON		ALL		43.000	45.000	2.0	1.5	2.0	10.00	18.27	0.000	0.500	
CERAMIC TILE FNSHER		BLD		36.810	0.000	1.5	1.5	2.0	10.55	9.230	0.000	0.770	
COMMUNICATION TECH		BLD		38.620	40.720	1.5	1.5	2.0	10.19	10.81	0.000	1.350	
ELECTRIC PWR EQMT OP		ALL		37.890	51.480	1.5	1.5	2.0	5.000	11.75	0.000	0.380	
ELECTRIC PWR EQMT OP		HWY		39.220	53.290	1.5	1.5	2.0	5.000	12.17	0.000	0.390	
ELECTRIC PWR GRNDMAN		ALL		29.300	51.480	1.5	1.5	2.0	5.000	9.090	0.000	0.290	
ELECTRIC PWR GRNDMAN		HWY		30.330	53.290	1.5	1.5	2.0	5.000	9.400	0.000	0.300	
ELECTRIC PWR LINEMAN		ALL		45.360	51.480	1.5	1.5	2.0	5.000	14.06	0.000	0.450	
ELECTRIC PWR LINEMAN		HWY		46.950	53.290	1.5	1.5	2.0	5.000	14.56	0.000	0.470	
ELECTRIC PWR TRK DRV		ALL		30.340	51.480	1.5	1.5	2.0	5.000	9.400	0.000	0.300	
ELECTRIC PWR TRK DRV		HWY		31.400	53.290	1.5	1.5	2.0	5.000	9.730	0.000	0.310	
ELECTRICIAN		BLD		45.950	50.550	1.5	1.5	2.0	10.57	12.87	0.000	1.610	
ELEVATOR CONSTRUCTOR		BLD		50.800	57.150	2.0	2.0	2.0	13.57	14.21	4.060	0.600	
FENCE ERECTOR		ALL		45.060	48.660	2.0	2.0	2.0	10.52	20.76	0.000	0.700	
GLAZIER		BLD		40.500	42.000	1.5	2.0	2.0	13.14	16.99	0.000	0.940	
HT/FROST INSULATOR		BLD		48.450	50.950	1.5	1.5	2.0	11.47	12.16	0.000	0.720	
IRON WORKER		ALL		45.060	48.660	2.0	2.0	2.0	10.52	20.76	0.000	0.700	
LABORER		ALL		39.200	39.950	1.5	1.5	2.0	13.42	11.28	0.000	0.500	
LATHER		ALL		42.520	44.520	1.5	1.5	2.0	13.29	12.76	0.000	0.630	
MACHINIST		BLD		45.350	47.850	1.5	1.5	2.0	7.260	8.950	1.850	0.000	
MARBLE FINISHERS		ALL		32.400	34.320	1.5	1.5	2.0	10.05	13.75	0.000	0.620	
MARBLE MASON		BLD		43.030	47.330	1.5	1.5	2.0	10.05	14.10	0.000	0.780	
MATERIAL TESTER I		ALL		29.200	0.000	1.5	1.5	2.0	13.42	11.28	0.000	0.500	
MATERIALS TESTER II		ALL		34.200	0.000	1.5	1.5	2.0	13.42	11.28	0.000	0.500	
MILLWRIGHT		ALL		44.350	46.350	1.5	1.5	2.0	11.79	16.40	0.000	0.630	
OPERATING ENGINEER		BLD 1		48.100	52.100	2.0	2.0	2.0	17.55	12.65	1.900	1.250	
OPERATING ENGINEER		BLD 2		46.800	52.100	2.0	2.0	2.0	17.55	12.65	1.900	1.250	
OPERATING ENGINEER		BLD 3		44.250	52.100	2.0	2.0	2.0	17.55	12.65	1.900	1.250	
OPERATING ENGINEER		BLD 4		42.500	52.100	2.0	2.0	2.0	17.55	12.65	1.900	1.250	
OPERATING ENGINEER		BLD 5		51.850	52.100	2.0	2.0	2.0	17.55	12.65	1.900	1.250	
OPERATING ENGINEER		BLD 6		49.100	52.100	2.0	2.0	2.0	17.55	12.65	1.900	1.250	
OPERATING ENGINEER		BLD 7		51.100	52.100	2.0	2.0	2.0	17.55	12.65	1.900	1.250	
OPERATING ENGINEER		FLT		36.000	36.000	1.5	1.5	2.0	17.10	11.80	1.900	1.250	
OPERATING ENGINEER		HWY 1		46.300	50.300	1.5	1.5	2.0	17.55	12.65	1.900	1.250	
OPERATING ENGINEER		HWY 2		45.750	50.300	1.5	1.5	2.0	17.55	12.65	1.900	1.250	
OPERATING ENGINEER		HWY 3		43.700	50.300	1.5	1.5	2.0	17.55	12.65	1.900	1.250	
OPERATING ENGINEER		HWY 4		42.300	50.300	1.5	1.5	2.0	17.55	12.65	1.900	1.250	
OPERATING ENGINEER		HWY 5		41.100	50.300	1.5	1.5	2.0	17.55	12.65	1.900	1.250	
OPERATING ENGINEER		HWY 6		49.300	50.300	1.5	1.5	2.0	17.55	12.65	1.900	1.250	
OPERATING ENGINEER		HWY 7		47.300	50.300	1.5	1.5	2.0	17.55	12.65	1.900	1.250	
ORNAMNTL IRON WORKER		ALL		45.060	48.660	2.0	2.0	2.0	10.52	20.76	0.000	0.700	
PAINTER		ALL		41.730	43.730	1.5	1.5	1.5	10.30	8.200	0.000	1.350	
PAINTER SIGNS		BLD		33.920	38.090	1.5	1.5	1.5	2.600	2.710	0.000	0.000	
PILEDRIVER		ALL		44.350	46.350	1.5	1.5	2.0	11.79	16.40	0.000	0.630	
PIPEFITTER		BLD		46.000	49.000	1.5	1.5	2.0	9.000	15.85	0.000	1.780	
PLASTERER		BLD		43.430	46.040	1.5	1.5	2.0	13.05	14.43	0.000	1.020	
PLUMBER		BLD		46.650	48.650	1.5	1.5	2.0	13.18	11.46	0.000	0.880	
ROOFER		BLD		41.000	43.100	1.5	1.5	2.0	8.280	10.54	0.000	0.530	
SHEETMETAL WORKER		BLD		44.720	46.720	1.5	1.5	2.0	10.65	13.31	0.000	0.820	
SPRINKLER FITTER		BLD		49.200	51.200	1.5	1.5	2.0	11.75	9.650	0.000	0.550	
STEEL ERECTOR		ALL		45.060	48.660	2.0	2.0	2.0	10.52	20.76	0.000	0.700	
STONE MASON		BLD		43.780	48.160	1.5	1.5	2.0	10.05	14.43	0.000	1.030	
SURVEY WORKER		-->NOT IN EFFECT		ALL	37.000	37.750	1.5	1.5	2.0	12.97	9.930	0.000	0.500
TERRAZZO FINISHER		BLD		38.040	0.000	1.5	1.5	2.0	10.55	11.22	0.000	0.720	

TERRAZZO MASON	BLD	41.880	44.880	1.5	1.5	2.0	10.55	12.51	0.000	0.940
TILE MASON	BLD	43.840	47.840	1.5	1.5	2.0	10.55	11.40	0.000	0.990
TRUCK DRIVER	ALL 1	35.650	36.200	1.5	1.5	2.0	7.250	6.319	0.000	0.250
TRUCK DRIVER	ALL 2	35.800	36.200	1.5	1.5	2.0	7.250	6.319	0.000	0.250
TRUCK DRIVER	ALL 3	36.000	36.200	1.5	1.5	2.0	7.250	6.319	0.000	0.250
TRUCK DRIVER	ALL 4	36.200	36.200	1.5	1.5	2.0	7.250	6.319	0.000	0.250
TUCKPOINTER	BLD	43.800	44.800	1.5	1.5	2.0	8.280	13.49	0.000	0.670

Legend: RG (Region)

TYP (Trade Type - All, Highway, Building, Floating, Oil & Chip, Rivers)

C (Class)

Base (Base Wage Rate)

FRMAN (Foreman Rate)

M-F>8 (OT required for any hour greater than 8 worked each day, Mon through Fri.)

OSA (Overtime (OT) is required for every hour worked on Saturday)

OSH (Overtime is required for every hour worked on Sunday and Holidays)

H/W (Health & Welfare Insurance)

Pensn (Pension)

Vac (Vacation)

Trng (Training)

Explanations**KENDALL COUNTY**

The following list is considered as those days for which holiday rates of wages for work performed apply: New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day in some classifications/counties. Generally, any of these holidays which fall on a Sunday is celebrated on the following Monday. This then makes work performed on that Monday payable at the appropriate overtime rate for holiday pay. Common practice in a given local may alter certain days of celebration. If in doubt, please check with IDOL.

EXPLANATION OF CLASSES

ASBESTOS - GENERAL - removal of asbestos material/mold and hazardous materials from any place in a building, including mechanical systems where those mechanical systems are to be removed. This includes the removal of asbestos materials/mold and hazardous materials from ductwork or pipes in a building when the building is to be demolished at the time or at some close future date.

ASBESTOS - MECHANICAL - removal of asbestos material from mechanical systems, such as pipes, ducts, and boilers, where the mechanical systems are to remain.

CERAMIC TILE FINISHER

The grouting, cleaning, and polishing of all classes of tile, whether for interior or exterior purposes, all burned, glazed or unglazed products; all composition materials, granite tiles, warning detectable tiles, cement tiles, epoxy composite materials, pavers, glass, mosaics, fiberglass, and all substitute materials, for tile made in tile-like units; all mixtures in tile like form of cement, metals, and other materials that are for and intended for use as a finished floor surface, stair treads, promenade roofs, walks, walls, ceilings, swimming pools, and all other places where tile is to form a finished interior or exterior. The mixing of all setting mortars including but not limited to thin-set mortars, epoxies, wall mud, and any other sand and cement mixtures or adhesives when used in the preparation, installation, repair, or maintenance of tile and/or similar materials. The handling and unloading of all sand, cement, lime, tile, fixtures, equipment, adhesives, or any other materials to be used in the preparation, installation, repair, or maintenance of tile and/or similar materials. Ceramic Tile Finishers shall fill all joints and voids regardless of method on all tile work, particularly and especially after installation of said tile work. Application of any

and all protective coverings to all types of tile installations including, but not be limited to, all soap compounds, paper products, tapes, and all polyethylene coverings, plywood, masonite, cardboard, and any new type of products that may be used to protect tile installations, Blastrac equipment, and all floor scarifying equipment used in preparing floors to receive tile. The clean up and removal of all waste and materials. All demolition of existing tile floors and walls to be re-tiled.

COMMUNICATIONS TECHNICIAN

Construction, installation, maintenance and removal of telecommunication facilities (voice, sound, data and video), telephone, security, and data inside wire, interconnect, terminal equipment, central offices, PABX and equipment, micro waves, V-SAT, bypass, CATV, WAN (wide area network), LAN (local area networks), and ISDN (integrated system digital network), pulling of wire in raceways, but not the installation of raceways.

MARBLE FINISHER

Loading and unloading trucks, distribution of all materials (all stone, sand, etc.), stocking of floors with material, performing all rigging for heavy work, the handling of all material that may be needed for the installation of such materials, building of scaffolding, polishing if needed, patching, waxing of material if damaged, pointing up, caulking, grouting and cleaning of marble, holding water on diamond or Carborundum blade or saw for setters cutting, use of tub saw or any other saw needed for preparation of material, drilling of holes for wires that anchor material set by setters, mixing up of molding plaster for installation of material, mixing up thin set for the installation of material, mixing up of sand to cement for the installation of material and such other work as may be required in helping a Marble Setter in the handling of all material in the erection or installation of interior marble, slate, travertine, art marble, serpentine, alberene stone, blue stone, granite and other stones (meaning as to stone any foreign or domestic materials as are specified and used in building interiors and exteriors and customarily known as stone in the trade), carrara, sanionyx, vitrolite and similar opaque glass and the laying of all marble tile, terrazzo tile, slate tile and precast tile, steps, risers treads, base, or any other materials that may be used as substitutes for any of the aforementioned materials and which are used on interior and exterior which are installed in a similar manner.

MATERIAL TESTER I: Hand coring and drilling for testing of materials; field inspection of uncured concrete and asphalt.

MATERIAL TESTER II: Field inspection of welds, structural steel, fireproofing, masonry, soil, facade, reinforcing steel, formwork, cured concrete, and concrete and asphalt batch plants; adjusting proportions of bituminous mixtures.

OPERATING ENGINEER - BUILDING

Class 1. Asphalt Plant; Asphalt Spreader; Autograde; Backhoes with Caisson Attachment; Batch Plant; Benoto (requires Two Engineers); Boiler and Throttle Valve; Caisson Rigs; Central Redi-Mix Plant; Combination Back Hoe Front End-loader Machine; Compressor and Throttle Valve; Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Conveyor (Truck Mounted); Concrete Paver Over 27E cu. ft; Concrete Paver 27E cu. ft. and Under; Concrete Placer; Concrete Placing Boom; Concrete Pump (Truck Mounted); Concrete Tower; Cranes, All; Cranes, Hammerhead; Cranes, (GCI and similar Type); Creter Crane; Spider Crane; Crusher, Stone, etc.; Derricks, All; Derricks, Traveling; Formless Curb and Gutter Machine; Grader, Elevating; Grouting

Machines; Heavy Duty Self-Propelled Transporter or Prime Mover; Highlift Shovels or Front Endloader 2-1/4 yd. and over; Hoists, Elevators, outside type rack and pinion and similar machines; Hoists, One, Two and Three Drum; Hoists, Two Tugger One Floor; Hydraulic Backhoes; Hydraulic Boom Trucks; Hydro Vac (and similar equipment); Locomotives, All; Motor Patrol; Lubrication Technician; Manipulators; Pile Drivers and Skid Rig; Post Hole Digger; Pre-Stress Machine; Pump Cretes Dual Ram; Pump Cretes: Squeeze Cretes-Screw Type Pumps; Gypsum Bulker and Pump; Raised and Blind Hole Drill; Roto Mill Grinder; Scoops - Tractor Drawn; Slip-Form Paver; Straddle Buggies; Operation of Tie Back Machine; Tournapull; Tractor with Boom and Side Boom; Trenching Machines.

Class 2. Boilers; Broom, All Power Propelled; Bulldozers; Concrete Mixer (Two Bag and Over); Conveyor, Portable; Forklift Trucks; Highlift Shovels or Front Endloaders under 2-1/4 yd.; Hoists, Automatic; Hoists, Inside Elevators; Hoists, Sewer Dragging Machine; Hoists, Tugger Single Drum; Laser Screed; Rock Drill (Self-Propelled); Rock Drill (Truck Mounted); Rollers, All; Steam Generators; Tractors, All; Tractor Drawn Vibratory Roller; Winch Trucks with "A" Frame.

Class 3. Air Compressor; Combination Small Equipment Operator; Generators; Heaters, Mechanical; Hoists, Inside Elevators (remodeling or renovation work); Hydraulic Power Units (Pile Driving, Extracting, and Drilling); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Low Boys; Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 Small Electric Drill Winches.

Class 4. Bobcats and/or other Skid Steer Loaders; Oilers; and Brick Forklift.

Class 5. Assistant Craft Foreman.

Class 6. Gradall.

Class 7. Mechanics; Welder.

OPERATING ENGINEERS - HIGHWAY CONSTRUCTION

Class 1. Asphalt Plant; Asphalt Heater and Planer Combination; Asphalt Heater Scarfire; Asphalt Spreader; Autograder/GOMACO or other similar type machines; ABG Paver; Backhoes with Caisson Attachment; Ballast Regulator; Belt Loader; Caisson Rigs; Car Dumper; Central Redi-Mix Plant; Combination Backhoe Front Endloader Machine, (1 cu. yd. Backhoe Bucket or over or with attachments); Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Tower Cranes of all types: Creter Crane; Spider Crane; Crusher, Stone, etc.; Derricks, All; Derrick Boats; Derricks, Traveling; Dredges; Elevators, Outside type Rack & Pinion and Similar Machines; Formless Curb and Gutter Machine; Grader, Elevating; Grader, Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader; Guard Rail Post Driver Truck Mounted; Hoists, One, Two and Three Drum; Heavy Duty Self-Propelled Transporter or Prime Mover; Hydraulic Backhoes; Backhoes with shear attachments up to 40' of boom reach; Lubrication Technician; Manipulators; Mucking Machine; Pile Drivers and Skid Rig; Pre-Stress Machine; Pump Cretes Dual Ram; Rock Drill - Crawler or Skid Rig; Rock Drill - Truck Mounted; Rock/Track Tamper; Roto Mill Grinder; Slip-Form Paver; Snow Melters; Soil Test Drill Rig (Truck Mounted); Straddle Buggies; Hydraulic Telescoping Form (Tunnel); Operation of Tieback Machine; Tractor Drawn Belt Loader; Tractor Drawn Belt Loader (with attached pusher - two engineers); Tractor with Boom; Tractaire with Attachments; Traffic Barrier Transfer Machine; Trenching; Truck Mounted Concrete Pump with Boom; Raised or Blind Hole Drills (Tunnel Shaft); Underground Boring and/or Mining Machines 5 ft. in diameter and over tunnel, etc; Underground Boring and/or Mining

Machines under 5 ft. in diameter; Wheel Excavator; Widener (APSCO).

Class 2. Batch Plant; Bituminous Mixer; Boiler and Throttle Valve; Bulldozers; Car Loader Trailing Conveyors; Combination Backhoe Front Endloader Machine (Less than 1 cu. yd. Backhoe Bucket or over or with attachments); Compressor and Throttle Valve; Compressor, Common Receiver (3); Concrete Breaker or Hydro Hammer; Concrete Grinding Machine; Concrete Mixer or Paver 7S Series to and including 27 cu. ft.; Concrete Spreader; Concrete Curing Machine, Burlap Machine, Belting Machine and Sealing Machine; Concrete Wheel Saw; Conveyor Muck Cars (Haglund or Similar Type); Drills, All; Finishing Machine - Concrete; Highlift Shovels or Front Endloader; Hoist - Sewer Dragging Machine; Hydraulic Boom Trucks (All Attachments); Hydro-Blaster; Hydro Excavating (excluding hose work); Laser Screed; All Locomotives, Dinky; Off-Road Hauling Units (including articulating) Non Self-Loading Ejection Dump; Pump Cretes: Squeeze Cretes - Screw Type Pumps, Gypsum Bulker and Pump; Roller, Asphalt; Rotary Snow Plows; Rototiller, Seaman, etc., self-propelled; Self-Propelled Compactor; Spreader - Chip - Stone, etc.; Scraper - Single/Twin Engine/Push and Pull; Scraper - Prime Mover in Tandem (Regardless of Size); Tractors pulling attachments, Sheeps Foot, Disc, Compactor, etc.; Tug Boats.

Class 3. Boilers; Brooms, All Power Propelled; Cement Supply Tender; Compressor, Common Receiver (2); Concrete Mixer (Two Bag and Over); Conveyor, Portable; Farm-Type Tractors Used for Mowing, Seeding, etc.; Forklift Trucks; Grouting Machine; Hoists, Automatic; Hoists, All Elevators; Hoists, Tugger Single Drum; Jeep Diggers; Low Boys; Pipe Jacking Machines; Post-Hole Digger; Power Saw, Concrete Power Driven; Pug Mills; Rollers, other than Asphalt; Seed and Straw Blower; Steam Generators; Stump Machine; Winch Trucks with "A" Frame; Work Boats; Tamper-Form-Motor Driven.

Class 4. Air Compressor; Combination - Small Equipment Operator; Directional Boring Machine; Generators; Heaters, Mechanical; Hydraulic Power Unit (Pile Driving, Extracting, or Drilling); Light Plants, All (1 through 5); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Vacuum Trucks (excluding hose work); Welding Machines (2 through 5); Winches, 4 Small Electric Drill Winches.

Class 5. SkidSteer Loader (all); Brick Forklifts; Oilers.

Class 6. Field Mechanics and Field Welders

Class 7. Dowell Machine with Air Compressor; Gradall and machines of like nature.

OPERATING ENGINEERS - FLOATING

Diver. Diver Wet Tender, Diver Tender, ROV Pilot, ROV Tender

SURVEY WORKER - Operated survey equipment including data collectors, G.P.S. and robotic instruments, as well as conventional levels and transits.

TRUCK DRIVER - BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

Class 1. Two or three Axle Trucks. A-frame Truck when used for transportation purposes; Air Compressors and Welding Machines, including those pulled by cars, pick-up trucks and tractors; Ambulances Batch Gate Lockers; Batch Hopperman; Car and Truck Washers; Carry-alls; Fork Lifts and Hoisters; Helpers; Mechanics Helpers and Greasers; Oil Distributors 2-man operation; Pavement Breakers; Pole Trailer, up to 40 feet; Power Mower Tractors; Self-propelled Chip Spreader; Skipman; Slurry Trucks, 2-man operation; Slurry Truck Conveyor Operation, 2 or 3 man; Teamsters; Unskilled Dumpman; and

Truck Drivers hauling warning lights, barricades, and portable toilets on the job site.

Class 2. Four axle trucks; Dump Crets and Adgetors under 7 yards; Dumpsters, Track Trucks, Euclids, Hug Bottom Dump Turnapulls or Turnatrailers when pulling other than self-loading equipment or similar equipment under 16 cubic yards; Mixer Trucks under 7 yards; Ready-mix Plant Hopper Operator, and Winch Trucks, 2 Axles.

Class 3. Five axle trucks; Dump Crets and Adgetors 7 yards and over; Dumpsters, Track Trucks, Euclids, Hug Bottom Dump Turnatrailers or turnapulls when pulling other than self-loading equipment or similar equipment over 16 cubic yards; Explosives and/or Fission Material Trucks; Mixer Trucks 7 yards or over; Mobile Cranes while in transit; Oil Distributors, 1-man operation; Pole Trailer, over 40 feet; Pole and Expandable Trailers hauling material over 50 feet long; Slurry trucks, 1-man operation; Winch trucks, 3 axles or more; Mechanic--Truck Welder and Truck Painter.

Class 4. Six axle trucks; Dual-purpose vehicles, such as mounted crane trucks with hoist and accessories; Foreman; Master Mechanic; Self-loading equipment like P.B. and trucks with scoops on the front.

TERRAZZO FINISHER

The handling of sand, cement, marble chips, and all other materials that may be used by the Mosaic Terrazzo Mechanic, and the mixing, grinding, grouting, cleaning and sealing of all Marble, Mosaic, and Terrazzo work, floors, base, stairs, and wainscoting by hand or machine, and in addition, assisting and aiding Marble, Masonic, and Terrazzo Mechanics.

Other Classifications of Work:

For definitions of classifications not otherwise set out, the Department generally has on file such definitions which are available. If a task to be performed is not subject to one of the classifications of pay set out, the Department will upon being contacted state which neighboring county has such a classification and provide such rate, such rate being deemed to exist by reference in this document. If no neighboring county rate applies to the task, the Department shall undertake a special determination, such special determination being then deemed to have existed under this determination. If a project requires these, or any classification not listed, please contact IDOL at 217-782-1710 for wage rates or clarifications.

LANDSCAPING

Landscaping work falls under the existing classifications for laborer, operating engineer and truck driver. The work performed by landscape plantsman and landscape laborer is covered by the existing classification of laborer. The work performed by landscape operators (regardless of equipment used or its size) is covered by the classifications of operating engineer. The work performed by landscape truck drivers (regardless of size of truck driven) is covered by the classifications of truck driver.

MATERIAL TESTER & MATERIAL TESTER/INSPECTOR I AND II

Notwithstanding the difference in the classification title, the classification entitled "Material Tester I" involves the same job duties as the classification entitled "Material Tester/Inspector I". Likewise, the classification entitled "Material Tester II" involves the same job duties as the classification entitled "Material Tester/Inspector II".

Exhibit “B”

Public Notice

Notice of Ordinance No. _____ Prevailing Wage Rates

The United City of Yorkville has passed an Ordinance establishing the prevailing rate of wages hereby ascertained to be the same as the prevailing rate of wages for construction work in the Kendall County area as determined by the Department of Labor and the State of Illinois as of July 2015. Anyone wishing to inspect the ordinance may do so at: City Hall, 800 Game Farm Road, Yorkville, Illinois, Monday through Friday, between the hours of 8:00 A.M. and 4:30 P.M.

BETH WARREN
City Clerk

BY: Lisa Pickering
Deputy Clerk



Reviewed By:	
Legal	☐
Finance	☐
Engineer	☐
City Administrator	☒
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

CA #3

Tracking Number

PW 2016-34

Agenda Item Summary Memo

Title: Intergovernmental Agreement (KC-TAP) for Kennedy Road Multi-use Path

Meeting and Date: City Council – June 28, 2016

Synopsis: See attached.

Council Action Previously Taken:

Date of Action: PW – 06/21/16 Action Taken: Moved forward to CC consent agenda

Item Number: PW 2016-34

Type of Vote Required: _____

Council Action Requested: _____

Submitted by: Bart Olson

Name

Administration

Department

Agenda Item Notes:

Have a question or comment about this agenda item?

Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/gov_officials.php



Memorandum

To: Public Works Committee
From: Bart Olson, City Administrator
CC:
Date: June 15, 2016
Subject: TAP Grant

Summary

Approval of an intergovernmental agreement with Kendall County for acceptance of a Transportation Alternatives Program grant in the amount of \$50,000.

Background

This grant program was last discussed by the City Council in March. At that time, the City Council approved an intergovernmental agreement with Kendall County for acceptance of a \$35,000 grant to offset costs related to Route 47 trail and sidewalk construction. Sometime after that meeting, the Kendall County Highway Committee reviewed their outstanding awards and project agreements and decided they had additional funding available.

As a result of the Kendall County Highway Committee's review and recommendation, the County Board approved a \$50,000 grant award for the Kennedy Road multi-use path. In order for the City to accept the funding, it must approve an intergovernmental agreement. The attached intergovernmental agreement is substantially the same agreement as the one the City approved earlier this year.

With City Council approval of the new agreement, we would immediately submit for reimbursement, as we have incurred more than enough expenses related to the project.

Recommendation

Staff recommends approval of the attached intergovernmental agreement with Kendall County for the Transportation Alternatives Program.

**INTERGOVERNMENTAL AGREEMENT FOR KENDALL COUNTY
TRANSPORTATION ALTERNATIVES PROGRAM (“KC-TAP”) FUNDING TO THE
UNITED CITY OF YORKVILLE TO CONSTRUCT A 2.72 MILE MULTI-USE PATH
ON KENNEDY ROAD FROM ROUTE 47 TO MILL ROAD IN YORKVILLE, ILLINOIS
(2016)**

THIS INTERGOVERNMENTAL AGREEMENT (*“the Agreement”*) by and between the County of Kendall, a unit of local government of the State of Illinois (*“Kendall County”*) and the United City of Yorkville (the *“Grantee”*), a municipal corporation of the State of Illinois.

WITNESSETH:

WHEREAS, the Constitution of the State of Illinois of 1970, Article VII, Section 10, provides that units of local government may contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or by ordinance and may use their credit, revenues, and other resources to pay costs related to intergovernmental activities; and

WHEREAS, the Grantee and Kendall County (the *“parties”*) are units of local government within the meaning of Article VII, Section 1 of the Illinois Constitution of 1970 who are authorized to enter into intergovernmental agreements pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*; and

WHEREAS, the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, provides that any county may participate in an intergovernmental agreement under this Act notwithstanding the absence of specific authority under the State law to perform the service involved, provided that the unit of local government contracting with the County has authority to perform the service; and

WHEREAS, pursuant to the Illinois Highway Code under 605 ILCS 5/9-101 and 605 ILCS 5/4-409, the State, its municipalities and the counties may form cooperative agreements

with each other for the construction, maintenance and improvement of streets, highways and any portions thereof; and

WHEREAS, the Illinois Highway Code (605 ILCS 5/1 *et seq.*) and the Illinois Bikeway Act (605 ILCS 30/1 *et seq.*) each encourage the funding and the creation of bicycle paths, multi-use trails and sidewalks along roadways within the State of Illinois; and

WHEREAS, on July 17, 2012, the Kendall County Board passed Resolution Number 12-33 entitled “Resolution for the Creation of the Kendall County Transportation Alternatives Program (“KC-TAP”)”, which authorizes Kendall County to provide financial assistance to qualified applicants for the grantee’s construction of multi-use trails and sidewalks in Kendall County, Illinois; and

WHEREAS, Grantee submitted an application pursuant to the KC-TAP to raise the necessary funding to build a 2.72 mile multi-use path parallel to Kennedy Road from Route 47 to the existing trail south of Mill Road, within Yorkville, Illinois. Grantee’s construction project is identified in the attached Exhibit A and shall be referred to herein as “the Project”; and

WHEREAS, while the Kendall County Board acknowledges that eligible KC-TAP projects must normally be located along a State or County Highway, it has determined that the Project to build a 2.72 mile multi-use path parallel to Kennedy Road will act to promote public safety for the residents of Kendall County on a major Municipal connector road. Further, because of the importance of this special circumstance, the Kendall County Board has determined that it will suspend the KC-TAP limitations on only one award being allowed a Grantee in a year as well as the \$50,000 per year limitation on awards, on account of the Grantee previously being awarded funds regarding an unrelated project during this fiscal year. As such, the Kendall

County Board approved Grantee's KC-TAP application for financial assistance on May 17, 2016; and

WHEREAS, the parties wish to enter into this agreement for the benefit of local pedestrians and bicyclists and to provide a safe and efficient pathway for the residents of the United City of Yorkville and Kendall County; and

WHEREAS, pursuant to the terms of this agreement, Kendall County will grant money to Grantee to partially fund the building of multi-use trails and/or sidewalks as described in the attached Exhibit A; and

WHEREAS, it is the understanding of the parties that at all times, including after completion of the project, Grantee alone will own, construct, maintain, repair and/or replace the subject improvements, and that Kendall County will have no duties to construct, maintain, repair and/or replace the subject improvements at any time in the future.

NOW, THEREFORE, in consideration of the premises and the mutual covenants hereafter set forth, the parties agree as follows:

1. The foregoing preambles are hereby incorporated into this Agreement as if fully restated in this paragraph 1;
2. Kendall County's Obligations:
 - a. Kendall County agrees to grant an amount not to exceed fifty thousand dollars (\$50,000.00) in Fiscal Year 2016 (December 1, 2015 to November 30, 2016) to Grantee for the purpose of partially funding construction of the Push for the Path Project as is depicted in Exhibit A;

- b. The final amount of this Grant, which shall not exceed fifty thousand dollars (\$50,000.00), will be determined at the time the Grantee submits its final request for reimbursement for the Project;
 - c. The final Grant amount shall not exceed 50% of the funding for said Project. Should the submitted reimbursement request constitute an amount above 50% of the Project's costs, then Kendall County shall, in its sole discretion, choose to reimburse an amount below fifty thousand dollars (\$50,000.00) and equal to 50% of the Project's costs;
 - d. Kendall County shall disburse the Grant funds under this agreement within sixty (60) days of the submission of Grantee's final request for reimbursement and the necessary supporting documentation supporting the request;
 - e. Kendall County shall have no ownership interest in the Project and/or the subject improvements under this agreement, nor shall it have any obligations beyond the granting and disbursement of KC-TAP grant funds as described herein.
3. Grantee's Obligations:
- a. Grantee understands and agrees that only qualified units of local government within Kendall County who have statutory authority to provide lands or facilities for multi-use trails or sidewalk purposes are eligible for assistance under the KC-TAP program;
 - b. Grantee shall use the funds set forth in this Agreement to construct the Project at the locations and pursuant to the specifications as set forth in the attached Exhibit A. Grantee understands and agrees that the funds provided by Kendall County pursuant to this Agreement shall not be used for any other purpose including, but

not limited to, future maintenance of the multi-use trails or sidewalks (e.g., sealing, patching or crack filling). In the event that Grantee uses the funds for an improper purpose, Grantee shall immediately reimburse Kendall County the full amount of funds provided to Grantee under this Agreement;

- c. At all times, the Project, and all of its resulting improvements, shall be the exclusive property of Grantee, who shall exercise complete control, responsibility and ownership of said property. At no time shall Kendall County be deemed to have adopted said Project or its resulting improvements or the responsibility for the ownership, construction, maintenance, care, and demolition of the improvements that are subject to the Project and this Agreement;
- d. Grantee and its consultants, employees, contractors, subcontractors and agents agree to comply with the following state and federal laws and Grantee shall ensure that all of their contracts include provisions incorporating the following:
 - i. The Illinois Prevailing Wage Act, 820 ILCS 130/1 *et seq.* Grantee agrees to (a) fully comply with all applicable requirements of the Prevailing Wage Act and (b) notify all contractors and subcontractors that the work performed pursuant to this Agreement shall be subject to the Illinois Prevailing Wage Act. In the event that Grantee fails to comply with the notice requirements set forth in the Illinois Prevailing Wage Act, Grantee shall be solely responsible for any and all penalties, fines and liabilities incurred for Grantee's, contractors' and/or subcontractors' violations of the Prevailing Wage Act.

- ii. The Employment of Illinois Workers on Public Works Act, 30 ILCS 570/0.01 *et seq.* (“Employment Act”).
 - iii. The Substance Abuse Prevention on Public Works Act, 820 ILCS 265/1 *et seq.* and the Illinois Drug Free Workplace Act, 30 ILCS 580/1 *et seq.*
 - iv. The Illinois Public Construction Bond Act, 30 ILCS 550/1 *et seq.*
 - v. The Illinois Human Rights Act, Title VI of the Civil Rights Act of 1964, as amended, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Section 504 of the Federal Rehabilitation Act, and all applicable rules and regulations.
- e. Grantee shall ensure that Grantee and each contractor and/or subcontractor performing work on the Project shall obtain and continue in force during the term of the Project, all insurance necessary and appropriate and that each contractor and/or subcontractor contracted with to perform work on the Project shall name Kendall County as an Additional Insured on a Primary and Non-Contributory basis with respect to the general liability, business auto liability and excess liability insurance, as well as a waiver of subrogation with respect to the general liability and workers’ compensation in favor of Kendall County. Further, Grantee shall require each contractor and/or subcontractor to provide indemnification and hold harmless guarantees to Kendall County during the construction of this Project;
- f. Grantee shall comply with all competitive bidding and selection requirements necessary for construction and completion of the Project pursuant to applicable state and federal laws. Grantee shall obtain certifications from all contractors and

subcontractors who perform work on the Project, which certify the contractors and subcontractors are not barred from performing the work as a result of a violation of either 720 ILCS 5/33E-3 or 5/33E-4 (bid rigging or bid rotating) or as a result of a violation of 820 ILCS 130/1 *et seq.* (the Illinois Prevailing Wage Act);

- g. It is agreed by the Grantee that the maintenance, both physical and financial of the Project and its resulting improvements will be the responsibility of Grantee, and Grantee alone. Further, Grantee shall be responsible for any future repair or replacement deemed necessary for the Project and its resulting improvements (notwithstanding any agreements with third-parties in this regard). Nothing in this Agreement shall be construed as to create a duty or responsibility on behalf of Kendall County to finance, maintain, repair, replace, or otherwise control the subject improvements;
- h. During, and following completion of the Project, Grantee shall defend, with counsel of Kendall County's own choosing, indemnify and hold harmless Kendall County, including Kendall County's past, present and future board members, elected officials, insurers, employees, and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, and expenses and costs relating thereto, including but not limited to attorneys' fees and other legal expenses, which Kendall County, its past, present and future board members, elected officials, insurers, employees, and/or agents may hereafter sustain, incur or be required to pay relating to, or arising in any manner out of the use, ownership, construction, maintenance, repair, replacement and/or condition of the

subject facilities built during this Project, or claims, liabilities, obligations, losses, penalties, fines, damages, and expenses and costs relating to and arising in any manner out of Grantee and Grantee's Contractors and Subcontractors construction of this Project or Grantee's alleged failure to perform its obligations pursuant to this Agreement. Any attorney representing Kendall County shall be approved by the Kendall County State's Attorney and shall be appointed a Special Assistant State's Attorney, as provided in 55 ILCS 5/3-9005. Kendall County's participation in its defense shall not remove Grantee's duty to indemnify, defend and hold Kendall County harmless, as set forth above;

- i. Grantee understands and agrees that construction of the Project must begin within 24 months of signature of this Agreement by the Kendall County Board. If the subject project does not begin construction within 24 months, Grantee will be in default of this Agreement and at that time the Agreement, as well as any obligations of Kendall County, shall immediately cease and be considered null and void with no further obligation upon Kendall County to provide the Grant funding as described above;
- j. Grantee understands that Construction of the Project must be completed and a request for reimbursement must be submitted to Kendall County within 60 months after the signature of this Agreement. If Grantee is unable to complete the Project and seek reimbursement within that time, Grantee will be in default of this Agreement and at that time the Agreement, as well as any obligations by Kendall County, shall immediately cease and be considered null and void with no further obligation upon Kendall County to provide the Grant funding as described above;

- k. If Grantee is unable to begin construction of the Project within 24 months after the parties' execution of this Agreement, or is unable to complete the Project and request reimbursement within 60 months after the parties' execution of this agreement, Grantee may submit a request in writing to Kendall County requesting an extension of time to commence or complete the construction, as the case may be. Grantee must file its request for an extension of time with Kendall County on or prior to expiration of the 24 month period in the case of it beginning construction or on or prior to expiration of the 60 month period in the case of completing construction and seeking reimbursement. Requests for extensions shall not be valid if made after the expiration of the above deadlines. Kendall County retains sole discretion whether to approve Grantee's request for an extension of time;
- l. Grantee understands and agrees that prior to Kendall County disbursing the above listed KC-TAP funds as described herein, Grantee must submit final project costs, along with a written request for reimbursement to the Kendall County Engineer or his designee, who shall then determine the appropriateness of the costs and expenses claimed and determine if all obligations have been met prior to approving the disbursement of Grant funds. If requested by Kendall County, the Grantee must also submit any and all further documentation to verify completion of the Project, the costs incurred by Grantee and Grantee's compliance with the terms of this Agreement;
- m. Grantee understands and agrees that it shall submit its request for reimbursement to Kendall County within the same fiscal year that the Project is completed.

Failure to timely request reimbursement as outlined in this Agreement will result in Grantee being in default of this Agreement and at that time the Agreement, as well as any obligations by Kendall County, shall immediately cease and be considered null and void with no further obligation upon Kendall County to provide the Grant funding as described above;

- n. Grantee understands and agrees that reimbursement requests cannot exceed the amount originally awarded by the Kendall County Board and described in Section 2(a);
 - o. Grantee understands and agrees that under no circumstances shall cost overruns be considered nor shall KC-TAP Funds under this Agreement be advanced to the Grantee prior to project completion and submission of a request for reimbursement.
- 4. It is mutually agreed by Kendall County and Grantee that at no time shall Kendall County be inferred to, or obligated to, have a duty to provide insurance for the subject improvements or otherwise indemnify and hold harmless Grantee in connection with the use, enjoyment, ownership, maintenance, construction, repair or replacement of the Project improvements and any property where the Project has been completed;
 - 5. This Agreement and the rights of the parties hereunder may not be assigned (except by operation of law), and the terms and conditions of this Agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto. Nothing in this Agreement, express or implied, is intended to confer upon any party, other than the parties and their respective successors and assigns, any rights, remedies, obligations or liabilities under or by reason of such agreements;

6. Any notice required or permitted to be given pursuant to this Agreement shall be duly given if sent by fax, certified mail, or courier service and received. As such, all notices required or permitted hereunder shall be in writing and may be given by either (a) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid and certified with the return receipt requested, (b) delivering the same in person, or (c) telecopying the same with electronic confirmation of receipt.

If to the County: County Engineer
Kendall County Highway Department
6780 Route 47
Yorkville, Illinois 60560

With copy to:
Kendall County State's Attorney
807 John Street,
Yorkville, Illinois, 60560

If to the Grantee: City Administrator
United City of Yorkville
800 Game Farm Road
Yorkville, Illinois 60560

Or such address or counsel as any party hereto shall specify in writing pursuant to this Section from time to time;

7. This Agreement shall be interpreted and enforced under the laws of the State of Illinois. Any legal proceeding related to enforcement of this Agreement shall be brought in the Circuit Court of Kendall County, Illinois. In case any provision of this Agreement shall be declared and/or found invalid, illegal or unenforceable by a court of competent jurisdiction, such provision shall, to the extent possible, be modified by the court in such manner as to be valid, legal and enforceable so as to most nearly retain the intent of the parties, and, if such modification is not possible, such provision shall be severed from

this Agreement, and in either case the validity, legality, and enforceability of the remaining provisions of this Agreement shall not in any way be affected or impaired thereby;

8. This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement;
9. This Agreement represents the entire agreement between the parties and there are no other promises or conditions in any other agreement whether oral or written. Except as stated herein, this agreement supersedes any other prior written or oral agreements between the parties and may not be further modified except in writing acknowledged by both parties;
10. Nothing contained in this Agreement, nor any act of Kendall County or the Grantee pursuant to this Agreement, shall be deemed or construed by any of the parties hereto or by third persons, to create any relationship of third party beneficiary, principal, agent, limited or general partnership, joint venture, or any association or relationship involving Kendall County, Grantee or Push for the Path, an Illinois Not for Profit Co.;
11. This Agreement shall be in full force and effect upon signature by both parties and will terminate upon either (a) payout by Kendall County of Grant funds as described herein, or (b) default by Grantee, whichever occurs first. However, the duty to defend and indemnify shall survive the term of this agreement;
12. In the event Kendall County is in default under the Agreement because funds are not appropriated for a fiscal period subsequent to the one in which the Agreement was entered into which are sufficient to satisfy all or part of Kendall County's obligations

under this Agreement during said fiscal period, Kendall County agrees to provide prompt written notice of said occurrence to Grantee. In the event of a default due to non-appropriation of funds, Grantee and Kendall County have the right to terminate the Agreement upon providing thirty (30) days written notice to the other party. No additional payments, penalties and/or early termination charges shall be required upon termination of the Agreement;

13. Kendall County and Grantee each hereby warrant and represent that their respective signatures set forth below have been, and are on the date of this Agreement, duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Intergovernmental Agreement to be executed by their duly authorized officers on the above date.

County of Kendall, a unit of local government
of the State of Illinois

United City of Yorkville, Kendall County,
Illinois, a municipal corporation

By: _____
Chair, Kendall County Board

By: _____
Mayor

Date: _____

Date: _____

Attest:

Attest:

County Clerk

City Clerk



Bid
Late 2016

Push for the Path is a 501(c)(3) not-for-profit organization created to raise funds to build a 2.72 mile 10' wide multi-use asphalt path parallel to Kennedy Road from Route 47 to the existing trail south of Mill Road in Yorkville, Illinois.

- 100% of funds raised will be used for the Kennedy Road multi-use path and are tax-deductible.

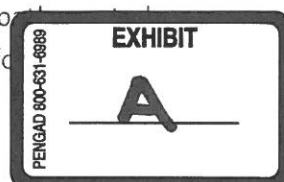
The Kennedy Road Project is a \$1.7 million project

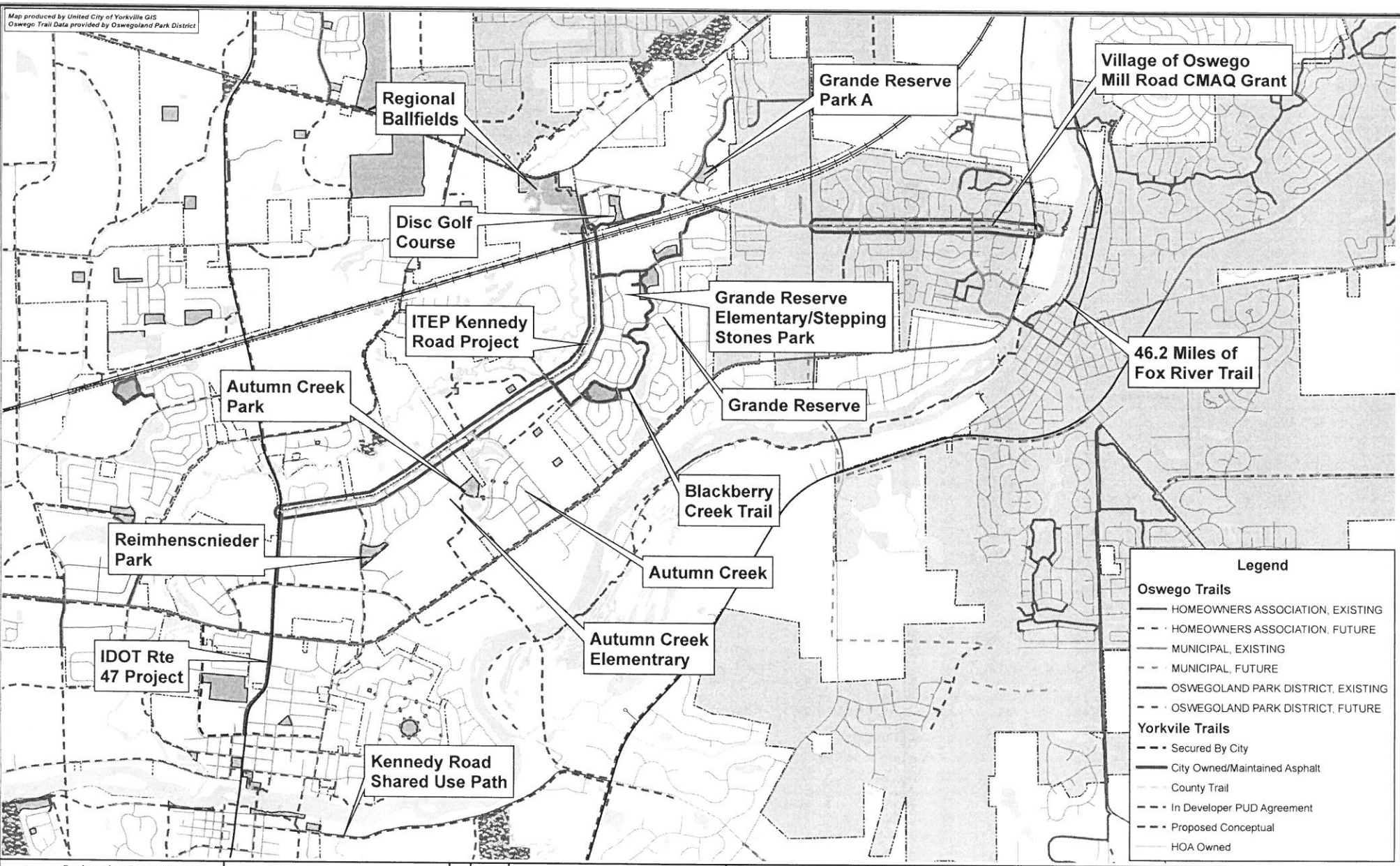
- The United City of Yorkville has been awarded a \$1.3 million grant from the ^{feds} ~~State of~~ IL to fund the project; this is 80% of the total cost.
- The Yorkville aldermen voted to accept this grant from the state **on the condition** that the City's 20% portion of the cost, which is \$357,000, be **privately raised**. *\$230,000 so far 5-10-16*
- The City of Yorkville could further reduce the City's share to \$220,000 through the application of a second grant prior to the time of construction if the grant program is taking applications at that time.

The Kennedy Road path will:

- create a "Yorkville Path" by linking more than 12 miles of safe, connected multi-use path throughout the City
- be a 10 feet wide, 2.72 miles long, asphalt path, along the south side of Kennedy Road
- be approximately 5-15 feet removed from the road (the amount will vary along the way)
- connect directly to existing paths in Grande Reserve and Autumn Creek neighborhoods
- connect to Oswego's Mill Road path (proposed 2012 construction), via the existing Grande Reserve path
 - Oswego's Mill Road path will connect directly into the 39-mile Fox River Trail when the Village of Oswego completes a section of paved path from Mill/Orchard east to Mill/Washington, where the Fox River Trail currently begins.
- connect directly to the Route 47 path which will be installed with the widening of Route 47
 - path links from Route 71 north to Kennedy Road
- take approximately 6-9 months to complete, once construction begins
 - Because this is a federally-funded project, it takes a great deal of time to work through all the engineering and could take 4-5 years before construction will begin
- be maintained by the Yorkville Public Works Department (estimated at \$6,700/ year)
- connect the residents of Yorkville to:
 - the Park & Ride in Oswego (at Mill/Orchard)
 - numerous public parks and playgrounds and United City of Yorkville's Rec Center
 - downtown Yorkville, Town Square Park, Riverfront Park, the Farmer's Market and many community events including Music Under the Stars
 - commercial areas along Route 34 and Route 47, including shopping and dining
 - 39 miles of Fox River Trail, which connects to:
 - downtown Oswego, Aurora, and Batavia along the Fox River Trail
 - another 25 miles of path that continues up to the Wisconsin border
 - the scenic 61 mile Illinois Prairie Path
 - the 9 miles of Virgil Gilman Trail

Visit www.pushforthe.org or to make an online donation.
support@pushforthe.org 705, Yorkville, IL 60560





Map produced by United City of Yorkville GIS
Oswego Trail Data provided by Oswegoland Park District

Legend

Oswego Trails

- HOMEOWNERS ASSOCIATION, EXISTING
- HOMEOWNERS ASSOCIATION, FUTURE
- MUNICIPAL, EXISTING
- MUNICIPAL, FUTURE
- OSWEGOLAND PARK DISTRICT, EXISTING
- OSWEGOLAND PARK DISTRICT, FUTURE

Yorkville Trails

- Secured By City
- City Owned/Maintained Asphalt
- County Trail
- In Developer PUD Agreement
- Proposed Conceptual
- HOA Owned

Engineering Enterprises, Inc.
CONSULTING ENGINEERS
52 Wheeler Road
Sugar Grove, Illinois 60554
(630) 864-7100 / www.eeinc.com

United City of Yorkville
800 Game Farm Road
Yorkville, IL 60550
(630) 553-4250
http://www.yorkville.il.us

NO.		DATE	REVISIONS

DATE	OCTOBER 2011
PROJECT NO	Y01144
PATH	H:\GIS\PUBLIC\YORKVILLE\2011\Y01144
FILE	Y01144 TRAILS.MXD

**KENNEDY ROAD
BIKE PATH**
UNITED CITY OF YORKVILLE
KENDALL COUNTY, ILLINOIS

LOCATION MAP

 **NORTH**



Reviewed By:	
Legal	☒
Finance	☐
Engineer	☐
City Administrator	☒
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☒
Parks and Recreation	☐

Agenda Item Number

CA #4

Tracking Number

PW 2016-35

Agenda Item Summary Memo

Title: Sale of Fox Hill Entry sign to IDOT

Meeting and Date: City Council – June 28, 2016

Synopsis: Resolution Approving the Transfer of the City's Interest in the Stone Subdivision

Sign at Diehl Farm Road and Route 34

Council Action Previously Taken:

Date of Action: PW – 06/21/16 Action Taken: Moved forward to CC consent agenda

Item Number: PW 2016-35

Type of Vote Required: Positive

Council Action Requested: Approval

Submitted by: Eric Dhuse Public Works
Name Department

Agenda Item Notes:



Memorandum

To: Public Works Committee
From: Eric Dhuse, Director of Public Works
CC: Bart Olson, Administrator
Date: June 14, 2016
Subject: Fox Hill Sign Sale

Background

The City established SSA 2004-201 to maintain the common areas, trails, landscaping and entry sign for certain areas of the Fox Hill subdivision due to the fact that no home owners association was ever formed. Since that time, I have been in charge of making sure that these areas are properly mowed, maintained, trails sealed, and sign landscaped and in good shape.

Summary

IDOT is now planning for the westward expansion of Rt. 34 from Center Parkway to Eldamain Rd. To accomplish this, IDOT must expand the right of way to accommodate the extra lanes. The Fox Hill subdivision sign that is included in the Fox Hill SSA is in the newly proposed right of way, and therefore must be removed. IDOT has offered to compensate the city \$22,000 to have the sign removed. Unfortunately, there is not going to be space for the sign near the current location due to the proposed installation of sound walls by IDOT so we will have to find a new location.

The city does not own the land on which the sign is currently located on, the land is owned by the adjacent homeowner and IDOT has proposed to purchase the land as well.

Action Items & Recommendations

Should the City accept the offer from IDOT for \$22,000 for removal of the sign?

I believe that this is a fair price for removing/relocating the sign; I would recommend that the city approve the sale to IDOT in accordance with the attached resolution.

What should the City do with the proceeds?

It would be my recommendation to wait until the construction of west bound Rt. 34 is completed to see where the sign could be placed so it has the highest visibility but will not restrict any sight lines of traffic or pedestrians. Until that time, our attorney has advised that the money should be placed in the Fox Hill SSA account with a note in the budget as to what it is to be used for in the future.

Our City Attorney has reviewed this and provided the necessary resolution for your review. I would ask that this be placed on the June 21, 2016 public works committee agenda for discussion. If you have any questions or need further information, please let me know.



Illinois Department of Transportation

Office of Highways Project Implementation / Region 2 / District 3
700 East Norris Drive / Ottawa, Illinois 61350-1628

March 14, 2016

CERTIFIED MAIL NO.:
7013 1710 0000 7774 0908

The United City of Yorkville
Attn: Mayor Gary J. Golinski
c/o Mr. Eric Dhuse, Director of Public Works
800 Game Farm Road
Yorkville, IL 60560

LAND ACQUISITION
FAP 591 (US 34)
Section (13)R-2[(13BR)C,(13BR-1)BR]
Kendall County
Job No. R-93-010-13
Parcel No. 3XQ0013

Dear Mayor Golinski:

The state of Illinois, Department of Transportation, proposes to improve the subject route and section. This will require the acquisition of Parcel No. 3XQ0013 consisting of 3,651 square feet of right of way needed for the reconstruction of US 34 from Eldamain Road to Center Parkway. The report on title, prepared by a professional title insurance company, indicates that fee simple title to the property located in the southwest quadrant of the intersection of US 34 and Diehl Farm Road is in the name of Jobie O. Hulon. However, IDOT has been informed that the City owns and maintains the stone subdivision sign which is located on the property and wishes to retain and relocate the sign.

This letter introduces Mrs. Tina Rowe, a Realty Specialist employed by IDOT. If you have any questions regarding the authority and procedures of IDOT, please feel free to contact Ms. Rowe of the Department of Transportation at 815-434-8443, via email at Tina.Rowe@illinois.gov, or at the address above.

The following documents are included for your consideration:

- Tenant-Owned Improvement Compensation for Damages
- Conveyance documents
- Premise Plat

The United City of Yorkville
Attn: Mayor Gary J. Golinski
Page Two
March 14, 2016

Mrs. Rowe will explain the highway improvement, the type of construction, the specific effect on your property, and will attempt to answer any questions you may have considering this transaction. She is also designated by the Department to respond to any questions about the authority and procedure of the Illinois Department of Transportation in acquiring property and about the property owner's general rights under our procedures. However, she may not provide specific legal advice or specific legal referrals. Her address is shown above. She can be reached by telephone at 815-434-8443 or via email at Tina.Rowe@illinois.gov.

Sincerely,

Paul A. Loete, P.E.
Region Two Engineer

A handwritten signature in cursive script that reads "Steven B. Andrews" followed by a stylized flourish.

By: Steven B. Andrews, P.E.
District Land Acquisition Engineer

Enclosures



**Illinois Department
of Transportation**

**Tenant-Owned Improvement
Compensation for Damages**

Route FAP 591 (US 34)
Section (13)R-2[(13BR)C,(13BR-1)BR]
County Kendall

Project N/A
Job No. R-93-010-13
Parcel 3XQ0013

Owner of Tenant Owned Improvement: United City of Yorkville

Location of Property: Southwest quadrant of the intersection of US 34 and Diehl Farm Road a/k/a
1605 Cottonwood Trail, Yorkville, IL 60560

The following list has been prepared in order to inform you of the compensation for damage to the tenant-owned improvement included within the proposed right of way for the proposed improvement of FAP 591 (US 34). The tenant-owned improvement is located on the parcel legally described in the attached instrument of conveyance.

Description of Tenant-Owned Improvement being damaged:

Stone subdivision sign to be relocated.

Total Compensation to relocate the Tenant-Owned Improvement based on an allocation from the appraisal of the property. Representatives of the City indicated that the City would like to retain and relocate the stone subdivision sign.

\$ 22,000.00

Any agreement to retain such improvement does not convey with it a permit to move the improvement on, or over, any state highway. Mr. Rich Ballerini will be happy to furnish information for your use in applying for a permit if one is needed.

Paul A. Loete
Regional Engineer

On behalf of the Illinois Department of Transportation, Division of Highways, and as outlined above, I hereby offer the sum of \$22,000.00 as damage to relocate the stone subdivision sign free and clear of all claims of other parties, liens, taxes and encumbrances.

Jina M Rowe
Realty Specialist

March 14, 2016
Date

THE UNITED CITY OF YORKVILLE

- ☐ Affidavit of Title
- ☐ Resolution regarding Quitclaim Deed (OR in lieu of a Resolution, a copy of Minutes regarding Warranty Deed)
- ☐ Quitclaim Deed
- ☐ IRS W-9 Form
- ☐ Receipt of Conveyance Documents and Disbursement Statement - Two (2) copies. Both copies to be returned to IDOT, one (1) will be returned after execution by IDOT
- ☐ F.E.I.N. to be included on Receipt
- ☐ PTAX-203 Illinois Real Estate Transfer Declaration
- ☐ Removal Agreement
- ☐ Release

Resolution No. 2016-_____

A RESOLUTION APPROVING THE TRANSFER OF THE UNITED CITY OF YORKVILLE'S INTEREST IN THE STONE SUBDIVISION SIGN LOCATED AT THE SOUTHWEST CORNER OF DIEHL FARM ROAD AND U.S. ROUTE 34 (1605 COTTONWOOD TRAIL)

WHEREAS, the United City of Yorkville (the "City") is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, the State of Illinois, Illinois Department of Transportation ("IDOT") proposes to make roadway improvements to U.S. Route 34 requiring the acquisition of additional right-of-way for turning lanes from the property at 1605 Cottonwood Trail from the owner of that property and on which is located a stone subdivision sign constructed by the developer and now maintained by the City as part of the 2004-201 Special Service Area; and,

WHEREAS, IDOT has requested that the City remove the subdivision sign and transfer any interest it has to IDOT so IDOT can proceed with the roadway improvements.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: That Gary Golinski, Mayor, and Beth Warren, City Clerk, be and are hereby authorized to execute said *Quit Claim Deed, Release, and Removal Agreement* attached hereto and made a part hereof as Exhibit A and such other documents as may be necessary or convenient to consummate such conveyance on behalf of the United City of Yorkville for the removal of the subdivision sign on the real property described on Exhibit B attached hereto and made a part hereof.

Section 2: That any funds revived from IDOT shall be deposited into the 2004-201 Special Service Area.

Section 3: This Resolution shall be in full force and effect upon its passage and approval as provided by law.

This Resolution has been passed by the City Council of the United City of Yorkville, Kendall County, Illinois this _____ day of _____, 2016, has not been amended or revoked and is in full force and effect.

CITY CLERK

CARLO COLOSIMO	_____	KEN KOCH	_____
JACKIE MILSCHEWSKI	_____	LARRY KOT	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
DIANE TEELING	_____	SEAVER TARULIS	_____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this
_____ day of _____, 2016.

MAYOR

Owner	Jobie O. Hulon
Address	1605 Cottonwood Trail, Yorkville, Il 60560
Route	FAP 591 (US 34)
Section	(13)R-2[(13BR)C, (13BR-1)BR]
County	Kendall
Job No.	R-93-010-13
Parcel No.	3XQ0013
PIN No.	02-30-102-002

Owner Jobie O. Hulon
Address 1605 Cottonwood Trail
Yorkville, IL 60560
Route FAP 591 (US 34)
Section (13)R-2[(13BR)C,(13BR-1)BR]
County Kendall
Job No. R-93-010-13
Parcel No. 3XQ0013
P.I.N. No. 02-30-102-002

QUITCLAIM DEED

THE UNITED CITY OF YORKVILLE, a governmental entity organized and existing under the laws of Illinois and duly authorized to do business in Illinois, in consideration of the sum of ONE AND No/100 Dollars (\$1.00), receipt of which is hereby acknowledged, and pursuant to the provisions of 50 ILCS 605/4 conveys and quitclaims to the State of Illinois, Department of Transportation, (Grantee), all existing legal and equitable rights of the Grantor, including, without limitation, any after-acquired title, in and to the following described real estate situated in the County of Kendall in the State of Illinois, to-wit

That part of Lot 2 in Fox Hill Unit One Planned Unit Development according to the plat thereof recorded as document number 199409410594 in the Kendall County Recorder's office, described as follows, using bearings and distances referenced to the Illinois State Plane Coordinate System, East Zone (NAD 83, 2011 adj.):

Commencing at the Southwest Corner of said Lot 2; thence North 15 degrees 33 minutes 44 seconds East 128.28 feet along the west line of said Lot 2 to the Point of Beginning; thence continue North 15 degrees 33 minutes 44 seconds East 25.42 feet to the northwest Corner of said Lot 2; thence southeasterly 143.64 feet along the north line of said Lot 2 on a 34,266.94 foot radius curve to the left, whose chord bears South 85 degrees 02 minutes 50 seconds East 143.64 feet to the northeast corner of said Lot 2; thence South 04 degrees 46 minutes 43 seconds West 25.00 feet along the east line of said Lot 2; thence northwesterly 148.40 feet on a curve to the right, having a radius of 34,291.94 feet, whose chord bears North 85 degrees 02 minutes 36 seconds West 148.40 feet to the Point of Beginning, containing 3,651 square feet, more or less, (areas based on ground measurements), situated in the United City of Yorkville, Kendall County, State of Illinois.

The Grantor, without limiting the interest above granted and conveyed, does hereby acknowledge that upon payment of the agreed consideration all claims arising out of the above acquisition have been settled, including without limitation, any diminution in value to any remaining property of the Grantor caused by the opening, improving and using the premises for highway purposes. This acknowledgment does not waive any claim for trespass or negligence against the Grantee or Grantee's agents which may cause damage to the Grantor's remaining property.

Dated this _____ day of _____.

United City of Yorkville

Corporation Name

By: _____

Signature of Trustee

ATTEST:

By: _____

Signature

Print Name

Print Name and Title

State of _____)

) ss

County of _____)

This instrument was acknowledged before me on _____, by

_____, as

and _____, as

of The United City of Yorkville.

(SEAL)

Notary Public

My Commission Expires: _____

Exempt under 35 ILCS 200/31-45(b), Real Estate Transfer Tax Law.

Date

Buyer, Seller or Representative

This instrument was prepared by and after
recording, mail this instrument and future tax bills to:

Illinois Department of Transportation
ATTN: Bureau of Land Acquisition
700 East Norris Drive
Ottawa, IL 61350

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

Print or type
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
2 Business name/disregarded entity name, if different from above	
3 Check appropriate box for federal tax classification; check only one of the following seven boxes: ☐ Individual/sole proprietor or single-member LLC ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. ☐ Other (see instructions) ▶ _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
5 Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
6 City, state, and ZIP code	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number	
OR	
Employer identification number	

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. **For real estate transactions, item 2 does not apply.** For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign
Here

Signature of
U.S. person ▶

Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* above.

What is FATCA reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code* on page 3 and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account, list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note. ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C Corporation, or S Corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

Limited Liability Company (LLC). If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "P" in the space provided. If the LLC has filed Form 8832 or 2553 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for C corporation or "S" for S corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "Individual/sole proprietor or single-member LLC."

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space in line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note. You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on this page), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code* earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ³
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor ³
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ⁴
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 2.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.



**Illinois Department
of Transportation**

**Receipt of Conveyance Documents and
Disbursement Statement**

Owner Jobie O. Hulon
Job No. R-93-010-13
Parcel No. 3XQ0013

The People of the State of Illinois, Department of Transportation (Grantee) acknowledges Receipt of the following:

☒ Deeds covering 3,651 square feet

all located in Kendall County, Illinois as right of way for FAP 591 (US 34), Section (13)R-2[(13BR)C,(13BR-1)BR] dated _____, executed by the undersigned Grantors.

Grantor and Grantee agree as follows:

1. The payment of the sum of TWENTY-NINE THOUSAND FIVE HUNDRED AND No/100 Dollars (\$29,500.00) to Grantor as total consideration for the deeds, by Grantee is subject to Grantee's approval of title and documentation and, if applicable, Grantee's final approval in accordance with Section 9.02 of the Illinois State Finance Act.
2. All improvements located, wholly or partially, on the parcel shall become the property of the State of Illinois, unless provided as follows:

The stone subdivision sign will be relocated by the City of Yorkville.

3. Possession and transfer of title to IDOT occur when Grantee delivers a state warrant to Grantor, in person or to the address stated herein, in the amount of the above stated consideration, unless provided herein. Grantor shall have the sole responsibility and obligation to protect, preserve and maintain the parcel and improvements thereon until delivery of possession to Grantee.
4. Grantor directs Grantee to disburse the above stated consideration by warrant or by separate warrants as follows:

<u>Name*</u>	<u>TIN/FEIN/SSN</u>	<u>Address</u>	<u>Amount</u>
Jobie O. Hulon		1605 Cottonwood Trail Yorkville, IL 60560	\$7,500.00
The United City of Yorkville		800 Game Farm Road Yorkville, IL 60560	\$22,000.00

*If multiple names on the same warrant, list first and circle the name of the person or entity whose TIN/FEIN/SSN is entered above. If lien holder is to be paid by warrant, use Grantor's TIN or SSN.

****Attach a current W-9 form for each TIN/FEIN/SSN.**

5. **NON-FOREIGN CERTIFICATION – FIRPTA.** Section 1445 of the Internal Revenue Code provides that a transferee buyer of a U.S. real property interest must withhold tax if the transferor is a foreign person. For purposes of this paragraph, “Transferee” shall mean “Grantee” and “Transferor” shall mean “Grantor”. To inform the Grantee that withholding of tax is not required upon the disposition of a U.S. real property interest by Grantor, the Grantor hereby certifies the following:
- a. Transferor is the owner of the real property being conveyed;
 - b. Transferor is not a foreign person, entity, or disregarded entity (as such term is defined in the Internal Revenue Code and Income Tax Regulations); and
 - c. Transferor’s U.S. Taxpayer Identification Number and address set forth above are true and correct.

Transferor understands that this certification may be disclosed to the Internal Revenue Service by Transferee and that any false statement contained herein could be punished by fine, imprisonment or both.

Initial

6. Illinois law (15 ILCS 405/10.05 to 405/10.05b) requires the State of Illinois Comptroller to deduct from any State of Illinois warrants or payments the amount of any outstanding account or claim in favor of the State of Illinois and any amount necessary to satisfy past due child support or delinquent student loan and financial aid obligations on any loan guaranteed by the Illinois Student Assistance Commission.
7. This Receipt of Conveyance Documents and Disbursement Statement is the entire and exclusive agreement between the parties and supersede any written or oral understanding, promise or agreement, directly or indirectly related to the conveyance of parcel and improvements. The parties agree that any changes to this Receipt may only be made in writing and signed by the parties.

Date: _____

Grantor:

The United City of Yorkville

Signature

Jobie O. Hulon

Print Name (and Title, if applicable)

By: _____

Signature

(Print Name (and Title, if applicable))

Date: _____

Grantee:

The People of the State of Illinois, Department of Transportation

Tina Rowe for State of Illinois, Department of Transportation



PTAX-203

Illinois Real Estate Transfer Declaration

Please read the instructions before completing this form.
This form can be completed electronically at tax.illinois.gov/retd.

Step 1: Identify the property and sale information.

1 1605 Cottonwood Trail

Street address of property (or 911 address, if available)

Yorkville

City or village

60560

ZIP

Bristol

Township

2 Write the total number of parcels to be transferred. _____

3 Write the parcel identifying numbers and lot sizes or acreage.

Property index number (PIN) **Lot size or acreage**

a 02-30-102-002 3,651 sq. ft.

b _____

c _____

d _____

Write additional property index numbers, lot sizes or acreage in
Step 3.

4 Date of instrument: _____ / _____ / _____
Month Year

5 Type of instrument (Mark with an "X"):

☒ Warranty deed

☐ Quit claim deed ☐ Executor deed ☐ Trustee deed

☐ Beneficial interest ☐ Other (specify): _____

6 ☐ Yes ☐ No Will the property be the buyer's principal residence?

7 ☐ Yes ☐ No Was the property advertised for sale?

(i.e., media, sign, newspaper, realtor)

8 Identify the property's current and intended primary use.

Current Intended (Mark only one item per column with an "X.")

a ☒ Land/lot only

b ☐ Residence (single-family, condominium, townhome, or duplex)

c ☐ Mobile home residence

d ☐ Apartment building (6 units or less) No. of units: _____

e ☐ Apartment building (over 6 units) No. of units: _____

f ☐ Office

g ☐ Retail establishment

h ☐ Commercial building (specify): _____

i ☐ Industrial building

j ☐ Farm

k ☐ X Other (specify): Highway Purposes

Do not write in this area.
County Recorder's Office use.

City

County:

Date:

Doc. No.:

Vol.:

Page:

Received by:

9 Identify any significant physical changes in the property since
January 1 of the previous year and write the date of the change.

Date of significant change: _____ / _____ / _____
Month Year

(Mark with an "X.")

☐ Demolition/damage ☐ Additions ☐ Major remodeling

☐ New construction ☐ Other (specify): _____

10 Identify only the items that apply to this sale. (Mark with an "X.")

a ☐ Fulfillment of installment contract —
year contract initiated: _____

b ☐ Sale between related individuals or corporate affiliates

c ☐ Transfer of less than 100 percent interest

d ☐ Court-ordered sale

e ☐ Sale in lieu of foreclosure

f ☒ Condemnation (Under Threat of)

g ☐ Short sale

h ☐ Bank REO (real estate owned)

i ☐ Auction sale

j ☐ Seller/buyer is a relocation company

k ☒ Seller/buyer is a financial institution or government agency

l ☐ Buyer is a real estate investment trust

m ☐ Buyer is a pension fund

n ☐ Buyer is an adjacent property owner

o ☐ Buyer is exercising an option to purchase

p ☐ Trade of property (simultaneous)

q ☐ Sale-leaseback

r ☐ Other (specify): _____

s ☐ Homestead exemptions on most recent tax bill:

1 General/Alternative \$ _____

2 Senior Citizens \$ _____

3 Senior Citizens Assessment Freeze \$ _____

Step 2: Calculate the amount of transfer tax due.

Note: Round Lines 11 through 18 to the next highest whole dollar. If the amount on Line 11 is over \$1 million and the property's current use on Line 8 above is marked "e," "f," "g," "h," "i," or "k," complete Form PTAX-203-A, Illinois Real Estate Transfer Declaration Supplemental Form A. If you are recording a beneficial interest transfer, do not complete this step. Complete Form PTAX-203-B, Illinois Real Estate Transfer Declaration Supplemental Form B.

11 Full actual consideration

11 \$ 1.00

12a Amount of personal property included in the purchase

12a \$ N/A

12b Was the value of a mobile home included on Line 12a?

12b ☐ Yes ☒ No

13 Subtract Line 12a from Line 11. This is the net consideration for real property.

13 \$ 1.00

14 Amount for other real property transferred to the seller (in a simultaneous exchange)
as part of the full actual consideration on Line 11

14 \$ N/A

15 Outstanding mortgage amount to which the transferred real property remains subject

15 \$ N/A

16 If this transfer is exempt, use an "X" to identify the provision.

16 ☒ b ☐ k ☐ m

17 Subtract Lines 14 and 15 from Line 13. This is the net consideration subject to transfer tax.

17 \$ _____

18 Divide Line 17 by 500. Round the result to the next highest whole number (e.g., 61.002 rounds to 62).

18 Exempt

19 Illinois tax stamps — multiply Line 18 by 0.50.

19 \$ Exempt

20 County tax stamps — multiply Line 18 by 0.25.

20 \$ Exempt

21 Add Lines 19 and 20. This is the total amount of transfer tax due.

21 \$ Exempt

Step 3: Write the legal description from the deed. Write, type (minimum 10-point font required), or attach the legal description from the deed. If you prefer, submit an 8 1/2" x 11" copy of the extended legal description with this form. You may also use the space below to write additional property index numbers, lots sizes or acreage from Step 1, Line 3.

See Attached

Step 4: Complete the requested information.

The buyer and seller (or their agents) hereby verify that to the best of their knowledge and belief, the full actual consideration and facts stated in this declaration are true and correct. If this transaction involves any real estate located in Cook County, the buyer and seller (or their agents) hereby verify that to the best of their knowledge, the name of the buyer shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois. Any person who willfully falsifies or omits any information required in this declaration shall be guilty of a Class B misdemeanor for the first offense and a Class A misdemeanor for subsequent offenses. Any person who knowingly submits a false statement concerning the identity of a grantee shall be guilty of a Class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

Seller Information (Please print.)

United City of Yorkville

Seller's or trustee's name

800 Game Farm Road

Street address (after sale)

Seller's trust number (if applicable - not an SSN or FEIN)

Yorkville, IL 60560

City

State

ZIP

Seller's or agent's signature

Seller's daytime phone

Buyer Information (Please print.)

Illinois Department of Transportation

Buyer's or trustee's name

700 East Norris Drive

Street address (after sale)

Buyer's trust number (if applicable - not an SSN or FEIN)

Ottawa, IL 61350

City

State

ZIP

Buyer's or agent's signature

(815) 434-6131

Buyer's daytime phone

Mail tax bill to:

TAX EXEMPT PROPERTY Illinois Department of Transportation, 700 East Norris Drive Ottawa, IL 61350

Name or company

Street address

City

State

ZIP

Preparer Information (Please print.)

Tina M. Rowe, Agent, IDOT

Preparer's and company's name

700 East Norris Drive

Street address

Preparer's file number (if applicable)

Ottawa, IL 61350

City

State

ZIP

Preparer's signature

(815) 434-6131

Preparer's daytime phone

Preparer's e-mail address (if available)

Identify any required documents submitted with this form. (Mark with an "X.") ☐ Extended legal description ☐ Form PTAX-203-A
☐ Itemized list of personal property ☐ Form PTAX-203-B

To be completed by the Chief County Assessment Officer

1 County Township Class Cook-Minor Code 1 Code 2

2 Board of Review's final assessed value for the assessment year prior to the year of sale.

Land

Buildings

Total

3 Year prior to sale

4 Does the sale involve a mobile home assessed as real estate? ☐ Yes ☐ No

5 Comments

Illinois Department of Revenue Use

Tab number

R-93-010-13
Parcel No. 3XQ0013

That part of Lot 2 in Fox Hill Unit One Planned Unit Development according to the plat thereof recorded as document number 199409410594 in the Kendall County Recorder's office, described as follows, using bearings and distances referenced to the Illinois State Plane Coordinate System, East Zone (NAD 83, 2011 adj.):

Commencing at the Southwest Corner of said Lot 2; thence North 15 degrees 33 minutes 44 seconds East 128.28 feet along the west line of said Lot 2 to the Point of Beginning; thence continue North 15 degrees 33 minutes 44 seconds East 25.42 feet to the northwest Corner of said Lot 2; thence southeasterly 143.64 feet along the north line of said Lot 2 on a 34,266.94 foot radius curve to the left, whose chord bears South 85 degrees 02 minutes 50 seconds East 143.64 feet to the northeast corner of said Lot 2; thence South 04 degrees 46 minutes 43 seconds West 25.00 feet along the east line of said Lot 2; thence northwesterly 148.40 feet on a curve to the right, having a radius of 34,291.94 feet, whose chord bears North 85 degrees 02 minutes 36 seconds West 148.40 feet to the Point of Beginning, containing 3,651 square feet, more or less, (areas based on ground measurements), situated in the United City of Yorkville, Kendall County, State of Illinois.

TAX ID NO.: 02-30-102-002

REMOVAL AGREEMENT

I, _____, hereby agree with the State of Illinois, Department of Transportation that I will remove the stone sign from the area needed as right of way for the proposed construction of FAP 591 (US 34), Section (13)R-2[(13BR)C(13BR-1)BR], Kendall County, and known as Parcel No. 3XQ0013 on the said route and section, on or before the first day of August, 2016.

It is further agreed that if the sign is not removed by above stated date, all interest is forfeited in the sign and then the sign may be removed by the State of Illinois, its agents, or contractors in any manner it sees fit.

Signed this _____ day of _____,
_____.

By: _____
Signature

Print Name & Title

STATE OF _____)
COUNTY OF _____) SS

Subscribed and sworn to before me this _____ day of _____,
_____.

NOTARY PUBLIC

My Commission Expires: _____

Owner Jobie O. Hulon
Address 1605 Cottonwood Trail
Yorkville, IL 60560
Route FAP 591 (US 34)
Section (13)R-2[(13BR)C,(13BR-1)BR]
County Kendall
Job No. R-93-010-13
Parcel No. 3XQ0013

RELEASE

THE UNITED CITY OF YORKVILLE, a governmental entity organized and existing under the laws of the State of Illinois, is the owner of a stone sign on the premise described on the attached legal description owned by Jobie O. Hulon ("Property Owner").

The City of Yorkville acknowledges that Property Owner intends to convey to the People of the State of Illinois, Department of Transportation (IDOT) a portion of the property located in Kendall County, Illinois and legally described as follows:

That part of Lot 2 in Fox Hill Unit One Planned Unit Development according to the plat thereof recorded as document number 199409410594 in the Kendall County Recorder's office, described as follows, using bearings and distances referenced to the Illinois State Plane Coordinate System, East Zone (NAD 83, 2011 adj.):

Commencing at the Southwest Corner of said Lot 2; thence North 15 degrees 33 minutes 44 seconds East 128.28 feet along the west line of said Lot 2 to the Point of Beginning; thence continue North 15 degrees 33 minutes 44 seconds East 25.42 feet to the northwest Corner of said Lot 2; thence southeasterly 143.64 feet along the north line of said Lot 2 on a 34,266.94 foot radius curve to the left, whose chord bears South 85 degrees 02 minutes 50 seconds East 143.64 feet to the northeast corner of said Lot 2; thence South 04 degrees 46 minutes 43 seconds West 25.00 feet along the east line of said Lot 2; thence northwesterly 148.40 feet on a curve to the right, having a radius of 34,291.94 feet, whose chord bears North 85 degrees 02 minutes 36 seconds West 148.40 feet to the Point of Beginning, containing 3,651 square feet, more or less, (areas based on ground measurements), situated in the United City of Yorkville, Kendall County, State of Illinois.

The City of Yorkville, in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and pursuant to the authority given by the Council of said City, conveys, releases and quitclaims unto Property Owner and IDOT all the estate, title and interest in the above-described property that the City may have.

Dated this _____ day of _____, _____.

United City of Yorkville

By: _____
Signature

ATTEST:

By: _____
Signature

Print Name and Title

Print Name and Title

State of _____)
County of _____) ss

This instrument was acknowledged before me on _____, _____, by _____, as _____ and _____, as _____ of The United City of Yorkville.

(SEAL)

Notary Public

My Commission Expires: _____

This instrument was prepared by and return to:

Illinois Department of Transportation
ATTN: Bureau of Land Acquisition
700 East Norris Drive
Ottawa, IL 61350

State of _____)
County of _____) ss

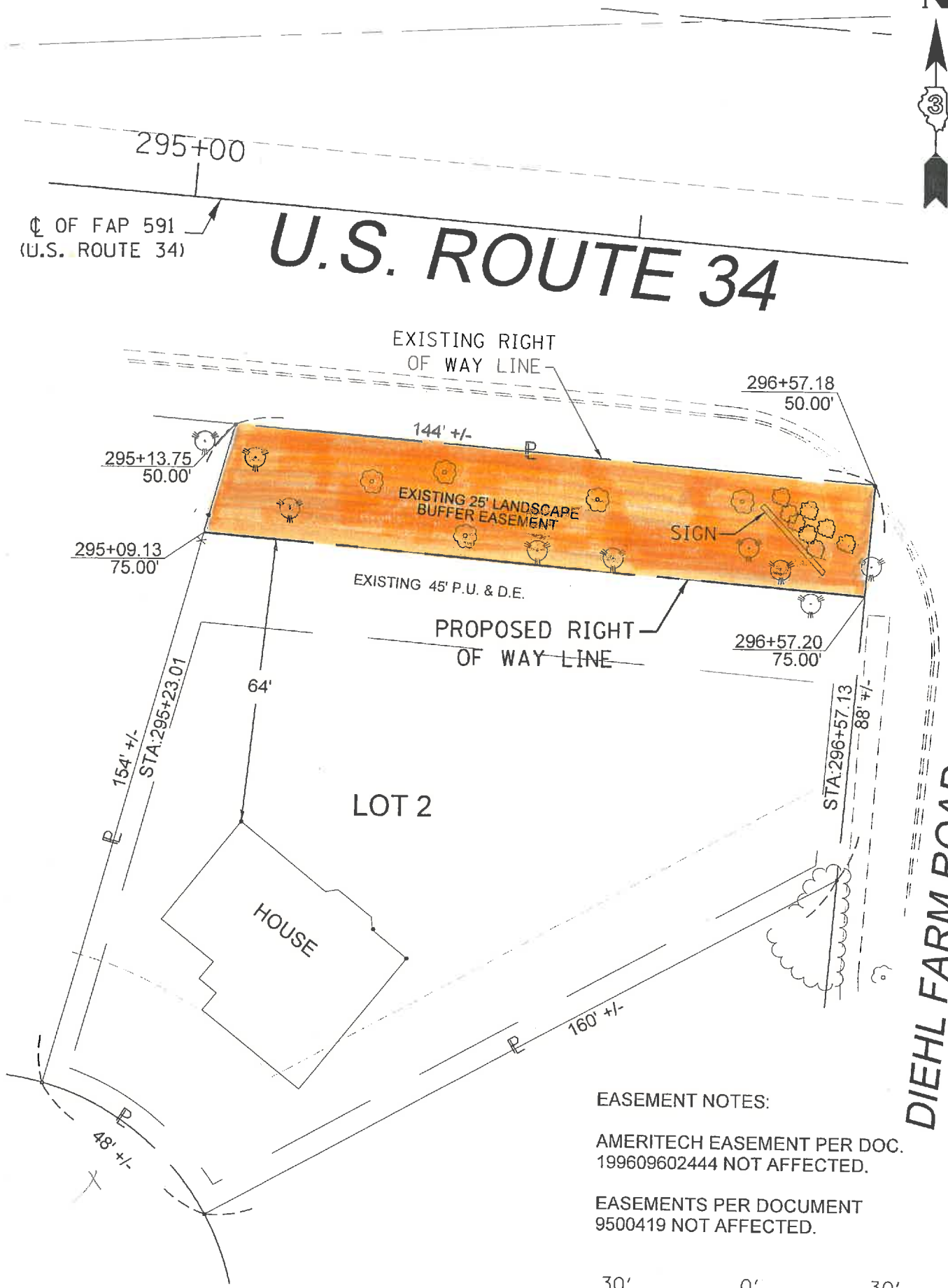
This instrument was acknowledged before me on _____, _____, by
_____, as _____
of The United City of Yorkville.

(SEAL)

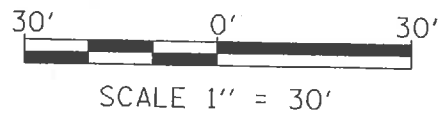
Notary Public

My Commission Expires: _____

PART OF LOT 2 FOX HILL UNIT ONE PLANNED UNIT DEVELOPMENT,
KENDALL COUNTY, IL



EASEMENT NOTES:
AMERITECH EASEMENT PER DOC.
199609602444 NOT AFFECTED.
EASEMENTS PER DOCUMENT
9500419 NOT AFFECTED.



TITLE COMMITMENT 2198.0
PARCEL 3XQ0013
JOBIE O. HULON, et ux.

TOTAL HOLDING	=	21,767 SQ. FT. +/-
TOTAL R.O.W. REQUIRED	=	3,651 SQ. FT. +/-
REMAINDER	=	18,116 SQ. FT. +/-

PREMISE PLAT

ROUTE	FAP ROUTE 591 (US 34)
SECTION	(13)R-2[(13BR)C,(13BR-1)BR]
COUNTY	KENDALL
JOB NUMBER	R-93-010-13

SW 1/4 OF SEC. 19, T. 37 N., R. 7 E., 3RD P.M.

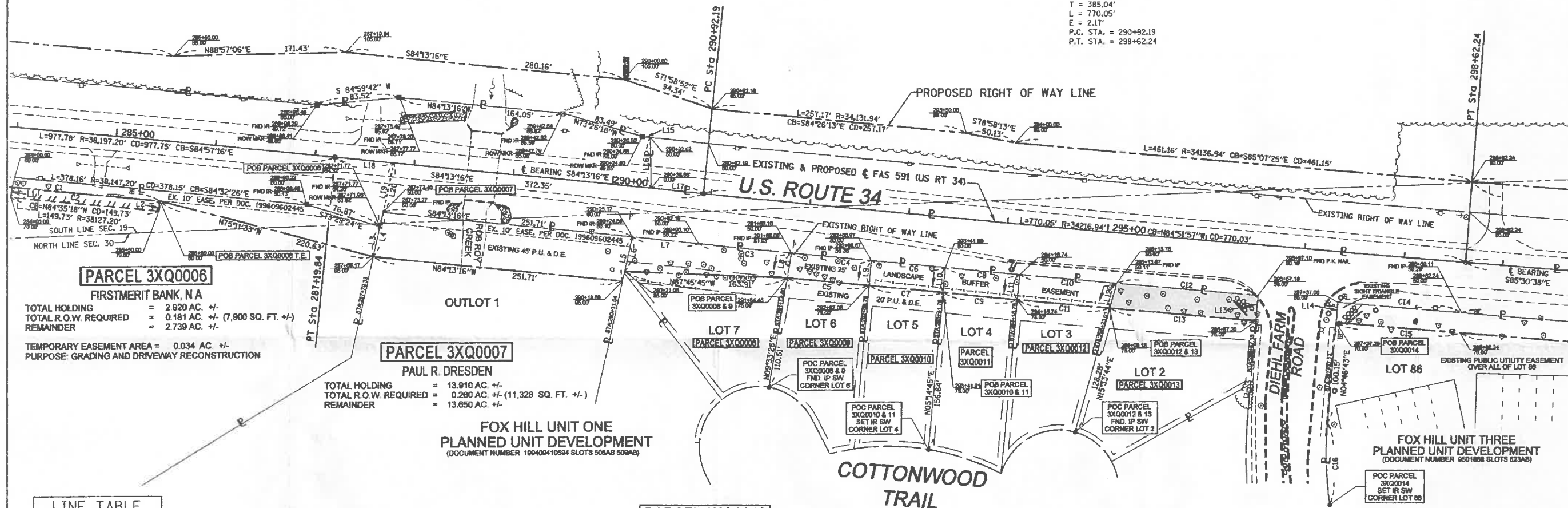


PROP. CURVE 34CL1-6
PI STA. = 282+30.97
Δ = 1° 28' 00" (RT)
D = 0° 09' 00"
R = 38,197.20'
T = 488.92'
L = 977.78'
E = 3.13'
P.C. STA. = 277+42.06
P.T. STA. = 287+19.84

PARCEL 3XQ0004

LASALLE NATIONAL BANK, TRUSTEE
(SEE SHEET 1 FOR AREAS)

PROP. CURVE 34CL1-7
PI STA. = 294+77.23
Δ = 1° 17' 22" (LT)
D = 0° 10' 03"
R = 34,216.94'
T = 385.04'
L = 770.05'
E = 2.17'
P.C. STA. = 290+92.19
P.T. STA. = 298+62.24

**PARCEL 3XQ0006**

FIRSTMERIT BANK, N.A.

TOTAL HOLDING = 2.920 AC. +/-
TOTAL R.O.W. REQUIRED = 0.181 AC. +/- (7,900 SQ. FT. +/-)
REMAINDER = 2.739 AC. +/-

TEMPORARY EASEMENT AREA = 0.034 AC. +/-
PURPOSE: GRADING AND DRIVEWAY RECONSTRUCTION

PARCEL 3XQ0007

PAUL R. DRESDEN

TOTAL HOLDING = 13.910 AC. +/-
TOTAL R.O.W. REQUIRED = 0.280 AC. +/- (11,328 SQ. FT. +/-)
REMAINDER = 13.630 AC. +/-

FOX HILL UNIT ONE
PLANNED UNIT DEVELOPMENT
(DOCUMENT NUMBER 100400410584 SLOTS 508A-B 509A-B)

PARCEL 3XQ0010

THOMAS W. JOSLIN

TOTAL HOLDING = 13,722 SQ. FT. +/-
TOTAL R.O.W. REQUIRED = 1,875 SQ. FT. +/-
REMAINDER = 11,847 SQ. FT. +/-

PARCEL 3XQ0012

PAULA J. WHEAT

TOTAL HOLDING = 13,251 SQ. FT. +/-
TOTAL R.O.W. REQUIRED = 2,372 SQ. FT. +/-
REMAINDER = 10,879 SQ. FT. +/-

PARCEL 3XQ0013

JOBIE O. HULON, et ux.

TOTAL HOLDING = 21,787 SQ. FT. +/-
TOTAL R.O.W. REQUIRED = 3,851 SQ. FT. +/-
REMAINDER = 18,116 SQ. FT. +/-

PARCEL 3XQ0014

OLD SECOND NATIONAL BANK OF AURORA, TRUSTEE

TOTAL HOLDING = 2.972 AC. +/-
TOTAL R.O.W. REQUIRED = 0.327 AC. +/- (14,284 SQ. FT. +/-)
REMAINDER = 2.645 AC. +/-

LINE TABLE

NO.	BEARING	DISTANCE
L1	N05°17'57"E	10.00'
L2	S05°31'27"W	10.00'
L3	S12°29'01"W	30.89'
L4	N12°29'01"E	45.31'
L5	S12°29'01"W	45.31'
L6	N12°29'01"E	35.24'
L7	S84°13'16"E	67.03'
L8	S09°33'26"W	25.06'
L9	S05°14'45"W	25.00'
L10	S05°14'45"W	25.00'
L11	S05°14'45"W	25.00'
L12	S15°33'44"W	25.42'
L13	S04°46'43"W	25.00'
L14	N04°46'43"E	20.00'
L15	N84°13'16"W	7.97'
L16	N01°14'36"W	50.38'
L17	N84°13'16"W	53.51'
L18	S84°13'16"E	59.50'
L19	S12°29'01"W	64.76'
L20	S12°29'01"W	50.34'

CURVE TABLE

NO.	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	232.07'	38,137.20'	N84°59'01"W	232.07'
C2	149.76'	38,137.20'	S84°35'18"E	149.76'
C3	94.11'	34,266.94'	S84°17'59"E	94.11'
C4	80.93'	34,266.94'	S84°26'46"E	80.93'
C5	82.81'	34,291.94'	N84°26'41"W	82.81'
C6	75.00'	34,266.94'	S84°34'35"E	75.00'
C7	75.00'	34,291.94'	N84°34'36"W	75.00'
C8	75.00'	34,266.94'	S84°42'07"E	75.00'
C9	75.00'	34,291.94'	N84°42'07"W	75.00'
C10	97.15'	34,266.94'	S84°50'45"E	97.15'
C11	92.59'	34,291.94'	N84°50'31"W	92.59'
C12	143.64'	34,266.94'	S85°02'50"E	143.64'
C13	148.40'	34,291.94'	N85°02'36"W	148.40'
C14	125.36'	34,266.94'	S85°24'21"E	125.36'
C15	125.46'	34,296.94'	N85°24'21"W	125.46'
C16	81.56'	359.98'	N01°42'42"W	81.38'

PARCEL 3XQ0008

JESUS DIAZ, et ux.

TOTAL HOLDING = 17,371 SQ. FT. +/-
TOTAL R.O.W. REQUIRED = 4,851 SQ. FT. +/-
REMAINDER = 12,520 SQ. FT. +/-

PARCEL 3XQ0009

MICHAEL O. WILLIAMS, et al.

TOTAL HOLDING = 14,287 SQ. FT. +/-
TOTAL R.O.W. REQUIRED = 2,047 SQ. FT. +/-
REMAINDER = 12,250 SQ. FT. +/-

PARCEL 3XQ0011

JOSE HERNANDEZ, et al.

TOTAL HOLDING = 14,105 SQ. FT. +/-
TOTAL R.O.W. REQUIRED = 1,875 SQ. FT. +/-
REMAINDER = 12,230 SQ. FT. +/-

SURVEYOR'S STATEMENT

I, PETER V. BURBULYS, HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR OF THE STATE OF ILLINOIS, THAT THE SURVEY OF F.A.S. ROUTE 591 (US RT 34) WAS MADE BY ME OR UNDER MY DIRECTION, AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS AND MARKS ARE OF THE CHARACTER AND OCCUPY THE POSITION SHOWN THEREON, AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED

BY: PETER V. BURBULYS, ILLINOIS PROFESSIONAL
LAND SURVEYOR NO. 35-3813 (EXPIRES NOV. 2016)



NOTE: GRID BEARINGS AND DISTANCES SHOWN
HEREON ARE REFERENCED TO THE ILLINOIS
STATE PLANE COORDINATE SYSTEM, EAST
ZONE (NAD 83, 2011 ADJ.)

ALL AREAS ARE BASED ON GROUND DISTANCES.

GRID TO GROUND COMBINED FACTOR = 1.00004670

TOTAL HOLDING AREA TAKEN FROM TAX ASSESSOR OFFICE

FILE NAME	USER NAME = burbulyspv	DESIGNED -	REVISED -
PROJECT	PROJECT = 284+00.00 TO 299+00.00	CHECKED -	REVISED -
PLOT SCALE = 58.8000' / 1" =		DATE -	REVISED -
PLOT DATE = 10/13/2015			

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY PLANS

PROJECT	JOB NO.
US ROUTE 34	R-93-010-13
SCALE: 1" = 50'	SHEET 2 OF 9 SHEETS
	STA. 284+00.00 TO STA. 299+00.00

F.A.P. RTE.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
591	(13)R-2C(13)R/C(13 BR-1)R(1)	KENDALL		
	US ROUTE 34			
	FED. ROAD DIST. NO.	ILLINOIS		
				CONTRACT NO. 66993



Reviewed By:	
Legal	☐
Finance	☐
Engineer	☒
City Administrator	☒
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☐

Agenda Item Number

CA #5

Tracking Number

PW 2016-36

Agenda Item Summary Memo

Title: Wrigley – Grant of Easement

Meeting and Date: City Council – June 28, 2016

Synopsis: Consideration of Easement Acceptance

Council Action Previously Taken:

Date of Action: PW – 06/21/16 Action Taken: Moved forward to CC consent agenda

Item Number: PW 2016-36

Type of Vote Required: _____

Council Action Requested: Consideration of Acceptance

Submitted by: Brad Sanderson Engineering
Name Department

Agenda Item Notes:



Memorandum

To: Bart Olson, City Administrator
From: Brad Sanderson, EEI
CC: Eric Dhuse, Director of Public Works
Kathy Field-Orr, City Attorney
Lisa Pickering, Deputy City Clerk
Date: May 26, 2016
Subject: Wrigley – Grant of Easement

Attached find one copy of a proposed grant of easement for traffic signal detector loop installation and maintenance at the intersection of Rt 47 and Wrigley.

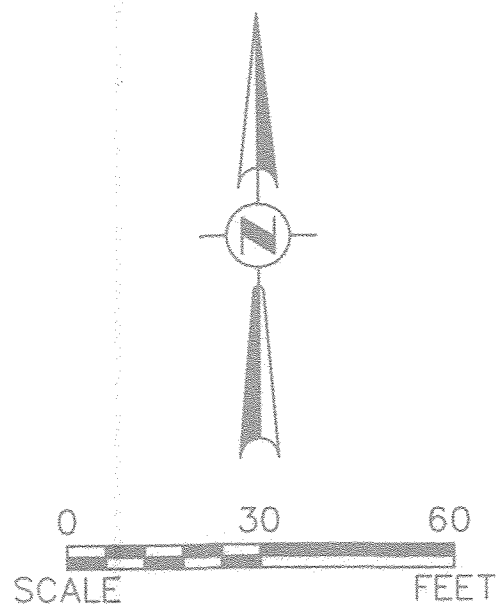
The detector loops will be constructed as part of the proposed EDP improvements.

We recommend accepting the proposed easement.

GRANT OF EASEMENT

TO THE UNITED CITY OF YORKVILLE KENDALL COUNTY, ILLINOIS

PART OF THE SOUTHWEST QUARTER OF SECTION 16,
TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD
PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS



P.I.N. 02-16-300-009
BEARINGS ARE ASSUMED
AREA OF EASEMENT = 3721 SF
AREA OF EASEMENT = 0.085 Acres

LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE 47, PER DOCUMENT 911532 AND A SOUTH LINE OF PARCEL OF LAND DESCRIBED IN DOC. 200500028756; THENCE NORTH 07 DEGREES 55 MINUTES 11 SECONDS WEST ALONG THE EASTERLY LINE OF SAID ILLINOIS STATE ROUTE 47, 13.50 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 07 DEGREES 55 MINUTES 11 SECONDS WEST ALONG THE EASTERLY LINE OF SAID ILLINOIS STATE ROUTE 47, 61.00 FEET; THENCE NORTH 82 DEGREES 04 MINUTES 49 SECONDS EAST, 61.00 FEET; THENCE SOUTH 07 DEGREES 55 MINUTES 11 SECONDS EAST, 61.00 FEET; THENCE SOUTH 82 DEGREES 04 MINUTES 49 SECONDS WEST, 61.00 FEET TO THE POINT OF BEGINNING. ALL IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

THIS IS TO CERTIFY THAT Wrigley Mfg LLC A
ILLINOIS CORPORATION, IS THE RECORD
OWNER OF THE PROPERTY DESCRIBE HEREON, AND DOES HEREBY CONSENT TO
THE GRANT OF EASEMENT DEPICTED HEREON.

DATED THIS 24th DAY OF MAY, 2016.

Brian Pardo
SIGNATURE

PLEASE TYPE/PRINT THE AUTHORIZED INDIVIDUAL'S NAME, TITLE,
CORPORATION/COMPANY NAME, AND ADDRESS:

Brian Pardo, Factory Director

Wrigley Mfg Co. LLC 2800 N. RTE 47
Yorkville IL 60560

STATE OF ILLINOIS
COUNTY OF Will

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE AFORESAID COUNTY AND STATE, DO HEREBY CERTIFY THAT THE FOREGOING SIGNATOR OF THE OWNER'S CERTIFICATE IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND THAT SAID INDIVIDUAL APPEARED AND DELIVERED SAID INSTRUMENT AS A FREE AND VOLUNTARY ACT OF THE CORPORATION AND THAT SAID INDIVIDUAL DID ALSO THEN AND THERE ACKNOWLEDGE THAT HE OR SHE IS A CUSTODIAN OF THE CORPORATE SEAL OF SAID CORPORATION AND DID AFFIX SAID SEAL OF SAID CORPORATION TO SAID INSTRUMENT AS HIS OR HER OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, AS OWNER, FOR THE USES AND PURPOSES THEREIN SET FORTH IN THE AFORESAID INSTRUMENT.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 24 DAY
OF May, A.D., 2016.

Maria DC Negron
NOTARY
MARIA DC NEGRON

OFFICIAL SEAL
MARIA DC NEGRON
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 07/19/2018

STATE OF ILLINOIS)
COUNTY OF KENDALL)

APPROVED AND ACCEPTED BY THE UNITED CITY OF YORKVILLE, ILLINOIS,
THIS _____ DAY OF _____, 2016.

BY: _____
MAYOR

ATTEST: _____
CITY CLERK

STATE OF ILLINOIS)
COUNTY OF KANE)

THIS IS TO CERTIFY THAT ENGINEERING ENTERPRISES, INC. HAS PREPARED THIS GRANT OF EASEMENT AS SHOWN BY THE ANNEXED PLAT WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID PROPERTY, FOR THE USES AND PURPOSES DESCRIBED HEREIN. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.

GIVEN UNDER MY HAND AND SEAL AT SUGAR GROVE, ILLINOIS,
THIS 10TH DAY OF MAY, 2016.

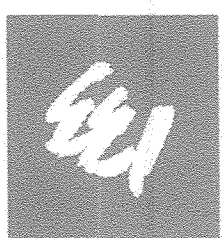
By Mark G. Scheller
PROFESSIONAL LAND SURVEYOR #3581
EXP 11/30/16

ENGINEERING ENTERPRISES INC.
PROFESSIONAL DESIGN FIRM # 184-002003
EXP 04/30/15



A NON-EXCLUSIVE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE UNITED CITY OF YORKVILLE, ILLINOIS TO CONSTRUCT, INSTALL, RECONSTRUCT, REPAIR, REMOVE, REPLACE AND INSPECT FACILITIES FOR TRAFFIC SIGNAL DETECTOR LOOPS, WITHIN THE AREAS SHOWN ON THE PLAT AS 'DETECTOR LOOP EASEMENT', TOGETHER WITH A RIGHT OF ACCESS THERETO FOR THE PERSONNEL AND EQUIPMENT NECESSARY AND REQUIRED FOR SUCH USES AND PURPOSES.

THE ABOVE NAMED ENTITY IS HEREBY GRANTED THE RIGHT TO ENTER UPON EASEMENTS HEREIN DESCRIBED FOR THE USES HEREIN SET FORTH.



Engineering Enterprises, Inc.
CONSULTING ENGINEERS
52 Wheeler Road
Sugar Grove, Illinois 60554
630.466.6700 / www.eeiweb.com

**UNITED CITY OF YORKVILLE
KENDALL COUNTY, ILLINOIS**

DATE: MAY 2016
PROJECT NO. Y0416
FILE NO Y01416-EASEMENT-01

PAGE 1 OF 1



Reviewed By:	
Legal	☐
Finance	☐
Engineer	☒
City Administrator	☒
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☐

Agenda Item Number

CA #6

Tracking Number

PW 2016-37

Agenda Item Summary Memo

Title: IL Route 47 Improvements at Wrigley Access Drive

Meeting and Date: City Council – June 28, 2016

Synopsis: Consideration of Contract Award

Council Action Previously Taken:

Date of Action: PW – 06/21/16 Action Taken: Moved forward to CC consent agenda

Item Number: PW 2016-37

Type of Vote Required: _____

Council Action Requested: Consideration of Contract Award

Submitted by: Brad Sanderson Engineering
Name Department

Agenda Item Notes:



Memorandum

To: Bart Olson, City Administrator
From: Brad Sanderson, EEI
CC: Eric Dhuse, Director of Public Works
Krysti Barksdale-Noble, Community Dev. Dir.
Lisa Pickering, Deputy City Clerk

Date: June 14, 2016
Subject: IL Route 47 Improvements at Wrigley Access Drive

Bids were received, opened and tabulated for work to be done on the project at 11:00 a.m., June 13th, 2016. Representatives of contractors bidding the project, the City, and our firm were in attendance. A tabulation of the bids and the engineer's estimate is attached for your information and record. The low bid was below our engineer's estimate and within the project budget.

As a reminder, the project is funded through an economic incentive agreement with IDOT. As such, 100% of the costs are covered by the funding.

Therefore, we recommend the acceptance of the bid and approval of award be made to the low bidder, Geneva Construction, P.O. Box 998, Aurora, IL 60507 in the amount of **\$400,504.10**.

If you have any questions or require additional information, please let us know.

BID TABULATION ILLINOIS ROUTE 47 IMPROVEMENTS AT WRIGLEY ACCESS DRIVE UNITED CITY OF YORKVILLE											
		BID TABULATION BIDS RECD 6/13/2016		GENEVA CONSTRUCTION P.O. Box 998 Aurora, IL 60507		BUILDERS PAVING, LLC 4413 Roosevelt Road-Ste 108 Hillside, IL 60162		D. CONSTRUCTION 1488 S. Broadway Coal City, IL 60416		ENGINEER'S ESTIMATE HR Green	
ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	PRERIMETER EROSION BARRIER	FOOT	880	\$ 2.30	\$ 2,024.00	\$ 5.00	\$ 4,400.00	\$ 3.00	\$ 2,640.00	\$ 2.50	\$ 2,200.00
2	INLET AND PIPE PROTECTION	EACH	11	173.00	1,903.00	250.00	2,750.00	120.00	1,320.00	235.00	\$ 2,585.00
3	BITUMINOUS MATERIALS (TACK COAT)	POUND	3,940	0.01	39.40	0.01	39.40	0.01	39.40	1.10	\$ 4,334.00
4	HOT-MIX ASPHALT SURFACE REMOVAL-BUTT JOINT	SQ YD	140	7.00	980.00	17.00	2,380.00	20.00	2,800.00	12.00	\$ 1,680.00
5	TEMPORARY RAMP	SQ YD	140	13.00	1,820.00	4.00	560.00	20.00	2,800.00	8.00	\$ 1,120.00
6	HOT-MIX ASPHALT SURFACE COURSE, MIX "D", N70	TON	734	64.00	46,976.00	74.00	54,316.00	61.00	44,774.00	100.00	\$ 73,400.00
7	HOT-MIX ASPHALT SURFACE REMOVAL, 1 1/2"	SQ YD	8,740	2.25	19,665.00	3.00	26,220.00	1.60	13,984.00	4.00	\$ 34,960.00
8	AGGREGATE WEDGE SHOULDER, TYPE B	TON	178	32.00	5,696.00	35.00	6,230.00	33.00	5,874.00	30.00	\$ 5,340.00
9	MOBILIZATION	L SUM	1	12,000.00	12,000.00	24,100.00	24,100.00	15,000.00	15,000.00	20,000.00	\$ 20,000.00
10	TRAFFIC CONTROL AND PROTECTION, STANDARD 701201	L SUM	1	1,175.00	1,175.00	3,000.00	3,000.00	0.01	0.01	8,460.00	\$ 8,460.00
11	TRAFFIC CONTROL AND PROTECTION, STANDARD 701306	L SUM	1	525.00	525.00	1,000.00	1,000.00	0.01	0.01	8,460.00	\$ 8,460.00
12	TRAFFIC CONTROL AND PROTECTION, STANDARD 701501	L SUM	1	1,500.00	1,500.00	3,000.00	3,000.00	10,000.00	10,000.00	8,460.00	\$ 8,460.00
13	TRAFFIC CONTROL AND PROTECTION, STANDARD 701502	L SUM	1	1,700.00	1,700.00	3,000.00	3,000.00	0.01	0.01	8,460.00	\$ 8,460.00
14	TRAFFIC CONTROL AND PROTECTION, STANDARD 701701	L SUM	1	52.00	52.00	100.00	100.00	0.01	0.01	8,460.00	\$ 8,460.00
15	CHANGEABLE MESSAGE SIGN	CAL MO	4	5,600.00	22,400.00	1,300.00	5,200.00	1,500.00	6,000.00	1,500.00	\$ 6,000.00
16	SHORT TERM PAVEMENT MARKING	FOOT	2,000	1.00	2,000.00	0.80	1,600.00	1.00	2,000.00	1.00	\$ 2,000.00
17	SHORT TERM PAVEMENT MARKING REMOVAL	SQ FT	670	1.05	703.50	1.10	737.00	2.00	1,340.00	2.00	\$ 1,340.00
18	SIGN PANEL-TYPE 1	SQ FT	28	32.00	896.00	28.00	784.00	30.00	840.00	45.00	\$ 1,260.00
19	SIGN PANEL-TYPE 2	SQ FT	25	38.25	956.25	34.00	850.00	30.00	750.00	45.00	\$ 1,125.00
20	THERMOPLASTIC PAVEMENT MARKING-LETTERS AND SYMBOLS	SQ FT	437	4.60	2,010.20	5.00	2,185.00	4.40	1,922.80	10.50	\$ 4,588.50
21	THERMOPLASTIC PAVEMENT MARKING-LINE 4"	FOOT	7,407	0.70	5,184.90	0.60	4,444.20	0.66	4,888.62	1.25	\$ 9,258.75
22	THERMOPLASTIC PAVEMENT MARKING-LINE 8"	FOOT	743	0.95	705.85	1.25	928.75	0.99	735.57	3.50	\$ 2,600.50
23	THERMOPLASTIC PAVEMENT MARKING-LINE 12"	FOOT	227	1.95	442.65	2.50	567.50	2.20	499.40	6.00	\$ 1,362.00
24	THERMOPLASTIC PAVEMENT MARKING-LINE 24"	FOOT	129	4.60	593.40	5.00	645.00	4.40	567.60	10.50	\$ 1,354.50
25	RAISED REFLECTIVE PAVEMENT MARKER	EACH	88	40.35	3,550.80	33.00	2,904.00	52.53	4,622.64	25.00	\$ 2,200.00
26	RAISED REFLECTIVE PAVEMENT MARKER REMOVAL	EACH	88	6.15	541.20	18.00	1,584.00	10.00	880.00	10.00	\$ 880.00

BID TABULATION ILLINOIS ROUTE 47 IMPROVEMENTS AT WRIGLEY ACCESS DRIVE UNITED CITY OF YORKVILLE											
		BID TABULATION BIDS RECD 6/13/2016		GENEVA CONSTRUCTION P.O. Box 998 Aurora, IL 60507		BUILDERS PAVING, LLC 4413 Roosevelt Road-Ste 108 Hillside, IL 60162		D. CONSTRUCTION 1488 S. Broadway Coal City, IL 60416		ENGINEER'S ESTIMATE HR Green	
ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
27	SERVICE INSTALLATION-POLE MOUNTED	EACH	1	1,602.00	1,602.00	3,000.00	3,000.00	1,075.00	1,075.00	2,500.00	\$ 2,500.00
28	UNDERGROUND CONDUIT, PVC, 1"DIA.	FOOT	450	7.15	3,217.50	8.10	3,645.00	7.70	3,465.00	20.00	\$ 9,000.00
29	UNDERGROUND CONDUIT, PVC, 2" DIA.	FOOT	831	14.50	12,049.50	7.80	6,481.80	10.50	8,725.50	22.00	\$ 18,282.00
30	UNDERGROUND CONDUIT, PVC, 2 1/2" DIA.	FOOT	29	34.45	999.05	14.50	420.50	11.00	319.00	30.00	\$ 870.00
31	UNDERGROUND CONDUIT, PVC, 3" DIA.	FOOT	31	37.80	1,171.80	15.20	471.20	15.40	477.40	35.00	\$ 1,085.00
32	UNDERGROUND CONDUIT, PVC, 4" DIA.	FOOT	410	41.60	17,056.00	30.10	12,341.00	21.50	8,815.00	45.00	\$ 18,450.00
33	HANDHOLE, PORTLAND CEMENT CONCRETE	EACH	7	14.80	103.60	1,500.00	10,500.00	1,595.00	11,165.00	2,000.00	\$ 14,000.00
34	DOUBLE HANDHOLE, PORTLAND CEMENT CONCRETE	EACH	1	2,160.00	2,160.00	2,700.00	2,700.00	2,640.00	2,640.00	3,000.00	\$ 3,000.00
35	MAINTENANCE OF EXISTING TRAFFIC SIGNAL INSTALLATION	EACH	3	750.00	2,250.00	1,200.00	3,600.00	770.00	2,310.00	4,000.00	\$ 12,000.00
36	UNINTERRUPTABLE POWER SUPPLY, EXTENDED	EACH	1	7,367.00	7,367.00	5,900.00	5,900.00	10,500.00	10,500.00	10,000.00	\$ 10,000.00
37	ELECTRIC CABLE IN CONDUIT, SIGNAL, NO. 14 3C	FOOT	480	1.30	624.00	0.80	384.00	1.21	580.80	2.00	\$ 960.00
38	ELECTRIC CABLE IN CONDUIT, SIGNAL NO. 14 5C	FOOT	590	1.45	855.50	0.85	501.50	1.21	713.90	2.00	\$ 1,180.00
39	ELECTRIC CABLE IN CONDUIT, SIGNAL NO. 14 7C	FOOT	3,220	1.60	5,152.00	1.05	3,381.00	1.21	3,896.20	2.00	\$ 6,440.00
40	ELECTRIC CABLE IN CONDUIT, LEAD-IN, NO. 14 1	FOOT	2,860	1.30	3,718.00	1.25	3,575.00	1.21	3,460.60	1.70	\$ 4,862.00
41	ELECTRIC CABLE IN CONDUIT, SERVICE, NO. 6 2	FOOT	50	3.00	150.00	3.50	175.00	9.90	495.00	7.00	\$ 350.00
42	ELECTRIC CABLE IN CONDUIT, EQUIPMENT GROUNDING CONDUCTOR	FOOT	1,160	2.20	2,552.00	1.50	1,740.00	4.95	5,742.00	4.00	\$ 4,640.00
43	TRAFFIC SIGNAL POST, GALVANIZED STEEL 16 FT.	EACH	2	1,342.00	2,684.00	1,250.00	2,500.00	1,400.00	2,800.00	1,500.00	\$ 3,000.00
44	STEEL MAST ARM ASSEMBLY AND POLE, 50 FT.	EACH	1	8,700.00	8,700.00	7,700.00	7,700.00	11,300.00	11,300.00	18,000.00	\$ 18,000.00
45	STEEL MAST ARM ASSEMBLY AND POLE, 56 FT.	EACH	1	11,082.00	11,082.00	9,300.00	9,300.00	13,000.00	13,000.00	22,000.00	\$ 22,000.00
46	STEEL MAST ARM ASSEMBLY AND POLE, 60 FT.	EACH	1	11,444.00	11,444.00	9,700.00	9,700.00	13,500.00	13,500.00	22,000.00	\$ 22,000.00
47	STEEL MAST ARM ASSEMBLY AND POLE, 64 FT.	EACH	1	11,560.00	11,560.00	9,900.00	9,900.00	13,800.00	13,800.00	22,000.00	\$ 22,000.00
48	CONCRETE FOUNDATION, TYPE A	FOOT	8	248.00	1,984.00	250.00	2,000.00	154.00	1,232.00	300.00	\$ 2,400.00
49	CONCRETE FOUNDATION, TYPE C	FOOT	4	455.00	1,820.00	410.00	1,640.00	580.00	2,320.00	800.00	\$ 3,200.00
50	CONCRETE FOUNDATION, TYPE E 42-INCH DIAMETER	FOOT	62	475.00	29,450.00	475.00	29,450.00	710.00	44,020.00	500.00	\$ 31,000.00



**BID TABULATION
ILLINOIS ROUTE 47 IMPROVEMENTS AT WRIGLEY ACCESS DRIVE
UNITED CITY OF YORKVILLE**

		BID TABULATION BIDS RECD 6/13/2016		GENEVA CONSTRUCTION P.O. Box 998 Aurora, IL 60507		BUILDERS PAVING, LLC 4413 Roosevelt Road-Ste 108 Hillside, IL 60162		D. CONSTRUCTION 1488 S. Broadway Coal City, IL 60416		ENGINEER'S ESTIMATE HR Green	
ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
51	SIGNAL HEAD, POLYCARBONATE, LED, 1-FACE, 3-SECTION, MAST ARM MOUNTED.	EACH	2	1,072.00	2,144.00	900.00	1,800.00	1,085.00	2,170.00	1,500.00	\$ 3,000.00
52	SIGNAL HEAD, POLYCARBONATE, LED, 1-FACE, 4-SECTION, BRACKET MOUNTED	EACH	1	1,296.00	1,296.00	1,100.00	1,100.00	1,280.00	1,280.00	1,700.00	\$ 1,700.00
53	SIGNAL HEAD, POLYCARBONATE, LED, 1-FACE, 4-SECTION, MAST ARM MOUNTED	EACH	4	1,371.00	5,484.00	1,150.00	4,600.00	1,400.00	5,600.00	1,700.00	\$ 6,800.00
54	SIGNAL HEAD, POLYCARBONATE, LED, 1-FACE, 5-SECTION, BRACKET MOUNTED	EACH	4	1,480.00	5,920.00	1,250.00	5,000.00	1,485.00	5,940.00	1,900.00	\$ 7,600.00
55	SIGNAL HEAD, POLYCARBONATE, LED, 1-FACE, 5-SECTION, MAST ARM MOUNTED	EACH	4	1,555.00	6,220.00	1,320.00	5,280.00	1,567.00	6,268.00	1,900.00	\$ 7,600.00
56	TRAFFIC SIGNAL, BACKPLATE, LOUVERED, FORMED PLASTIC	EACH	15	328.00	4,920.00	250.00	3,750.00	220.00	3,300.00	250.00	\$ 3,750.00
57	INDUCTIVE LOOP DETECTOR	EACH	11	248.00	2,728.00	210.00	2,310.00	220.00	2,420.00	350.00	\$ 3,850.00
58	DETECTOR LOOP, TYPE 1	FOOT	1,350	19.00	25,650.00	17.00	22,950.00	16.00	21,600.00	21.00	\$ 28,350.00
59	LIGHT DETECTOR	EACH	4	1,527.00	6,108.00	1,170.00	4,680.00	1,375.00	5,500.00	1,700.00	\$ 6,800.00
60	LIGHT DETECTOR AMPLIFIER	EACH	1	2,558.00	2,558.00	2,200.00	2,200.00	2,365.00	2,365.00	2,500.00	\$ 2,500.00
61	MODIFY EXISTING CONTROLLER	EACH	3	1,803.00	5,409.00	1,300.00	3,900.00	1,650.00	4,950.00	3,500.00	\$ 10,500.00
62	EMERGENCY VEHICLE PRIORITY SYSTEM LINE SENSOR CABLE, NO. 20 3/C	FOOT	480	1.35	648.00	0.80	384.00	1.37	657.60	1.80	\$ 864.00
63	WIRELESS INTERCONNECT (COMPLETE)	EACH	1	14,606.00	14,606.00	13,500.00	13,500.00	13,750.00	13,750.00	31,000.00	\$ 31,000.00
64	EXPLORATION TRENCH, SPECIAL	FOOT	40	29.00	1,160.00	100.00	4,000.00	137.00	5,480.00	150.00	\$ 6,000.00
65	FULL-ACTUATED CONTROLLER AND TYPE IV CABINET, SPECIAL	EACH	1	30,946.00	30,946.00	35,000.00	35,000.00	30,000.00	30,000.00	40,000.00	\$ 40,000.00
66	OPTIMIZE TRAFFIC SIGNAL SYSTEM	EACH	1	5,415.00	5,415.00	5,000.00	5,000.00	4,620.00	4,620.00	7,500.00	\$ 7,500.00
67	CONSTRUCTION LAYOUT	L SUM	1	3,500.00	3,500.00	4,000.00	4,000.00	12,000.00	12,000.00	5,000.00	\$ 5,000.00
TOTAL (Items 1 - 67)					400,504.10		403,984.85		418,531.07		625,921.25

% BELOW/ABOVE ENGINEER'S ESTIMATE

-36.0%

-35.5%

-33.1%

 DENOTES BID ERROR



Reviewed By:	
Legal	☐
Finance	☐
Engineer	☒
City Administrator	☒
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

CA #7

Tracking Number

PW 2016-39

Agenda Item Summary Memo

Title: 104 Beaver Street – Grant of Easement

Meeting and Date: City Council – June 28, 2016

Synopsis: Consideration of Easement Acceptance

Council Action Previously Taken:

Date of Action: PW – 06/21/16 Action Taken: Moved forward to CC consent agenda

Item Number: PW 2016-39

Type of Vote Required: _____

Council Action Requested: Consideration of Acceptance

Submitted by: Brad Sanderson Engineering
Name Department

Agenda Item Notes:



Memorandum

To: Bart Olson, City Administrator
From: Brad Sanderson, EEI
CC: Eric Dhuse, Director of Public Works
Kathy Field-Orr, City Attorney
Lisa Pickering, Deputy City Clerk
Date: May 26, 2016
Subject: 104 Beaver Street – Grant of Easement

Attached find one copy of a proposed grant of easement for storm water management and utility purposes at 104 Beaver Street. The easement is necessary as part of the site development.

We recommend accepting the proposed easement.

PLAT OF EASEMENT

OF

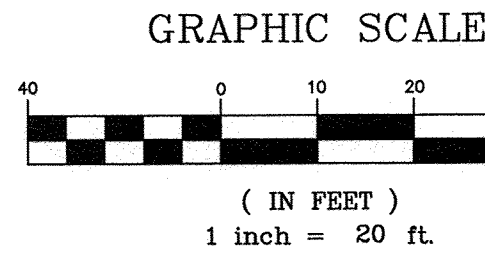
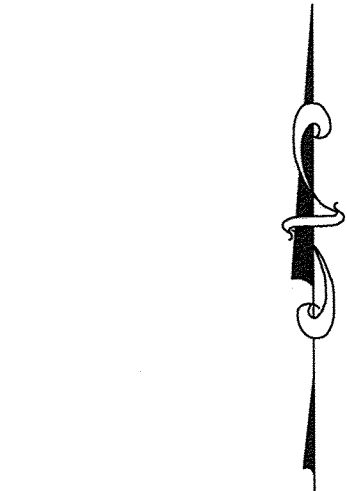
PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 5, TOWNSHIP 36 NORTH, RANGE 7 EAST OF
THE THIRD PRINCIPAL MERIDIAN, UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS

BEAVER STREET

COUNTY RECORDER

STATE OF ILLINOIS)
COUNTY OF KENDALL) S.S.
THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD IN
THE RECORDER'S OFFICE OF KENDALL COUNTY AFORESAID ON THE
____ DAY OF _____ 20____ AT
O'CLOCK _____ M. IN THE BOOK _____ OF PLATS OF PAGE _____

KENDALL COUNTY RECORDER



HATCH LEGEND

- STORMWATER MANAGEMENT EASEMENT HEREBY GRANTED
- PUBLIC UTILITY AND DRAINAGE EASEMENT HEREBY GRANTED

MISCELLANEOUS NOTES:

- ANNOTATION ABBREVIATIONS
R.O.W. = RIGHT-OF-WAY
P.O.B. = POINT OF BEGINNING
S.M.E. = STORMWATER MANAGEMENT EASEMENT
P.U.&D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT
- BOUNDARY LINES, RIGHT-OF-WAY LINES AND EXISTING EASEMENT LINES ARE SHOWN HEREON BASED UPON THE ALTA/ACSM LAND TITLE SURVEY BY HR GREEN, INC. DATED FEBRUARY 16, 2016.
- EASEMENT AREAS
S.M.E.: 18,662± SQ.FT. OR 0.428± AC.
P.U.&D.E.: 550± SQ.FT. OR 0.013± AC.

LEGAL DESCRIPTIONS

STORMWATER MANAGEMENT EASEMENT (S.M.E.)
THAT PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 1 IN BLOCK 2 IN FOX INDUSTRIAL SUBDIVISION, UNIT 1, PER DOCUMENT 72-4167, RECORDED SEPTEMBER 7TH, 1972; THENCE SOUTH 03 DEGREES 54 MINUTES 29 SECONDS EAST, ALONG THE SOUTHERLY EXTENSION OF SAID LOT 1, 22.50 FEET; THENCE NORTH 88 DEGREES 05 MINUTES 25 SECONDS EAST, ALONG A LINE 22.50 FEET SOUTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 1, 36.90 FEET; THENCE SOUTH 04 DEGREES 25 MINUTES 27 SECONDS EAST, 124.28 FEET; THENCE NORTH 85 DEGREES 34 MINUTES 33 SECONDS EAST, ALONG A LINE 16.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF THE LANDS DESCRIBED IN TRUSTEE'S DEED, RECORDED FEBRUARY 22ND, 2016 AS DOCUMENT 201600002402, 281.90 FEET; THENCE SOUTH 03 DEGREES 55 MINUTES 41 SECONDS EAST, ALONG A LINE 30.00 FEET WESTERLY OF PARALLEL WITH THE WESTERLY LINE OF LOT 4 IN SAID BLOCK 2, 16.00 FEET TO THE SOUTHEASTERLY MOST CORNER OF SAID LANDS; THENCE SOUTH 85 DEGREES 34 MINUTES 33 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 1, 36.90 FEET; THENCE SOUTH 04 DEGREES 25 MINUTES 27 SECONDS EAST, 76.54 FEET FOR A POINT OF BEGINNING; THENCE NORTH 88 DEGREES 45 MINUTES 05 SECONDS EAST, 54.98 FEET; THENCE SOUTH 04 DEGREES 14 MINUTES 05 SECONDS EAST, PERPENDICULAR TO LAST DESCRIBED COURSE, 10.00 FEET; THENCE SOUTH 85 DEGREES 45 MINUTES 05 SECONDS WEST, PERPENDICULAR TO LAST DESCRIBED COURSE, 54.94 FEET; THENCE NORTH 04 DEGREES 25 MINUTES 27 SECONDS WEST, 10.00 FEET TO SAID POINT OF BEGINNING. ALL IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY ILLINOIS.

PUBLIC UTILITY AND DRAINAGE EASEMENT (P.U.&D.E.)

THAT PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 1 IN BLOCK 2 IN FOX INDUSTRIAL SUBDIVISION, UNIT 1, PER DOCUMENT 72-4167, RECORDED SEPTEMBER 7TH, 1972; THENCE SOUTH 03 DEGREES 54 MINUTES 29 SECONDS EAST, ALONG THE SOUTHERLY EXTENSION OF SAID LOT 1, 22.50 FEET; THENCE NORTH 88 DEGREES 05 MINUTES 25 SECONDS EAST, ALONG A LINE 22.50 FEET SOUTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 1, 36.90 FEET; THENCE SOUTH 04 DEGREES 25 MINUTES 27 SECONDS EAST, 76.54 FEET FOR A POINT OF BEGINNING; THENCE NORTH 88 DEGREES 45 MINUTES 05 SECONDS EAST, 54.98 FEET; THENCE SOUTH 04 DEGREES 14 MINUTES 05 SECONDS EAST, PERPENDICULAR TO LAST DESCRIBED COURSE, 10.00 FEET; THENCE SOUTH 85 DEGREES 45 MINUTES 05 SECONDS WEST, PERPENDICULAR TO LAST DESCRIBED COURSE, 54.94 FEET; THENCE NORTH 04 DEGREES 25 MINUTES 27 SECONDS WEST, 10.00 FEET TO SAID POINT OF BEGINNING. ALL IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY ILLINOIS.

PUBLIC UTILITY AND DRAINAGE EASEMENT PROVISIONS

A NON-EXCLUSIVE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO SPC AMERTECH, INCORP. COM ED. JONES INTERCABLE, OTHER PUBLIC UTILITIES, AND HOLDERS OF EXISTING FRANCHISES GRANTED BY THE CITY OF YORKVILLE, ILLINOIS, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS WITHIN THE AREAS SHOWN ON THE PLAT AS "PUBLIC UTILITY & DRAINAGE EASEMENT" (abbreviated P.U. & D.E.) TO CONSTRUCT, INSTALL, RECONSTRUCT, REPAIR, REMOVE, REPLACE, INSPECT, MAINTAIN AND OPERATE UNDERGROUND TRANSMISSION AND DISTRIBUTION SYSTEMS AND LINES UNDER THE SURFACE OF THE PUBLIC UTILITY & DRAINAGE EASEMENT, INCLUDING WITHOUT LIMITATION, TELEPHONE CABLE, GAS MAINS, ELECTRIC LINES, CABLE TELEVISION LINES, AND ALL NECESSARY FACILITIES APPURTENANT THERETO, TOGETHER WITH THE RIGHT OF ACCESS THERETO FOR THE PERSONNEL AND EQUIPMENT NECESSARY FOR SUCH USES AND PURPOSES AND TOGETHER WITH THE RIGHT TO INSTALL REQUIRED SERVICE CONNECTIONS UNDER THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS THEREON.

A NON-EXCLUSIVE EASEMENT IS ALSO HEREBY RESERVED FOR AND GRANTED TO THE UNITED CITY OF YORKVILLE, ILLINOIS TO CONSTRUCT, INSTALL, RECONSTRUCT, REPAIR, REMOVE, REPLACE AND INSPECT FACILITIES FOR THE TRANSMISSION AND DISTRIBUTION OF WATER, STORM SEWERS, SANITARY SEWERS AND ELECTRICITY, WITHIN THE AREAS SHOWN ON THE PLAT AS "PUBLIC UTILITY & DRAINAGE EASEMENT" TOGETHER WITH A RIGHT OF ACCESS THERETO FOR THE PERSONNEL AND EQUIPMENT NECESSARY AND REQUIRED FOR SUCH USES AND PURPOSES.

THE ABOVE NAMED ENTITIES ARE HEREBY GRANTED THE RIGHT TO ENTER UPON EASEMENTS HEREIN DESCRIBED FOR THE USES HEREIN SET FORTH AND THE RIGHT TO CUT, TRIM, OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS WITHIN THE AREAS DESIGNATED AS PUBLIC UTILITY AND DRAINAGE EASEMENT WHICH INTERFERE WITH THE CONSTRUCTION, INSTALLATION, RECONSTRUCTION, REPAIR, REMOVAL, REPLACEMENT, MAINTENANCE AND OPERATION OF THEIR UNDERGROUND TRANSMISSION AND DISTRIBUTION SYSTEMS AND FACILITIES APPURTENANT THERETO. NO PERMANENT BUILDINGS, STRUCTURES OR OBSTRUCTIONS SHALL BE CONSTRUCTED IN, UPON, OR OVER ANY AREAS DESIGNATED AS PUBLIC UTILITY & DRAINAGE EASEMENT, BUT SUCH AREAS MAY BE USED FOR GARDENS, SHRUBS, TREES, LANDSCAPING, DRIVEWAYS, AND OTHER RELATED PURPOSES THAT DO NOT UNREASONABLY INTERFERE WITH THE USES HEREIN DESCRIBED.

THE OCCUPATION AND USE OF THE NON-EXCLUSIVE EASEMENT HEREIN GRANTED AND RESERVED FOR THE ABOVE NAMED ENTITIES BY EACH OF SUCH ENTITIES SHALL BE DONE IN SUCH A MANNER SO AS NOT TO INTERFERE WITH OR PRECLUDE THE OCCUPATION AND USE THEREOF BY OTHER ENTITIES FOR WHICH SUCH EASEMENTS ARE GRANTED AND RESERVED. THE CROSSING AND RE-CROSSING OF SAID EASEMENTS BY THE ABOVE NAMED ENTITIES SHALL BE DONE IN SUCH A MANNER SO AS NOT TO INTERFERE WITH, DAMAGE, OR DISTURB ANY TRANSMISSION AND DISTRIBUTION SYSTEMS AND FACILITIES APPURTENANT THERETO EXISTING WITHIN THE EASEMENTS BEING CROSSED OR RE-CROSSED. NO USE OR OCCUPATION OF SAID EASEMENTS BY THE ABOVE NAMED ENTITIES SHALL CAUSE ANY CHANGE IN GRADE OR IMPAIR OR CHANGE THE SURFACE DRAINAGE PATTERNS.

FOLLOWING ANY WORK TO BE PERFORMED BY THE UNITED CITY OF YORKVILLE IN THE EXERCISE OF ITS EASEMENT RIGHTS HEREIN GRANTED, SAID CITY SHALL HAVE NO OBLIGATION WITH RESPECT TO SURFACE RESTORATION, INCLUDING BUT NOT LIMITED TO, THE RESTORATION, REPAIR OR REPLACEMENT OF PAVEMENT, CURB, GUTTERS, TREES, LAWN OR SHRUBBERY, PROVIDED, HOWEVER, THAT SAID CITY SHALL BE OBLIGATED, FOLLOWING SUCH MAINTENANCE WORK TO BACKFILL AND MOUND ALL TRENCH CREATED SO AS TO RETAIN SUITABLE DRAINAGE, TO COLD PATCH ANY ASPHALT OR CONCRETE SURFACE, TO REMOVE ALL EXCESS DEBRIS AND SPOIL, AND TO LEAVE THE MAINTENANCE AREA IN A GENERALLY CLEAN AND WORKMANLIKE CONDITION.

OWNER'S CERTIFICATE

STATE OF Illinois)
COUNTY OF Kendall) S.S.
THIS IS TO CERTIFY THAT C & C STUDIOS RE LLC, AN ILLINOIS LIMITED LIABILITY COMPANY, IS THE FEE SIMPLE OWNER OF THE PROPERTY DESCRIBED HEREON AND DOES HEREBY GRANT THE EASEMENTS AS SHOWN AND DESCRIBED HEREON.
DATED AT Yorkville IL THIS 9 DAY OF May 2016.
(town) (state)

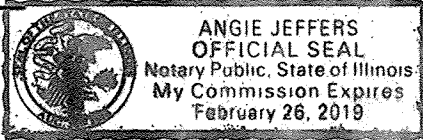
Corporation Name: C & C STUDIOS RE LLC
Corporation Address: 9020 WILCOX COURT
NEWARK, IL 60541

BY: Christy Schulte Attest: Christopher Schulte
Printed name: Christy Schulte Printed name: Christopher Schulte
Title: Owner Title: Owner

NOTARY CERTIFICATE

STATE OF Illinois)
COUNTY OF Kendall) S.S.
I, Angie Jeffers, a NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT Christy Schulte AND Christopher Schulte PERSONALLY KNOWN TO ME TO BE THE owner AND owner OF C & C STUDIOS RE LLC, AS SHOWN ABOVE, APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THAT AS SUCH OFFICERS, THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AND CAUSED THE CORPORATE SEAL TO BE AFFIXED THERE TO AS THEIR FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH.
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 9th DAY OF May 2016.

Angie Jeffers
NOTARY PUBLIC



- NOTES:
- This map was created for use as an Plat of Easement.
 - This map is not to be used for any construction or staking purposes without the proper agent of HR Green, Inc.
 - This IS NOT a Plat of Survey. No assumptions or agreements as to ownership, use, or possession can be conveyed from this document.
 - No underground improvements have been located unless shown and noted.
 - No distance should be assumed by scaling.
 - This map is void without original embossed or red colored seal and signature affixed.

5/5/2016 1:38:44 PM
O:\88150481\Survey\DWGs\POE-88150481-Stormwater.dwg

STORMWATER MANAGEMENT EASEMENT PROVISIONS

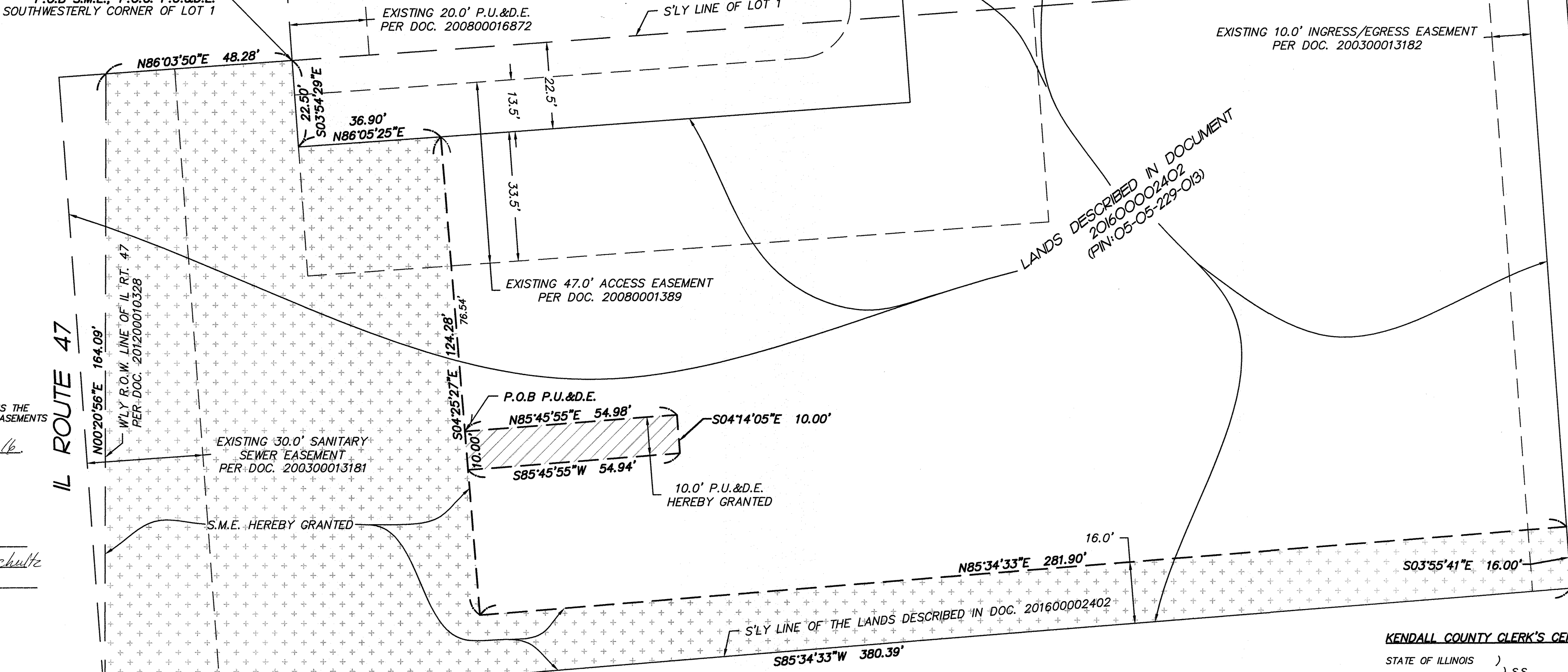
AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE UNITED CITY OF YORKVILLE AND TO ITS SUCCESSORS AND ASSIGNS, OVER ALL OF THE AREAS MARKED "STORMWATER MANAGEMENT EASEMENT" (abbreviated S.M.E.) ON THE PLAT FOR THE PERPETUAL RIGHT, PRIVILEGE, AND AUTHORITY TO SURVEY, CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE STORM SEWERS AND THE STORMWATER MANAGEMENT AREA, TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS, SANITARY SEWERS, WATER MAINS, ELECTRIC AND COMMUNICATION CABLES, CONNECTIONS, DITCHES, SWALES, AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID CITY, OVER UPON, ALONG, UNDER AND THROUGH SAID INDICATED EASEMENT, TOGETHER WITH THE RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY MEN AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENT. NO CHANGE TO THE TOPOGRAPHY OR STORMWATER MANAGEMENT STRUCTURES WITHIN THE EASEMENT AREA SHALL BE MADE WITHOUT EXPRESS WRITTEN CONSENT OF THE CITY ENGINEER, BUT SAME MAY BE USED FOR PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS.

THE OWNER OF THE PROPERTY SHALL REMAIN RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER MANAGEMENT AREA AND APPURTENANCES. THE UNITED CITY OF YORKVILLE WILL PERFORM ONLY EMERGENCY PROCEDURES AS DEEMED NECESSARY BY THE CITY ENGINEER OF THE UNITED CITY OF YORKVILLE.

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF KENDALL) S.S.
APPROVED AND ACCEPTED BY THE MAYOR AND CITY COUNCIL OF THE UNITED CITY OF YORKVILLE, ILLINOIS THIS _____ DAY OF _____, 20____
MAYOR _____

P.O.B. S.M.E.; P.O.C. P.U.&D.E.
SOUTHWESTERLY CORNER OF LOT 1



MORTGAGEE'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF Kane) S.S.
I, First State Bank, HOLDER OF A MORTGAGE ON THE PROPERTY DESCRIBED HEREIN, HEREBY CONSENTS TO THE EXECUTION AND RECORDING OF THE ABOVE AND FOREGOING PLAT OF EASEMENT AND HEREBY SUBMITS THIS MORTGAGE RECORDED 2/22/16 AS DOCUMENT NUMBER 201600002402 IN THE OFFICE OF THE RECORDER OF DEEDS, Kendall COUNTY, ILLINOIS, TO ALL OF THE PROVISIONS THEREOF.

IN WITNESS WHEREOF, THE SAID Christy Schulte HAS CAUSED THIS INSTRUMENT TO BE SIGNED BY ITS DULY AUTHORIZED OFFICERS ON ITS BEHALF AT First State Bank North Anna IL THIS 12th DAY OF May 2016.

BY: [Signature]
ATTEST: _____

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF Kane) S.S.
I, Isabel Zomato, a NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT Christy Schulte AND Edward Michaels PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 12th DAY OF May A.D., 2016.
[Signature]
NOTARY PUBLIC



KENDALL COUNTY CLERK'S CERTIFICATE

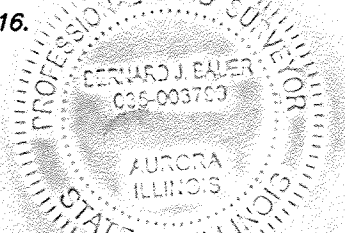
STATE OF ILLINOIS)
COUNTY OF KENDALL) S.S.
I, _____ COUNTY CLERK OF KENDALL COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE PLAT HEREIN DRAWN. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE PLAT HEREIN DRAWN.
GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK AT YORKVILLE, ILLINOIS, THIS _____ DAY OF _____ 20____.

COUNTY CLERK

SURVEYOR'S CERTIFICATION

STATE OF ILLINOIS)
COUNTY OF KENDALL) S.S.
I, BERNARD J. BAUER, ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 3799, DO HEREBY CERTIFY THAT THE PLAT OF EASEMENT HEREON DRAWN WAS PREPARED USING PREVIOUS SURVEY INFORMATION AND MAPS, PLATS AND OTHER INSTRUMENTS OF RECORD FOR THE USES AND PURPOSES HEREIN SET FORTH, OF THE HEREON DESCRIBED PROPERTY.
DATED AT YORKVILLE, KENDALL COUNTY, ILLINOIS THIS 5TH DAY OF MAY, 2016.

BERNARD J. BAUER (BBAUER@HGREEN.COM)
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3799
LICENSE EXPIRATION DATE: 11/30/2016



PLAT OF EASEMENT

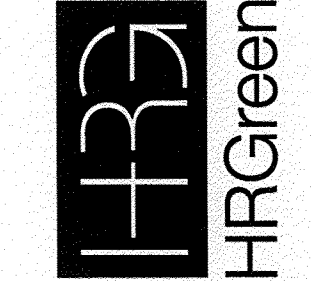
FOR
STORMWATER MANAGEMENT EASEMENT
THE UNITED CITY OF YORKVILLE,
KENDALL COUNTY, ILLINOIS

BAR IS ONE INCH ON
OFFICIAL DRAWINGS
0 1"
IF NOT ONE INCH,
ADJUST SCALE ACCORDINGLY

DRAWN BY: BJB
CHECKED BY: RBH
JOB DATE: 03/22/2016
JOB NO: 88150481

SHEET
1 OF 1

Illinois Professional Design Firm # 184-001322
651 Prairie Pointe Drive, Suite 201,
Yorkville, Illinois 60560
t. 630.553.7560 f. 630.553.7646
www.hrgreen.com





Reviewed By:	
Legal	☐
Finance	☐
Engineer	☒
City Administrator	☒
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☐

Agenda Item Number

CA #8

Tracking Number

PW 2016-41

Agenda Item Summary Memo

Title: NPDES Annual Report

Meeting and Date: City Council – June 28, 2016

Synopsis: Informational Purposes

Council Action Previously Taken:

Date of Action: PW – 06/21/16 Action Taken: Moved forward to CC consent agenda

Item Number: PW 2016-41

Type of Vote Required: _____

Council Action Requested: None

Submitted by: Brad Sanderson Engineering
Name Department

Agenda Item Notes:

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville,
tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/gov_officials.php



Memorandum

To: Bart Olson, City Administrator
From: Brad Sanderson, EEI
CC: Eric Dhuse, Director of Public Works
Krysti Barksdale-Noble, Community Dev. Dir.
Lisa Pickering, Deputy City Clerk

Date: June 15, 2016
Subject: NPDES MS4 Stormwater Permit

The City adopted its Stormwater Management Plan in March 2010 which was required by the IEPA in order for the City to be compliance with the NPDES MS4 Permit. One of the requirements of the permit is to submit an annual report to the IEPA. The report is to detail the City's progress towards its goals that it outlined in its plan.

The report, which covers the period from March 2015 to March 2016, is provided for informational purposes and will be submitted to the IEPA by the end of the month.

It should also be noted, that a new NPDES permit has been issued to the City and there will be a few changes as we move forward. There will be more details provided over the next month or two.

If you have any questions or require additional information, please let us know.



Illinois Environmental Protection Agency

Bureau of Water • 1021 N. Grand Avenue E. • P.O. Box 19276 • Springfield • Illinois • 62794-9276

Division of Water Pollution Control ANNUAL FACILITY INSPECTION REPORT

for NPDES Permit for Storm Water Discharges from Separate Storm Sewer Systems (MS4)

This fillable form may be completed online, a copy saved locally, printed and signed before it is submitted to the Compliance Assurance Section at the above address. Complete each section of this report.

Report Period: From March, 2015 To March, 2016

Permit No. ILR40 0554

MS4 OPERATOR INFORMATION: (As it appears on the current permit)

Name: United City of Yorkville Mailing Address 1: 800 Game Farm Road
Mailing Address 2: _____ County: Kendall
City: Yorkville State: IL Zip: 60560 Telephone: (630) 553-4350
Contact Person: Bart Olson, City Administrator Email Address: bolson@yorkville.il.us
(Person responsible for Annual Report)

Name(s) of governmental entity(ies) in which MS4 is located: (As it appears on the current permit)

United City of Yorkville

THE FOLLOWING ITEMS MUST BE ADDRESSED.

A. Changes to best management practices (check appropriate BMP change(s) and attach information regarding change(s) to BMP and measurable goals.)

1. Public Education and Outreach	☐	4. Construction Site Runoff Control	☐
2. Public Participation/Involvement	☐	5. Post-Construction Runoff Control	☐
3. Illicit Discharge Detection & Elimination	☐	6. Pollution Prevention/Good Housekeeping	☐

B. Attach the status of compliance with permit conditions, an assessment of the appropriateness of your identified best management practices and progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and your identified measurable goals for each of the minimum control measures.

C. Attach results of information collected and analyzed, including monitoring data, if any during the reporting period.

D. Attach a summary of the storm water activities you plan to undertake during the next reporting cycle (including an implementation schedule.)

E. Attach notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable).

F. Attach a list of construction projects that your entity has paid for during the reporting period.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

Owner Signature:

Bart Olson

Printed Name:

Date:

City Administrator

Title:

EMAIL COMPLETED FORM TO: epa.ms4annualinsp@illinois.gov

or Mail to: ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
WATER POLLUTION CONTROL
COMPLIANCE ASSURANCE SECTION #19
1021 NORTH GRAND AVENUE EAST
POST OFFICE BOX 19276
SPRINGFIELD, ILLINOIS 62794-9276

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
ANNUAL FACILITY INSPECTION REPORT
NPDES PERMIT FOR STORM WATER DISCHARGES
FROM MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4)**

UNITED CITY OF YORKVILLE, IL: MARCH 2015 TO MARCH 2016

THE FOLLOWING ITEMS MUST BE ADDRESSED.

A. CHANGES TO BEST MANAGEMENT PRACTICES (BMP CHANGES).

The City modified their Best Management Practices program and Stormwater Management Plan in 2013 with their Annual Report for the 2012-2013 permit year. These modifications were also incorporated into the 2014 Renewal Notice of Intent for the current 5 year permit cycle. There are no further changes being proposed to the City program at this time. The City will investigate a return to a more active program in the future if budget and staff considerations allow it.

However, the City will be revising the program to include the required updates contained in the new Permit (Section D). All incorporated changes are expected to be in place by September 1, 2016 as required by the new permit.

B. STATUS OF COMPLIANCE WITH PERMIT CONDITIONS AND ASSESSMENT OF THE APPROPRIATENESS OF THE IDENTIFIED BEST MANAGEMENT PRACTICES TOWARDS ACHIEVING THE STATUTORY GOAL OF REDUCING THE DISCHARGE OF POLLUTANTS TO THE MEP, AND THE IDENTIFIED MEASURABLE GOALS FOR EACH OF THE MINIMUM CONTROL MEASURES.

The City has endeavored to meet the requirements of the permit conditions as outlined in the SMPP and in consideration of current staffing and budget constraints. The status of the permit activities for the reporting period is as follows.

Public Education and Outreach

The City maintains an information center at City Hall that includes informational items regarding stormwater related issues.

The City is in compliance with minimum control measures by providing public education and outreach materials at the City Hall and on its website.

Public Participation and Involvement

The City maintains documentation on the number and type of calls received from the public regarding potential illicit discharges. The City did not receive any calls in this reporting period. While the City did not hold Environmental Fair this year they did start an electronics recycling program and hold a special electronics recycling drive.

The above activities demonstrate the City's compliance with minimum control measures for Public Participation and Involvement.

Construction Site Runoff Control

The City tracks site development permits issued and requires compliance with Construction Runoff Controls in their ordinances where required. The City documents citizen complaints, if any, regarding

construction site runoff and implements and documents follow up procedures. There were no complaints regarding erosion control during the reporting period. The City inspects construction sites for erosion and sediment control as required by the NPDES Permit and the City's Erosion and Sediment Control provisions in their Stormwater Ordinance

The above activities demonstrate the City's compliance with minimum control measures for Construction Site Runoff Control.

Post Construction Site Runoff Control

The City developed a database of basins and provides support and assistance for citizens regarding post construction runoff control on an as requested basis. However, no post construction runoff basin related complaints from citizens were received. The City maintains a database of Home Owners Associations (HOA) and encourages HOAs to inspect and maintain their stormwater management basins and makes information available and provides assistance on an as needed basis when requested by HOAs. The City requires new developments to enter into maintenance agreements for stormwater facilities. There were no new developments requiring maintenance agreement in the reporting period.

The City is in compliance with minimum control measures for Post Construction Runoff Control because their ordinances address post construction requirements and City staff responds to citizen complaints and HOA requests for information and assistance.

Illicit Discharge Detection and Elimination

The City maintains and updates as necessary their stormwater Outfall Inventory. In addition, the City tracks the number and types of Illicit Discharges and the steps taken to eliminate the discharge as potential discharges are brought to their attention. There were no illicit discharges reported during the reporting period. The City staff will take action if problems with the outfalls are reported to the City.

The City is in compliance with the minimum control measures for Illicit Discharge Detection and Elimination because they have ordinances and procedures in place to address and correct illicit discharge when they are discovered. The City takes action as necessary in accordance with these ordinances when illicit discharges or problems with stormwater outfalls are reported.

Pollution Prevention and Good Housekeeping

The City provided services and maintained records for the following good housekeeping activities: number of curb miles swept, amount of leaves collected, amount of road salt used, number of catch basins cleaned, and the amount of herbicides and pesticides used, and training provided for employees. Due to budget constraints no formal NPDES training was provided to employees; however, employees are kept informed on best management practices through implementation of the SMPP.

These activities place the City in compliance with the minimum control measures for Pollution Prevention and Good Housekeeping.

C. RESULTS OF INFORMATION AND DATA COLLECTED AND ANALYZED.

The following data was collected or information analyzed for the above permit cycle and is attached to this report.

Public Education and Outreach

No data was collected or information analyzed in this area during the reporting period.

Public Participation and Involvement

No data was collected or information analyzed in this area during the reporting period.

Construction Site Runoff Control

No data was collected or information analyzed in this area during the reporting period.

Post Construction Site Runoff Control

No data was collected or information analyzed in this area during the reporting period.

Illicit Discharge Detection and Elimination

No data was collected or information analyzed in this area during the reporting period.

Pollution Prevention and Good Housekeeping

The City swept 330 curb miles in the reporting period.

The City collected 1050 cubic yards of leaves chopped to an 8:1 ratio during their fall collection.

The City used 1000 tons of road salt and 15,000 gallons of 23% salt brine for ice control during the winter.

The City cleaned 145 catch basins and checked restrictors and cleaned storm drain covers after each significant rainfall event during the reporting period.

The City applied 50 gallons of herbicides and pesticides and contracted to have insecticide caches placed in all catch basins for mosquito control during the reporting period.

D. SUMMARY OF STORM WATER ACTIVITIES PLANNED FOR THE NEXT REPORTING CYCLE.

In addition to continuing City programs, the City will be revising the current program to implement requirements contained in the new Permit. Implementation of the new BMPs will be in place by September 1, 2016 and presented to IEPA in the 2017 Annual Report. Also, at a minimum the following best management practices are to be implemented in the upcoming 2016-2017 year in accordance with the schedule in the City's NOI.

The City is proposing to follow the plan of activities as described in their approved SMPP for the upcoming year. These activities would include the following.

Public Education and Outreach

The City will continue to maintain an information center at City Hall that contains stormwater and recycling related information for City residents.

Public Participation and Involvement

The City will continue to maintain documentation regarding the number and type of calls received from the public regarding potential illicit discharges.

Construction Site Runoff Control

The City will continue to track the number of site development permits issued. The City will continue to document and follow up on citizen complaints regarding construction site runoff. The City will continue to

inspect active construction sites in accordance with NPDES Permit and Erosion and Sediment Control Ordinance requirements.

Post Construction Site Runoff Control

The City will maintain their databases of HOAs and Stormwater Basins and update as necessary. The City will provide information and assistance to citizens and HOAs on an as requested basis. The City will continue to require new developments to enter into maintenance agreements for their stormwater basins.

Illicit Discharge Detection and Elimination

The City will continue to track the number and type of potential illicit discharges and problems with stormwater outfalls that are reported. The City will document the incidents and the corrective actions on their summary forms and in accordance with their ordinances and procedures.

Pollution Prevention and Good Housekeeping

The City will continue to provide services and maintain records for the following good housekeeping activities: number of curb miles swept, amount of leaves collected, amount of road salt used, number of catch basins cleaned, and the amount of herbicides and pesticides used, and training provided for employees.

E. NOTICE OF PERMIT OBLIGATIONS SATISFIED BY OTHER GOVERNMENT ENTITY.

The City is not depending on other units of government to meet any of its' permit obligations.

F. LIST OF CONSTRUCTION PROJECTS PAID FOR BY THE CITY OF YORKVILLE FOR THE 2015-2016 REPORTING PERIOD.

The following City funded construction projects were underway in the 2015-2016 reporting period.

- 2015 Road Program
- Game Farm and Somonauk Street Improvements
- 2015 Sanitary Sewer Lining
- Ridge Street Water Main
- Well No. 8 Rehabilitation



Reviewed By:	
Legal	☐
Finance	☒
Engineer	☐
City Administrator	☐
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Bills for Payment

Tracking Number

Agenda Item Summary Memo

Title: Bills for Payment (Informational): \$1,446,027.49

Meeting and Date: City Council – June 28, 2016

Synopsis:

Council Action Previously Taken:

Date of Action: Action Taken:

Item Number:

Type of Vote Required: None – Informational

Council Action Requested:

Submitted by: Amy Simmons

Finance

Name

Department

Agenda Item Notes:

DATE: 06/13/16
TIME: 15:19:39
PRG ID: AP215000.WOW

UNITED CITY OF YORKVILLE
CHECK REGISTER

FY 17

CHECK DATE: 06/13/16

CHECK #	VENDOR #	INVOICE NUMBER	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	ITEM AMT
523466	BOHANNAD	DENNIS BOHANNAN					
	YORK CLASS		06/13/16	01	UMPIRE	79-795-54-00-5462	100.00
					INVOICE TOTAL:		100.00 *
					CHECK TOTAL:		100.00
523467	BURCIAGH	HUMBERTO A. BURCIAGA					
	YORK CLASS		06/13/16	01	UMPIRE	79-795-54-00-5462	50.00
					INVOICE TOTAL:		50.00 *
					CHECK TOTAL:		50.00
523468	KNELLERN	NED KNELLER					
	YORK CLASS		06/13/16	01	UMPIRE	79-795-54-00-5462	200.00
					INVOICE TOTAL:		200.00 *
					CHECK TOTAL:		200.00
523469	LINDHOLJ	JACOB LINDHOLM					
	YORK CLASS		06/13/16	01	UMPIRE	79-795-54-00-5462	350.00
					INVOICE TOTAL:		350.00 *
					CHECK TOTAL:		350.00
523470	MCCLEARM	MICHAEL MCCLEARY					
	YORK CLASS		06/13/16	01	UMPIRE	79-795-54-00-5462	50.00
					INVOICE TOTAL:		50.00 *
					CHECK TOTAL:		50.00
523471	MORRICKB	BRUCE MORRICK					

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
01-220 COMMUNITY DEVELOPMENT	23-230 CITY-WIDE CAPITAL	72-720 LAND CASH	88-880 DOWNTOWN TIF
01-410 STREET OPERATIONS	25-205 POLICE CAPITAL	79-790 PARKS DEPARTMENT	90-XXX DEVELOPER ESCROW
01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

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UNITED CITY OF YORKVILLE
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FY 17

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523471	MORRICKB	BRUCE MORRICK					
	YORK CLASS		06/13/16	01	UMPIRE	79-795-54-00-5462	100.00
						INVOICE TOTAL:	100.00 *
						CHECK TOTAL:	100.00
523472	NAUMANNJ	JOEY NAUMANN					
	YORK CLASS		06/13/16	01	UMPIRE	79-795-54-00-5462	50.00
						INVOICE TOTAL:	50.00 *
						CHECK TOTAL:	50.00
523473	OLEARYC	CYNTHIA O'LEARY					
	YORK CLASS		06/13/13	01	UMPIRE	79-795-54-00-5462	165.00
						INVOICE TOTAL:	165.00 *
						CHECK TOTAL:	165.00
523474	SCHMIDTV	VANCE SCHMIDT					
	YORK CLASS		06/13/16	01	UMPIRE	79-795-54-00-5462	100.00
						INVOICE TOTAL:	100.00 *
						CHECK TOTAL:	100.00
523475	TASSONEB	ROBERT TASSONE					
	YORK CLASS		06/13/16	01	UMPIRE	79-795-54-00-5462	100.00
						INVOICE TOTAL:	100.00 *
						CHECK TOTAL:	100.00
523476	TRUAXG	GARY TRUAX					

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
01-220 COMMUNITY DEVELOPMENT	23-230 CITY-WIDE CAPITAL	72-720 LAND CASH	88-880 DOWNTOWN TIF
01-410 STREET OPERATIONS	25-205 POLICE CAPITAL	79-790 PARKS DEPARTMENT	90-XXX DEVELOPER ESCROW
01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

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CHECK #	VENDOR #	INVOICE NUMBER	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	ITEM AMT
523476	TRUAXG	GARY TRUAX					
	YORK CLASS		06/13/16	01	UMPIRE	79-795-54-00-5462	100.00
						INVOICE TOTAL:	100.00 *
						CHECK TOTAL:	100.00
						TOTAL AMOUNT PAID:	1,365.00

01-110	ADMINISTRATION	12-112	SUNFLOWER SSA	42-420	DEBT SERVICE	83-830	LIBRARY DEBT SERVICE
01-120	FINANCE	15-155	MOTOR FUEL TAX (MFT)	51-510	WATER OPERATIONS	84-840	LIBRARY CAPITAL
01-210	POLICE	23-216	MUNICIPAL BUILDING	52-520	SEWER OPERATIONS	87-870	COUNTRYSIDE TIF
01-220	COMMUNITY DEVELOPMENT	23-230	CITY-WIDE CAPITAL	72-720	LAND CASH	88-880	DOWNTOWN TIF
01-410	STREET OPERATIONS	25-205	POLICE CAPITAL	79-790	PARKS DEPARTMENT	90-XXX	DEVELOPER ESCROW
01-640	ADMINISTRATIVE SERVICES	25-215	PUBLIC WORKS CAPITAL	79-795	RECREATION DEPT	95-XXX	ESCROW DEPOSIT
11-111	FOX HILL SSA	25-225	PARKS & RECREATION CAPITAL	82-820	LIBRARY OPERATIONS		

DATE: 06/22/16
TIME: 09:11:00
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UNITED CITY OF YORKVILLE
CHECK REGISTER

FY 17

CHECK DATE: 06/22/16

CHECK #	VENDOR #	INVOICE NUMBER	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	ITEM AMT	
523479	R0001653	BOB & SUE MANGERS						
	20150500-BUILD		06/17/16	01	842 OMAHA DR BUILD PROGRAM	51-000-24-00-2445	6,000.00	
				02	842 OMAHA DR BUILD PROGRAM	52-000-24-00-2445	4,000.00	
					INVOICE TOTAL:		10,000.00	*
					CHECK TOTAL:			10,000.00
523480	R0001654	ROBERT & CARRIE PETRANEK						
	20150627-BUILD		06/17/16	01	9167 MEADOWLARK BUILD PROGRAM	51-000-24-00-2445	6,000.00	
				02	9167 MEADOWLARK BUILD PROGRAM	52-000-24-00-2445	4,000.00	
					INVOICE TOTAL:		10,000.00	*
					CHECK TOTAL:			10,000.00
					TOTAL AMOUNT PAID:			20,000.00

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
01-220 COMMUNITY DEVELOPMENT	23-230 CITY-WIDE CAPITAL	72-720 LAND CASH	88-880 DOWNTOWN TIF
01-410 STREET OPERATIONS	25-205 POLICE CAPITAL	79-790 PARKS DEPARTMENT	90-XXX DEVELOPER ESCROW
01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

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UNITED CITY OF YORKVILLE
MANUAL CHECK REGISTER

FY 16

CHECK #	VENDOR # INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	CHECK DATE	ACCOUNT #	ITEM AMT
900029	FNBO	FIRST NATIONAL BANK OMAHA			06/25/16		
	062516-A.SIMMONS-A	05/31/16	01	FACEBOOK ADVERTISING		79-795-56-00-5606	9.79
			02	KONICA-03/19-04/18 COPY CHARGE		82-820-56-00-5610	4.85
			03	KONICA-04/10-05/09 COPY CHARGE		01-110-54-00-5430	150.79
			04	KONICA-04/10-05/09 COPY CHARGE		01-120-54-00-5430	50.27
			05	KONICA-04/10-05/09 COPY CHARGE		01-220-54-00-5430	102.17
			06	KONICA-04/10-05/09 COPY CHARGE		01-210-54-00-5430	219.15
			07	KONICA-04/10-05/09 COPY CHARGE		01-410-54-00-5462	2.01
			08	KONICA-04/10-05/09 COPY CHARGE		51-510-54-00-5430	2.01
			09	KONICA-04/10-05/09 COPY CHARGE		52-520-54-00-5430	2.01
			10	KONICA-04/10-05/09 COPY CHARGE		79-790-54-00-5462	26.99
			11	KONICA-04/10-05/09 COPY CHARGE		79-795-54-00-5462	26.98
						INVOICE TOTAL:	597.02 *
	062516-B.REISINGER-A	05/31/16	01	AMAZON-NAPKIN DISPENSER		79-795-56-00-5607	22.60
			02	GOLD MEDAL-BEECHER & BRIDGE		79-795-56-00-5607	1,126.02
			03	CONCESSION SUPPLIES		** COMMENT **	
			04	ARAMARK#1590433660-UNIFORMS		79-790-56-00-5600	54.83
			05	GOLD MEDAL-BEECHER CONCESSION		79-795-56-00-5607	1,310.54
			06	SUPPLIES		** COMMENT **	
			07	ARAMARK#001590461288-UNIFORMS		79-790-56-00-5600	54.83
			08	STEVENS#10218-SHIRTS		79-795-56-00-5606	70.00
						INVOICE TOTAL:	2,638.82 *
	062516-E.DHUSE-A	05/31/16	01	CINTAS-APR ALARM MONITORING		51-510-54-00-5445	211.00
			02	RIVERVIEW-REPLACED CHARCOAL		01-410-54-00-5490	975.34
			03	CANISTER & BLEND DOOR ACTUATOR		** COMMENT **	
			04	ARAMARK#1590452094-UNIFORMS		51-510-56-00-5600	80.22
			05	ARAMARK#1590452094-UNIFORMS		52-520-56-00-5600	80.21
			06	ARAMARK#1590461286-UNIFORMS		01-410-56-00-5600	77.16
			07	ARAMARK#1590461286-UNIFORMS		51-510-56-00-5600	77.16
			08	FIRST PLACE-SCARIFIER		01-410-54-00-5485	165.70
			09	NAPA-WIPER BLADE		51-510-56-00-5628	17.46
						INVOICE TOTAL:	1,684.25 *
	062516-L.HILT-A	05/31/16	01	DAVE AUTO#24151-OIL CHANGE		01-210-54-00-5495	80.00
			02	VERIZON-APR 2016 IN CAR UNITS		01-210-54-00-5440	418.28
						INVOICE TOTAL:	498.28 *
	062516-N.DECKER-A	05/31/16	01	DOES-EVIDENCE LABELS		01-210-56-00-5620	190.95
			02	OHERRON-9 MM GLOCKS		01-210-56-00-5620	3,213.00
			03	ACCURINT-APR 2016 SEARCHES		01-210-54-00-5462	50.00
			04	SHRED-IT APR 2016 ON SITE		01-210-54-00-5462	126.97
			05	SHREDDING		** COMMENT **	
						INVOICE TOTAL:	3,580.92 *
	062516-R.FREDRICKS-A	05/31/16	01	WPC-BAND REPAIR CLAMP		51-510-56-00-5620	195.44

DATE: 06/16/16
 TIME: 09:50:53
 ID: AP225000.CBL

UNITED CITY OF YORKVILLE
 MANUAL CHECK REGISTER

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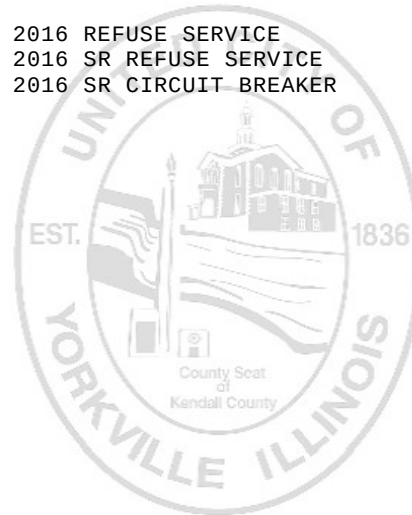
CHECK #	VENDOR # INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	CHECK DATE	ACCOUNT #	ITEM AMT
900029	FNBO	FIRST NATIONAL BANK OMAHA			06/25/16		
	062516-R.FREDRICKS-A	05/31/16	02	COMCAST-04/10-05/9 INTERNET,		82-820-54-00-5440	387.99
			03	PHONE & CABLE		** COMMENT **	
			04	KONICA-JAN-APR COPIER SERVICE		82-820-54-00-5462	416.34
			05	INTERLAKE-METAL SHELVING		79-790-54-00-5462	2,893.44
			06	AU-GOLDSMITH SPRING SEMESTER		01-210-54-00-5410	1,608.00
			07	TUTION		** COMMENT **	
			08	VERIZON-APR 2016 CELL CHARGES		01-220-54-00-5440	220.32
			09	VERIZON-APR 2016 CELL CHARGES		01-210-54-00-5440	602.80
			10	VERIZON-APR 2016 CELL CHARGES		79-795-54-00-5440	121.54
			11	VERIZON-APR 2016 CELL CHARGES		51-510-54-00-5440	297.40
			12	VERIZON-APR 2016 CELL CHARGES		01-410-54-00-5440	98.94
			13	VERIZON-APR 2016 CELL CHARGES		52-520-54-00-5440	109.22
			14	VERIZON-ERICKSON-NEW PHONE		01-220-56-00-5620	0.99
			15	VERIZON-DHUSE-NEW PHONE		51-510-56-00-5620	100.00
			16	VERIZON-DHUSE-NEW PHONE		52-520-56-00-5620	99.99
			17	VERIZON-DHUSE-NEW PHONE		01-410-56-00-5620	100.00
				INVOICE TOTAL:			7,252.41 *
	062516-R.HARMON-A	05/31/16	01	WALGREENS FILM DEVELOPING		79-795-56-00-5606	8.64
			02	OFFICE DEPO-LEGAL PADS, TAPE		79-795-56-00-5606	25.86
			03	AMAZON-SHAPES, MAGNETS, TOTE		79-795-56-00-5606	75.36
			04	HOME DEPO-ROLLER SHADE		79-795-56-00-5606	46.40
			05	KAPLAN-SAND BUCKET SET, RHYTHM		79-795-56-00-5606	336.72
			06	SET, SALAD SET, FLEX TUBS		** COMMENT **	
				INVOICE TOTAL:			492.98 *
	062516-R.MIKOLASEK-A	05/31/16	01	STREICHERS-BOLT CONVERSION KIT		01-210-56-00-5620	714.99
			02	RESCUE ESSENTIALS-TOURNIQUETS,		01-210-56-00-5600	1,712.39
			03	SURGICAL TAPE, BANDAGES		** COMMENT **	
				INVOICE TOTAL:			2,427.38 *
	062516-S.REDMON	05/30/16	01	WALMART-BUNS, SOAP, CREAMER,		79-795-56-00-5607	57.06
			02	CHEESE		** COMMENT **	
			03	WALMART-TICKETS, BATTERIES		79-795-56-00-5606	58.46
			04	WALMART-GARBAGE BAGS		79-795-56-00-5607	27.92
				INVOICE TOTAL:			143.44 *
	062516-S.SLEEZER	05/31/16	01	HOME DEPO-RECIPROCATING SAW,		79-790-56-00-5630	608.66
			02	PLIERS, SCREDRIVER SET, WRENCH		** COMMENT **	
			03	SET, CLAMPS, WIRING TOOL		** COMMENT **	
				INVOICE TOTAL:			608.66 *
	062516-T.HOULE-A	05/31/16	01	MAGNETIC LOCATOR W/SOFT CASE		79-790-56-00-5630	499.00
				INVOICE TOTAL:			499.00 *
	062516-T.KLINGEL-A	05/31/16	01	AMAZON-POCKET SCALES		01-210-56-00-5620	41.12
				INVOICE TOTAL:			41.12 *

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UNITED CITY OF YORKVILLE
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CHECK #	VENDOR # INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	CHECK DATE	ACCOUNT #	ITEM AMT
900029	FNBO	FIRST NATIONAL BANK OMAHA			06/25/16		
	062516-T.KONEN-A	05/31/16	01	HOME DEPO-NOZZLE SET,		51-510-56-00-5630	41.94
			02	REPLACEMENT WAND		** COMMENT **	
			03	SES-CHLORINE SENSOR		51-510-56-00-5638	677.20
			04	AMAZON PRIME CANCELLATION		51-510-54-00-5460	-99.00
			05	CREDIT		** COMMENT **	
				INVOICE TOTAL:			620.14 *
	062516-UCOY-A	05/31/16	01	APR 2016 REFUSE SERVICE		01-540-54-00-5442	100,657.23
			02	APR 2016 SR REFUSE SERVICE		01-540-54-00-5441	2,651.66
			03	APR 2016 SR CIRCUIT BREAKER		01-540-54-00-5441	158.95
				INVOICE TOTAL:			103,467.84 *
				CHECK TOTAL:			124,552.26
				TOTAL AMOUNT PAID:			124,552.26



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UNITED CITY OF YORKVILLE
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CHECK #	VENDOR # INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	CHECK DATE	ACCOUNT #	ITEM AMT
900030	FNBO	FIRST NATIONAL BANK OMAHA			06/25/16		
	062516-A.SIMMONS	05/31/16	01	QUILL-BANKERS BOXES, BINDER		01-120-56-00-5610	35.15
			02	CLIPS		** COMMENT **	
			03	VERIZON-PHONE CASE		01-220-56-00-5620	7.49
						INVOICE TOTAL:	42.64 *
	062516-B.BEHRENS	05/31/16	01	HOME DEPO-FOGGER		51-510-56-00-5638	9.97
						INVOICE TOTAL:	9.97 *
	062516-B.OLSEM	05/31/16	01	SPRINGFIELD LEGISLATIVE		01-110-54-00-5415	710.08
			02	DRIVEDOWN LODGING FOR 7 PEOPLE		** COMMENT **	
						INVOICE TOTAL:	710.08 *
	062516-B.OLSON	05/31/16	01	ICSC CONVENTION TRANSPORTION		01-110-54-00-5415	288.95
			02	EXPENSES		** COMMENT **	
						INVOICE TOTAL:	288.95 *
	062516-B.REISINGER	05/31/16	01	AMAZON-PETTY CASH RECEIPT PAD		79-795-56-00-5610	7.29
			02	AREA REST-MAY PORT-O-LETS		79-795-56-00-5620	1,724.00
			03	ARAMARK#1590479535-UNIFORMS		79-790-56-00-5600	54.83
			04	ARAMARK#1590479535-UNIFORMS		79-790-56-00-5600	54.83
			05	COMCAST 5/29-6/28 PHONE&CABLE		79-790-54-00-5440	83.28
			06	COMCAST-5/29-6/28 INTERNET		01-110-54-00-5440	5.33
			07	COMCAST-5/29-6/28 INTERNET		01-220-54-00-5440	4.00
			08	COMCAST-5/29-6/28 INTERNET		01-120-54-00-5440	5.33
			09	COMCAST-5/29-6/28 INTERNET		79-790-54-00-5440	7.32
			10	COMCAST-5/29-6/28 INTERNET		01-210-54-00-5440	34.61
			11	COMCAST-5/29-6/28 INTERNET		79-795-54-00-5440	7.32
			12	COMCAST-5/29-6/28 INTERNET		52-520-54-00-5440	4.00
			13	COMCAST-5/29-6/28 INTERNET		01-410-54-00-5440	5.33
			14	COMCAST-5/29-6/28 INTERNET		51-510-54-00-5440	6.66
			15	SOURCE ONE-MARKERS		79-795-56-00-5610	21.96
			16	AT&T U-VERSE-4/24-5/23 TOWN SQ		79-795-54-00-5440	52.00
			17	GOLD MEDAL-BRIDGE CONCESSION		79-795-56-00-5607	572.93
			18	SUPPLIES		** COMMENT **	
			19	RECORD SUBSCRIPTION RENEWAL		79-795-54-00-5460	28.00
						INVOICE TOTAL:	2,679.02 *
	062516-B.SCOTT	05/31/16	01	FARM&FLEET-BOOTS		79-790-56-00-5600	109.99
			02	HOME DEPO-ROUNDUP		79-790-56-00-5620	63.96
						INVOICE TOTAL:	173.95 *
	062516-E.DHUSE	05/31/16	01	CINTAS-MAY & JUNE ALARM		51-510-54-00-5445	422.00
			02	MONITORING		** COMMENT **	
			03	NAPA#137547-LAMP, PLUG		52-520-56-00-5628	7.70
			04	NAPA#138200-OIL, FUNNEL		79-790-56-00-5640	88.47

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900030	FNBO	FIRST NATIONAL BANK OMAHA			06/25/16		
	062516-E.DHUSE	05/31/16	05	NAPA#138249-OIL		79-790-56-00-5640	2.00
			06	NAPA#138252-OIL		79-790-56-00-5640	44.99
			07	ARAMARK#1590470359-UNIFORMS		01-410-56-00-5600	63.26
			08	ARAMARK#1590470359-UNIFORMS		51-510-56-00-5600	63.26
			09	ARAMARK#1590470359-UNIFORMS		52-520-56-00-5600	31.64
			10	ARAMARK#1590479533-UNIFORMS		52-520-56-00-5600	30.88
			11	ARAMARK#1590479533-UNIFORMS		51-510-56-00-5600	61.72
			12	ARAMARK#1590479533-UNIFORMS		01-410-56-00-5600	61.72
				INVOICE TOTAL:			877.64 *
	062516-G.GOLINSKI	05/31/16	01	ICSC CONVENTION CAB		01-110-54-00-5415	17.51
			02	TRANSPORTATION		** COMMENT **	
				INVOICE TOTAL:			17.51 *
	062516-J.DYON	05/31/16	01	SAMS-PLASTIC UTENSILS, CUPS		01-110-56-00-5610	40.39
				INVOICE TOTAL:			40.39 *
	062516-J.WEISS	05/31/16	01	SCHOLASTIC BOOK FAIR		84-840-56-00-5686	248.58
			02	TARGET-STORYTIME SUPPLIES		82-820-56-00-5671	37.11
			03	DOLLAR TREE-NAPKINS, CRACKER		82-820-56-00-5671	23.00
			04	JACK, NOODLES		** COMMENT **	
				INVOICE TOTAL:			308.69 *
	062516-K.BARKSDALE	05/31/16	01	APA INTERNSHIP JOB POSTING		01-220-54-00-5426	25.00
			02	APA SENIOR PLANNING JOB		01-220-54-00-5426	100.00
			03	POSTING		** COMMENT **	
			04	APA JOB AD POSTING		01-220-54-00-5426	195.00
				INVOICE TOTAL:			320.00 *
	062516-K.LAWRENTZ	05/31/16	01	AIR FILTERS		51-510-56-00-5638	39.81
				INVOICE TOTAL:			39.81 *
	062516-L.HILT	05/31/16	01	PROVISION-WIRELESS FILE		01-210-56-00-5635	3,264.22
			02	TRANSFER COMPLETE KIT		** COMMENT **	
			03	DAVE AUTO#24157-OIL CHANGE		01-210-54-00-5495	78.00
			04	DAVE AUTO-SQUAD REPAIR		01-210-54-00-5495	515.00
			05	DAVE AUTO#24200-OIL CHANGE		01-210-54-00-5495	60.00
			06	RADAR MAN-REMOTE CONTROL		01-210-56-00-5620	155.00
				INVOICE TOTAL:			4,072.22 *
	062516-M.PFISTER	05/31/16	01	AMAZON-BOOKS, CAMERA		82-000-24-00-2480	237.45
			02	CONSTANT CONTACT NEWSLETTER		82-000-24-00-2480	333.00
				INVOICE TOTAL:			570.45 *
	062516-M.SENG	05/31/16	01	CASEY-BEARINGS FOR PAVER		01-410-56-00-5640	76.32
				INVOICE TOTAL:			76.32 *

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CHECK #	VENDOR # INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	CHECK DATE	ACCOUNT #	ITEM AMT
900030	FNBO	FIRST NATIONAL BANK OMAHA			06/25/16		
	062516-N.DECKER	05/31/16	01	NAPA#137963-WIPER BLADES		01-210-54-00-5495	33.98
			02	QUILL-ENVELOPES, CD SLEEVES		01-210-56-00-5610	144.91
			03	AT&T-4/25-5/24 SERVICE		01-210-54-00-5440	112.52
			04	COMCAST-5/8-6/7 CABLE		01-210-54-00-5440	4.27
				INVOICE TOTAL:			295.68 *
	062516-P.RATOS	05/31/16	01	HOME DEPO-HAMMER, RESPIRATOR		01-220-56-00-5620	59.93
			02	AMAZON-CANNON POWERSHOT		01-220-56-00-5620	129.95
			03	AMAZON-BOOTS AND PANTS		01-220-56-00-5620	473.04
			04	AMAZON-SANDISK MEMORY CARD,		01-220-56-00-5620	48.69
			05	CARD READER		** COMMENT **	
				INVOICE TOTAL:			711.61 *
	062516-R.FREDRICKSON	05/31/16	01	COMCAST-04/24-05/23 INTERNET		01-110-54-00-5440	45.29
			02	COMCAST-04/24-05/23 INTERNET		01-220-54-00-5440	33.97
			03	COMCAST-04/24-05/23 INTERNET		01-120-54-00-5440	45.29
			04	COMCAST-04/24-05/23 INTERNET		79-790-54-00-5440	62.28
			05	COMCAST-04/24-05/23 INTERNET		79-795-54-00-5440	62.28
			06	COMCAST-04/24-05/23 INTERNET		01-210-54-00-5440	294.41
			07	COMCAST-04/24-05/23 INTERNET		52-520-54-00-5440	33.97
			08	COMCAST-04/24-05/23 INTERNET		01-410-54-00-5440	45.29
			09	COMCAST-04/24-05/23 INTERNET		51-510-54-00-5440	161.47
			10	TRIALS & TRIBULATIONS OF		01-120-54-00-5412	20.00
			11	MUNICIPAL FINANCE DIRECTOR		** COMMENT **	
			12	05/11-06/11 WEB HOSTING FEE		01-640-54-00-5450	15.95
			13	AU-GOLDSMITH SUMMER TUTION FEE		01-210-54-00-5410	1,608.00
			14	PROCESSING FEE TO BE REFUNDED		01-000-24-00-2440	39.00
			15	SERVICEMASTER-MAY CITY OFFICE		01-110-54-00-5488	1,253.00
			16	CLEANING		** COMMENT **	
				INVOICE TOTAL:			3,720.20 *
	062516-R.HARMON	05/31/16	01	TARGET-GRADUATION REFRESHMENTS		79-795-56-00-5606	57.98
			02	SAFETY TOWN STAFF SHIRTS		79-795-56-00-5606	106.38
				INVOICE TOTAL:			164.36 *
	062516-R.MIKOLASEK	05/31/16	01	GEOCELL TRAINING		01-210-54-00-5412	265.00
			02	SIRCHIE-EVIDENCE TAPE		01-210-56-00-5620	90.05
			03	JUMERS-CONFERENCE LODGING		01-000-15-00-1586	810.96
				INVOICE TOTAL:			1,166.01 *
	062516-R.WRIGHT	05/31/16	01	ANNUAL WOMENS LEGACY		01-110-54-00-5412	35.00
			02	CONFERENCE REGISTRATION		** COMMENT **	
			03	KENDALL PRINTING-AP CHECKS		01-120-56-00-5610	256.99
			04	KENDALL PRINTING-AP CHECKS		79-790-56-00-5610	57.73
			05	KENDALL PRINTING-AP CHECKS		79-795-56-00-5610	57.73

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900030	FNBO	FIRST NATIONAL BANK OMAHA			06/25/16		
	062516-R.WRIGHT	05/31/16	06	KENDALL PRINTING-PAYROLL		01-120-56-00-5610	151.60
			07	CHECKS		** COMMENT **	
			08	WATER SUPPLY CONFERENCE		01-110-54-00-5412	40.00
			09	REGISTRATION		** COMMENT **	
				INVOICE TOTAL:			599.05 *
	062516-S.AUGUSTINE	05/31/16	01	CONSTANT CONTACT TOOLKIT		82-000-24-00-2480	45.00
				INVOICE TOTAL:			45.00 *
	062516-S.REDMON-B	05/31/16	01	WALMART-WATER		79-795-56-00-5606	38.75
			02	JEWEL-BUNS		79-795-56-00-5607	55.86
			03	WALMART-BUNS, KETCHUP, CHEESE		79-795-56-00-5607	140.03
				INVOICE TOTAL:			234.64 *
	062516-S.REMUS	05/31/16	01	HOLE-IN-ONE GOLF OUTING		79-795-56-00-5606	220.00
			02	COVERAGE		** COMMENT **	
				INVOICE TOTAL:			220.00 *
	062516-T.HOULE	05/31/16	01	SOLENOID REPAIR KIT		79-790-56-00-5640	146.76
				INVOICE TOTAL:			146.76 *
	062516-T.KLINGEL	05/31/16	01	DAVE AUTO#24181-SQUAD REPAIR		01-210-54-00-5495	171.00
			02	DAVE AUTO#24208-SQUAD REPAIR		01-210-54-00-5495	150.00
				INVOICE TOTAL:			321.00 *
	062516-T.KONEN	05/31/16	01	AMAZON-PRINTER		51-510-56-00-5635	178.47
				INVOICE TOTAL:			178.47 *
	062516-T.SOELKE	05/31/16	01	HOME DEPO-MULCH		52-520-56-00-5613	318.20
				INVOICE TOTAL:			318.20 *
				CHECK TOTAL:			18,348.62
				TOTAL AMOUNT PAID:			18,348.62

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523481	ACTION	ACTION GRAPHIX LTD					
	5710R		04/08/16	01	VINYL INSTALLED ON ALUMINUM	79-790-56-00-5620	117.45
				02	COMPOSITE PANEL	** COMMENT **	
					INVOICE TOTAL:		117.45 *
					CHECK TOTAL:		117.45
523482	BUILDERS	BUILDERS ASPHALT LLC					
	16544-DUMP		10/06/15	01	DUMPING FEE	01-410-56-00-5640	50.00
					INVOICE TOTAL:		50.00 *
					CHECK TOTAL:		50.00
523483	EEI	ENGINEERING ENTERPRISES, INC.					
	58415-31		06/15/16	01	KENNEDY RD BIKE PATH	23-230-60-00-6007	6,512.19
					INVOICE TOTAL:		6,512.19 *
					CHECK TOTAL:		6,512.19
523484	NANCO	NANCO SALES COMPANY, INC.					
	8760		04/28/16	01	PAPER TOWEL, GLOVES, CLEANER,	79-795-56-00-5607	429.52
				02	TISSUE, LINERS	** COMMENT **	
					INVOICE TOTAL:		429.52 *
					CHECK TOTAL:		429.52
523485	SAFESUPP	EMERGENT SAFETY SUPPLY					
	1902600587		04/08/16	01	SAFETY GLASES	01-410-56-00-5620	300.40
				02	SAFETY GLASSES	51-510-56-00-5620	300.40
				03	SAFETY GLASSES	52-520-56-00-5620	300.39
					INVOICE TOTAL:		901.19 *
					CHECK TOTAL:		901.19

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
01-220 COMMUNITY DEVELOPMENT	23-230 CITY-WIDE CAPITAL	72-720 LAND CASH	88-880 DOWNTOWN TIF
01-410 STREET OPERATIONS	25-205 POLICE CAPITAL	79-790 PARKS DEPARTMENT	90-XXX DEVELOPER ESCROW
01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

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523486	STERLING	STERLING CODIFIERS, INC.					
	17939		05/12/16	01	SUPPLEMENT #38	01-110-54-00-5451	1,077.00
					INVOICE TOTAL:		1,077.00 *
					CHECK TOTAL:		1,077.00
523487	UNDERGR	UNDERGROUND PIPE & VALVE CO					
	013839		03/25/16	01	DUAL CHECK VALVE	51-510-56-00-5664	1,925.00
					INVOICE TOTAL:		1,925.00 *
					CHECK TOTAL:		1,925.00
					TOTAL AMOUNT PAID:		11,012.35

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
01-220 COMMUNITY DEVELOPMENT	23-230 CITY-WIDE CAPITAL	72-720 LAND CASH	88-880 DOWNTOWN TIF
01-410 STREET OPERATIONS	25-205 POLICE CAPITAL	79-790 PARKS DEPARTMENT	90-XXX DEVELOPER ESCROW
01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

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523488	ACTION	ACTION GRAPHIX LTD					
	1044		06/02/16	01	CHAMPIONSHIP SPONSOR BANNER	79-795-56-00-5606	60.00
					INVOICE TOTAL:		60.00 *
	1047		06/02/16	01	UNITED CITY BANNER	79-795-56-00-5606	90.00
					INVOICE TOTAL:		90.00 *
					CHECK TOTAL:		150.00
523489	AMERSOCC	AMERICAN SOCCER COMPANY, INC.					
	6407865		06/03/16	01	SOCCER JERSEYS	79-795-56-00-5606	1,156.48
					INVOICE TOTAL:		1,156.48 *
					CHECK TOTAL:		1,156.48
523490	AMPERAGE	AMPERAGE ELECTRICAL SUPPLY INC					
	0633820-IN		05/06/16	01	RECEPTORS	79-790-56-00-5640	10.53
					INVOICE TOTAL:		10.53 *
	0634537-IN		05/11/16	01	REPLACEMENT LENS	79-790-56-00-5640	52.50
					INVOICE TOTAL:		52.50 *
	0637483-IN		05/26/16	01	LIGHTS FOR PW SHOP	23-216-56-00-5656	1,297.53
					INVOICE TOTAL:		1,297.53 *
	0638617-IN		06/03/16	01	LAMPS	23-216-56-00-5656	53.40
					INVOICE TOTAL:		53.40 *
	0638911-IN		06/03/16	01	BALLAST	23-216-56-00-5656	279.60
					INVOICE TOTAL:		279.60 *
					CHECK TOTAL:		1,693.56
523491	AMPERAGE	AMPERAGE ELECTRICAL SUPPLY INC					

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
01-220 COMMUNITY DEVELOPMENT	23-230 CITY-WIDE CAPITAL	72-720 LAND CASH	88-880 DOWNTOWN TIF
01-410 STREET OPERATIONS	25-205 POLICE CAPITAL	79-790 PARKS DEPARTMENT	90-XXX DEVELOPER ESCROW
01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

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523491	AMPERAGE	AMPERAGE ELECTRICAL SUPPLY INC						
	0638917-IN		06/06/16	01	BALLAST KIT	15-155-54-00-5482	144.90	
						INVOICE TOTAL:	144.90	*
						CHECK TOTAL:		144.90
523492	AMPERAGE	AMPERAGE ELECTRICAL SUPPLY INC						
	0638920-IN		06/06/16	01	PHOTOCELL	15-155-54-00-5482	16.44	
						INVOICE TOTAL:	16.44	*
						CHECK TOTAL:		16.44
523493	ATLAS	ATLAS BOBCAT						
	BV4671		06/06/16	01	LENS	01-410-56-00-5628	15.57	
						INVOICE TOTAL:	15.57	*
	bv4667		06/06/16	01	DOOR KIT	01-410-56-00-5628	1,684.99	
						INVOICE TOTAL:	1,684.99	*
						CHECK TOTAL:		1,700.56
523494	ATT	AT&T						
	6305536805-0516		05/25/16	01	05/25-06/24 SERVICE	51-510-54-00-5440	197.90	
						INVOICE TOTAL:	197.90	*
						CHECK TOTAL:		197.90
523495	BATTERY	BATTERY SERVICE CORPORATION						
	0011649		05/13/16	01	BATTERIES	79-790-56-00-5640	107.25	
						INVOICE TOTAL:	107.25	*
						CHECK TOTAL:		107.25

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
01-220 COMMUNITY DEVELOPMENT	23-230 CITY-WIDE CAPITAL	72-720 LAND CASH	88-880 DOWNTOWN TIF
01-410 STREET OPERATIONS	25-205 POLICE CAPITAL	79-790 PARKS DEPARTMENT	90-XXX DEVELOPER ESCROW
01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

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523496	BCBS	BLUE CROSS BLUE SHIELD					
	060816		06/08/16	01	JULY 2016 HEALTH INSURANCE	01-110-52-00-5216	6,686.73
				02	JULY 2016 HEALTH INSURANCE	01-120-52-00-5216	1,940.44
				03	JULY 2016 HEALTH INSURANCE	01-210-52-00-5216	47,736.14
				04	JULY 2016 HEALTH INSURANCE	01-220-52-00-5216	609.98
				05	JULY 2016 HEALTH INSURANCE	01-410-52-00-5216	10,660.16
				06	JULY 2016 HEALTH INSURANCE	01-640-52-00-5240	7,579.80
				07	JULY 2016 HEALTH INSURANCE	79-790-52-00-5216	9,368.79
				08	JULY 2016 HEALTH INSURANCE	79-795-52-00-5216	7,145.06
				09	JULY 2016 HEALTH INSURANCE	51-510-52-00-5216	10,663.78
				10	JULY 2016 HEALTH INSURANCE	52-520-52-00-5216	3,869.63
				11	JULY 2016 HEALTH INSURANCE	82-820-52-00-5216	5,785.96
					INVOICE TOTAL:		112,046.47 *
					CHECK TOTAL:		112,046.47
523497	BEYERD	DWAYNE F BEYER					
	060216		06/02/16	01	UMPIRE	79-795-54-00-5462	72.00
					INVOICE TOTAL:		72.00 *
	060916		06/09/16	01	UMPIRE	79-795-54-00-5462	72.00
					INVOICE TOTAL:		72.00 *
					CHECK TOTAL:		144.00
523498	BSNSPORT	BSN/PASSON'S/GSC/CONLIN SPORTS					
	97948140		05/31/16	01	IYOUTH SPORTS SHIRTS	79-795-56-00-5606	1,098.20
					INVOICE TOTAL:		1,098.20 *
					CHECK TOTAL:		1,098.20
523499	CALLONE	UNITED COMMUNICATION SYSTEMS					
	1010-7980-0000-0616		06/13/16	01	MAY 2016 ADMIN LINES	01-110-54-00-5440	378.58

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
01-220 COMMUNITY DEVELOPMENT	23-230 CITY-WIDE CAPITAL	72-720 LAND CASH	88-880 DOWNTOWN TIF
01-410 STREET OPERATIONS	25-205 POLICE CAPITAL	79-790 PARKS DEPARTMENT	90-XXX DEVELOPER ESCROW
01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

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523499	CALLONE	UNITED COMMUNICATION SYSTEMS					
		1010-7980-0000-0616	06/13/16	02	MAY 2016 CITY HALL NORTEL	01-110-54-00-5440	142.59
				03	MAY 2016 CITY HALL NORTEL	01-210-54-00-5440	142.59
				04	MAY 2016 CITY HALL NORTEL	51-510-54-00-5440	142.59
				05	MAY 2016 POLICE LINES	01-210-54-00-5440	870.43
				06	MAY 2016 CITY HALL FIRE	01-210-54-00-5440	143.75
				07	MAY 2016 CITY HALL FIRE	01-110-54-00-5440	143.75
				08	MAY 2016 PUBLIC WORKS LINES	51-510-54-00-5440	1,578.17
				09	MAY 2016 TRAFFIC SIGNAL	01-410-54-00-5435	45.65
				10	MAINTENANCE	** COMMENT **	
				11	MAY 2016 PARKS LINES	79-790-54-00-5440	53.11
				12	MAY 2016 RECREATION LINES	79-795-54-00-5440	180.96
					INVOICE TOTAL:		3,822.17 *
					CHECK TOTAL:		3,822.17
523500	CARGILL	CARGILL, INC					
		2902849543	05/27/16	01	BULK ROCK SALT	51-510-56-00-5638	2,933.04
					INVOICE TOTAL:		2,933.04 *
		2902852638	05/31/16	01	BULK ROCK SALT	51-510-56-00-5638	2,963.29
					INVOICE TOTAL:		2,963.29 *
					CHECK TOTAL:		5,896.33
523501	CENTRALL	CENTRAL LIMESTONE COMPANY, INC					
		6518-PR	05/16/16	01	GRAVEL	79-790-56-00-5620	424.01
					INVOICE TOTAL:		424.01 *
		6678	06/01/16	01	GRAVEL	01-410-56-00-5620	409.17
					INVOICE TOTAL:		409.17 *
					CHECK TOTAL:		833.18

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
01-220 COMMUNITY DEVELOPMENT	23-230 CITY-WIDE CAPITAL	72-720 LAND CASH	88-880 DOWNTOWN TIF
01-410 STREET OPERATIONS	25-205 POLICE CAPITAL	79-790 PARKS DEPARTMENT	90-XXX DEVELOPER ESCROW
01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

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523502	COLLEPRO	COLLECTION PROFESSIONALS INC.						
	214830-J-053116		05/31/16	01	COMMISSION ON COLLECTIONS	51-510-54-00-5462	243.82	
					INVOICE TOTAL:		243.82	*
	258000-J-053116		05/31/16	01	COMMISSION ON COLLECTIONS	01-210-54-00-5467	85.36	
					INVOICE TOTAL:		85.36	*
					CHECK TOTAL:			329.18
523503	COMED	COMMONWEALTH EDISON						
	0435113116-0516		06/07/16	01	05/03-06/02 RT34 & BEECHER	15-155-54-00-5482	41.56	
					INVOICE TOTAL:		41.56	*
					CHECK TOTAL:			41.56
523504	COMED	COMMONWEALTH EDISON						
	0663112230-0516		05/27/16	01	04/27-05/26 103 1/2 BEAVER	51-510-54-00-5480	152.73	
					INVOICE TOTAL:		152.73	*
	0908014004-0516		05/31/16	01	04/29-05/31 6780 RT47	51-510-54-00-5480	69.36	
					INVOICE TOTAL:		69.36	*
	1407125045-0516		06/02/16	01	05/03-06/02 FOXHILL 7 LIFT	52-520-54-00-5480	79.65	
					INVOICE TOTAL:		79.65	*
	2019099044-0516		06/06/16	01	04/13-05/12 4600 BRIDGE WELL	51-510-54-00-5480	78.14	
					INVOICE TOTAL:		78.14	*
					CHECK TOTAL:			379.88
523505	COMED	COMMONWEALTH EDISON						
	2947052031-0516		05/31/16	01	04/28-05/31 RIVER ST & RT47	15-155-54-00-5482	134.93	
					INVOICE TOTAL:		134.93	*
					CHECK TOTAL:			134.93

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
01-220 COMMUNITY DEVELOPMENT	23-230 CITY-WIDE CAPITAL	72-720 LAND CASH	88-880 DOWNTOWN TIF
01-410 STREET OPERATIONS	25-205 POLICE CAPITAL	79-790 PARKS DEPARTMENT	90-XXX DEVELOPER ESCROW
01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

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523506	COMED	COMMONWEALTH EDISON						
		4449087016-0516	06/06/16	01	04/27-05/31 MISC LIFT STATIONS	52-520-54-00-5480	773.78	
						INVOICE TOTAL:	773.78	*
		4475093053-0516	05/31/16	01	04/28-05/31 610 TOWER LN	51-510-54-00-5480	250.93	
						INVOICE TOTAL:	250.93	*
						CHECK TOTAL:		1,024.71
523507	COMED	COMMONWEALTH EDISON						
		6819027011-0516	06/03/16	01	04/28-05/31 MISC PR BUILDINGS	79-795-54-00-5480	366.94	
						INVOICE TOTAL:	366.94	*
						CHECK TOTAL:		366.94
523508	COMED	COMMONWEALTH EDISON						
		7090039005-0516	06/09/16	01	05/10-06/09 CANNONBALL & RT34	15-155-54-00-5482	17.85	
				02	05/10-06/09 CANNONBALL & RT34	01-410-54-00-5482	0.90	
						INVOICE TOTAL:	18.75	*
						CHECK TOTAL:		18.75
523509	CONSTELL	CONSTELLATION NEW ENERGY						
		0032908829	06/01/16	01	04/28-05/26 610 TOWER	51-510-54-00-5480	6,886.28	
						INVOICE TOTAL:	6,886.28	*
		0032909103	06/01/16	01	04/27-05/25 2224 TREMONT ST	51-510-54-00-5480	4,168.03	
						INVOICE TOTAL:	4,168.03	*
		0032925313	06/02/16	01	05/02-05/30 1 W ALLEY	51-510-54-00-5480	1,085.45	
						INVOICE TOTAL:	1,085.45	*
		0032985447	06/04/16	01	04/27-05/31 2921 BRISTOL RIDGE	51-510-54-00-5480	4,833.66	
						INVOICE TOTAL:	4,833.66	*
						CHECK TOTAL:		16,973.42

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
01-220 COMMUNITY DEVELOPMENT	23-230 CITY-WIDE CAPITAL	72-720 LAND CASH	88-880 DOWNTOWN TIF
01-410 STREET OPERATIONS	25-205 POLICE CAPITAL	79-790 PARKS DEPARTMENT	90-XXX DEVELOPER ESCROW
01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

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523510	COSELMAB	BOB COSELMAN					
	060216		06/02/16	01	UMPIRE	79-795-54-00-5462	72.00
					INVOICE TOTAL:		72.00 *
	060916		06/09/16	01	UMPIRE	79-795-54-00-5462	72.00
					INVOICE TOTAL:		72.00 *
					CHECK TOTAL:		144.00
523511	DEARNATI	DEARBORN NATIONAL					
	061016		06/10/16	01	JULY 2016 LIFE INSURANCE	01-110-52-00-5222	69.90
				02	JULY 2016 LIFE INSURANCE-EO	01-110-52-00-5222	18.56
				03	JULY 2016 LIFE INSURANCE	01-120-52-00-5222	27.84
				04	JULY 2016 LIFE INSURANCE	01-210-52-00-5222	538.33
				05	JULY 2016 LIFE INSURANCE	01-220-52-00-5222	9.28
				06	JULY 2016 LIFE INSURANCE	01-410-52-00-5222	162.78
				07	JULY 2016 LIFE INSURANCE	79-790-52-00-5222	56.72
				08	JULY 2016 LIFE INSURANCE	79-795-52-00-5222	57.72
				09	JULY 2016 LIFE INSURANCE	51-510-52-00-5222	79.29
				10	JULY 2016 LIFE INSURANCE	52-520-52-00-5222	74.13
				11	JULY 2016 LIFE INSURANCE	82-820-52-00-5222	33.60
					INVOICE TOTAL:		1,128.15 *
					CHECK TOTAL:		1,128.15
523512	DYNEGY	DYNEGY ENERGY SERVICES					
	102389416061		05/31/16	01	04/28-05/26 1 COUNTRYSIDE PKWY	15-155-54-00-5482	108.50
				02	04/28-05/26 1 COUNTRYSIDE PKWY	01-410-54-00-5482	11.67
					INVOICE TOTAL:		120.17 *
					CHECK TOTAL:		120.17
523513	EEI	ENGINEERING ENTERPRISES, INC.					

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
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523513	EEI	ENGINEERING ENTERPRISES, INC.					
	58413-2		06/15/16	01	MILL STREET LAFO	23-230-60-00-6025	834.26
					INVOICE TOTAL:		834.26 *
	58414-8		06/15/16	01	IL RT47 STREETLIGHTS &	23-230-60-00-6048	453.73
				02	STREETSCAPES	** COMMENT **	
					INVOICE TOTAL:		453.73 *
	58416		06/15/16	01	GAME FARM/SOMONAUK ST	23-230-60-00-6073	193.75
					INVOICE TOTAL:		193.75 *
	58417		06/15/16	01	STAGECOACH CROSSING	01-640-54-00-5465	1,037.00
					INVOICE TOTAL:		1,037.00 *
	58418		06/15/16	01	WINDETT RIDGE	01-640-54-00-5465	112.00
					INVOICE TOTAL:		112.00 *
	58419		06/15/16	01	UTILITY PERMIT REVIEWS	01-640-54-00-5465	155.00
					INVOICE TOTAL:		155.00 *
	58420		06/15/16	01	GRANDE RESERVE - AVANTI	01-640-54-00-5465	11,748.25
					INVOICE TOTAL:		11,748.25 *
	58421		06/15/16	01	CALEDONIA	01-640-54-00-5465	190.00
					INVOICE TOTAL:		190.00 *
	58422		06/15/16	01	BRISTOL BAY, UNIT 3	01-640-54-00-5465	1,741.00
					INVOICE TOTAL:		1,741.00 *
	58423		06/15/16	01	IL RT71 SANITARY SEWER & WATER	01-640-54-00-5465	790.50
				02	MAIN REPLACEMENT	** COMMENT **	
					INVOICE TOTAL:		790.50 *
	58424		06/15/16	01	MISC GIS MAPPING	01-640-54-00-5465	2,627.00
					INVOICE TOTAL:		2,627.00 *

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
01-220 COMMUNITY DEVELOPMENT	23-230 CITY-WIDE CAPITAL	72-720 LAND CASH	88-880 DOWNTOWN TIF
01-410 STREET OPERATIONS	25-205 POLICE CAPITAL	79-790 PARKS DEPARTMENT	90-XXX DEVELOPER ESCROW
01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

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523513	EEI	ENGINEERING ENTERPRISES, INC.					
	58425		06/15/16	01	GRANDE RESERVE PARK A	72-720-60-00-6046	690.92
					INVOICE TOTAL:		690.92 *
	58426		06/15/16	01	WHISPERING MEADOWS-UNIT 4	01-640-54-00-5465	250.00
					INVOICE TOTAL:		250.00 *
	58427		06/15/16	01	WRIGLEY SITE EXPANSION	90-074-74-00-0111	4,044.85
					INVOICE TOTAL:		4,044.85 *
	58428		06/15/16	01	FOUNTAIN VILLAGE	01-640-54-00-5465	462.50
					INVOICE TOTAL:		462.50 *
	58429		06/15/16	01	WATER WORKS SYSTEM MASTER PLAN	51-510-54-00-5465	15,144.25
					INVOICE TOTAL:		15,144.25 *
	58430		06/15/16	01	COUNTRYSIDE STREET & WATER	01-640-54-00-5465	56,444.94
				02	MAIN IMPROVEMENTS	** COMMENT **	
					INVOICE TOTAL:		56,444.94 *
	58431		06/15/16	01	RIDGE STREET WATER MAIN	51-510-60-00-6025	169.50
				02	IMPROVEMENTS	** COMMENT **	
					INVOICE TOTAL:		169.50 *
	58432		06/15/16	01	MFT DOCUMENTATION	01-640-54-00-5465	158.00
					INVOICE TOTAL:		158.00 *
	58433		06/15/16	01	FOUNTAINVIEW SUBDIVISION	90-083-83-00-0111	162.50
					INVOICE TOTAL:		162.50 *
	58434		06/15/16	01	LOT 19, YORKVILLE BUSINESS	90-082-82-00-0111	2,353.00
				02	PARK, UNIT 3	** COMMENT **	
					INVOICE TOTAL:		2,353.00 *
	58435		06/15/16	01	2016 ROAD PROGRAM	23-230-60-00-6025	10,564.00
					INVOICE TOTAL:		10,564.00 *

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
01-220 COMMUNITY DEVELOPMENT	23-230 CITY-WIDE CAPITAL	72-720 LAND CASH	88-880 DOWNTOWN TIF
01-410 STREET OPERATIONS	25-205 POLICE CAPITAL	79-790 PARKS DEPARTMENT	90-XXX DEVELOPER ESCROW
01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
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523513	EEI	ENGINEERING ENTERPRISES, INC.					
	58436		06/15/16	01	O'REILLY AUTO PARTS STORE	90-088-88-00-0111	677.25
					INVOICE TOTAL:		677.25 *
	58437		06/15/16	01	SHERWIN WILLIAMS	90-087-87-00-0111	875.00
					INVOICE TOTAL:		875.00 *
	58438		06/15/16	01	APPLETREE CT & CHURCH ST WATER	51-510-60-00-6025	15,995.50
				02	MAIN REPLACEMENT	** COMMENT **	
					INVOICE TOTAL:		15,995.50 *
	58439		06/15/16	01	2016 SANITARY SEWER LINING	52-520-60-00-6025	463.00
					INVOICE TOTAL:		463.00 *
	58440		06/15/16	01	CITY OF YORKVILLE-GENERAL	01-640-54-00-5465	957.50
					INVOICE TOTAL:		957.50 *
	58441		06/15/16	01	MUNICIPAL ENGINEERING SERVICES	01-640-54-00-5465	1,900.00
					INVOICE TOTAL:		1,900.00 *
	58442		06/15/16	01	872 GREENFIELD TURN	01-640-54-00-5465	2,135.50
					INVOICE TOTAL:		2,135.50 *
					CHECK TOTAL:		133,330.70
523514	EEI	ENGINEERING ENTERPRISES, INC.					
	58443		06/15/16	01	BLACKBERRY WOODS-COMPLETION	01-640-54-00-5465	3,094.15
				02	OF PROJECTS	** COMMENT **	
					INVOICE TOTAL:		3,094.15 *
					CHECK TOTAL:		3,094.15
523515	EEI	ENGINEERING ENTERPRISES, INC.					
	58444		06/15/16	01	104 BEAVER STREET	90-097-97-00-0111	2,743.25
					INVOICE TOTAL:		2,743.25 *

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
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01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
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523515	EEI	ENGINEERING ENTERPRISES, INC.						
	58446		06/15/16	01	DOWNTOWN REVITALIZATION	01-640-54-00-5465	2,745.50	
						INVOICE TOTAL:	2,745.50	*
	58447		06/15/16	01	O'MALLEY WELDING	90-098-98-00-0111	391.50	
						INVOICE TOTAL:	391.50	*
						CHECK TOTAL:		5,880.25
523516	EJEQUIP	EJ EQUIPMENT						
	P02045		06/01/16	01	RELIEF VALVES, PISTON	52-520-56-00-5628	171.31	
						INVOICE TOTAL:	171.31	*
						CHECK TOTAL:		171.31
523517	FARREN	FARREN HEATING & COOLING						
	9670		05/31/16	01	BEECHER AC REPAIR	23-216-54-00-5446	987.50	
						INVOICE TOTAL:	987.50	*
						CHECK TOTAL:		987.50
523518	FEECEOIL	FEECE OIL COMPANY						
	1600897		06/03/16	01	GREASE	01-410-56-00-5628	24.21	
						INVOICE TOTAL:	24.21	*
	3420635		06/02/16	01	DIESEL FUEL	01-410-56-00-5695	524.15	
				02	DIESEL FUEL	51-510-56-00-5695	524.15	
				03	DIESEL FUEL	52-520-56-00-5695	524.15	
						INVOICE TOTAL:	1,572.45	*
						CHECK TOTAL:		1,596.66
523519	FLATSOS	RAQUEL HERRERA						

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
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523519	FLATSOS	RAQUEL HERRERA					
	1845		05/13/16	01	TIRE FOR COMM/DEV CAR	01-410-56-00-5628	351.36
					INVOICE TOTAL:		351.36 *
	1956		05/31/16	01	4 TIRES INSTALLED	52-520-54-00-5490	679.48
					INVOICE TOTAL:		679.48 *
	1958		05/31/16	01	2 INSTALLED TIRES	52-520-54-00-5490	314.72
					INVOICE TOTAL:		314.72 *
					CHECK TOTAL:		1,345.56
523520	FLEEPRI	FLEETPRIDE					
	77867192		06/15/16	01	HEATER HOSE, BALL VALVE	52-520-56-00-5613	63.12
					INVOICE TOTAL:		63.12 *
					CHECK TOTAL:		63.12
523521	FOXVALLE	FOX VALLEY TROPHY & AWARDS					
	33165		06/06/16	01	2016 MENS SUMMER SOFTBALL	79-795-56-00-5606	119.50
				02	TROPHIES	** COMMENT **	
					INVOICE TOTAL:		119.50 *
	33166		06/06/16	01	2016 YORKVILLE CLASSIC	79-795-56-00-5606	217.10
				02	TROPHIES	** COMMENT **	
					INVOICE TOTAL:		217.10 *
					CHECK TOTAL:		336.60
523522	GARDKOCH	GARDINER KOCH & WEISBERG					
	H-2364C-118482		06/01/16	01	KIMBALL HILL I MATTER	01-640-54-00-5456	8,740.00
					INVOICE TOTAL:		8,740.00 *

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
01-220 COMMUNITY DEVELOPMENT	23-230 CITY-WIDE CAPITAL	72-720 LAND CASH	88-880 DOWNTOWN TIF
01-410 STREET OPERATIONS	25-205 POLICE CAPITAL	79-790 PARKS DEPARTMENT	90-XXX DEVELOPER ESCROW
01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

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523522	GARDKOCH	GARDINER KOCH & WEISBERG						
	H-3525C-118481		06/01/16	01	KIMBALL HILL II UNIT 4 MATTER	01-640-54-00-5456	3,960.00	
					INVOICE TOTAL:		3,960.00	*
	H-3617C-118483		06/01/16	01	ROB ROY RAYMOND MATTER	01-640-54-00-5456	640.00	
					INVOICE TOTAL:		640.00	*
	H-3995C-118485		06/01/16	01	YMCA MATTERS	01-640-54-00-5456	480.00	
					INVOICE TOTAL:		480.00	*
					CHECK TOTAL:			13,820.00
523523	GRAINCO	GRAINCO FS., INC.						
	78001380		06/06/16	01	TURF & ORNAMENTAL QT	01-410-56-00-5620	178.62	
					INVOICE TOTAL:		178.62	*
					CHECK TOTAL:			178.62
523524	HDSUPPLY	HD SUPPLY WATERWORKS, LTD.						
	F546417		05/25/16	01	METERS, COUPLING	51-510-56-00-5664	3,635.75	
					INVOICE TOTAL:		3,635.75	*
					CHECK TOTAL:			3,635.75
523525	ILPD4811	ILLINOIS STATE POLICE						
	061316		06/13/16	01	BACKGROUND CHECKS	79-795-54-00-5462	327.25	
				02	BACKGROUND CHECKS	01-110-54-00-5462	119.00	
				03	BACKGROUND CHECKS	01-410-54-00-5462	29.75	
				04	BACKGROUND CHECKS	01-220-54-00-5462	29.75	
				05	BACKGROUND CHECKS	01-210-54-00-5462	29.75	
					INVOICE TOTAL:		535.50	*
					CHECK TOTAL:			535.50

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
01-220 COMMUNITY DEVELOPMENT	23-230 CITY-WIDE CAPITAL	72-720 LAND CASH	88-880 DOWNTOWN TIF
01-410 STREET OPERATIONS	25-205 POLICE CAPITAL	79-790 PARKS DEPARTMENT	90-XXX DEVELOPER ESCROW
01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

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523526	ILPSAN	ILLINOIS PUBLIC SAFETY AGENCY						
	00041099		06/01/16	01	JUL-DEC 2016 ALERTS BILLING	01-210-54-00-5484	3,330.00	
					INVOICE TOTAL:		3,330.00 *	
					CHECK TOTAL:			3,330.00
523527	IRWA	ILLINOIS RURAL WATER						
	19015		05/17/16	01	ANNUAL MEMBERSHIP RENEWAL	51-510-54-00-5460	437.75	
					INVOICE TOTAL:		437.75 *	
					CHECK TOTAL:			437.75
523528	ITHALJ	JOHN ITHAL						
	060916		06/09/16	01	UMPIRE	79-795-54-00-5462	72.00	
					INVOICE TOTAL:		72.00 *	
					CHECK TOTAL:			72.00
523529	JOHNSOIL	JOHNSON OIL COMPANY IL						
	1189678		06/01/16	01	MAY 2016 GASOLINE	01-210-56-00-5695	46.72	
					INVOICE TOTAL:		46.72 *	
					CHECK TOTAL:			46.72
523530	JUSTSAFE	JUST SAFETY, LTD						
	26343		05/31/16	01	FIRST AID SUPPLIES	52-520-56-00-5620	75.50	
					INVOICE TOTAL:		75.50 *	
					CHECK TOTAL:			75.50
523531	KCRECORD	SHAW SUBURBAN MEDIA GROUP						

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
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523531	KCRECORD	SHAW SUBURBAN MEDIA GROUP					
	053116		05/31/16	01	RFP FOR SALE OF SOUTHERN PART	01-110-54-00-5426	288.60
				02	OF BRISTOL BAY PARK	** COMMENT **	
				03	WEED NUISANCE ORDINANCE	01-220-54-00-5426	331.80
				04	FT MAINT WORKER 1 JOB POSTING	79-790-54-00-5462	525.00
				05	FT SENIOR PLANNER JOB POSTING	01-220-54-00-5426	785.00
				06	PT PLANNING INTERN JOB POSTING	01-220-54-00-5426	605.00
				07	PT METER READER JOB POSTING	51-510-54-00-5426	605.00
					INVOICE TOTAL:		3,140.40 *
					CHECK TOTAL:		3,140.40
523532	KCSHERIF	KENDALL CO. SHERIFF'S OFFICE					
	MAY-LIV		06/06/16	01	LIVINGSTON CO FTA BOND FEE	01-000-24-00-2412	70.00
				02	REIMBURSEMENT	** COMMENT **	
					INVOICE TOTAL:		70.00 *
					CHECK TOTAL:		70.00
523533	KENDCROS	KENDALL CROSSING, LLC					
	AMU REBATE 05/16		06/13/16	01	MAY 2016 AMUSEMENT TAX REBATE	01-640-54-00-5439	3,613.46
					INVOICE TOTAL:		3,613.46 *
	BD REBATE 04/16		06/09/16	01	APR-16 NCG BUSINESS TAX REBATE	01-000-24-00-2487	1,125.57
					INVOICE TOTAL:		1,125.57 *
					CHECK TOTAL:		4,739.03
523534	KENPOINT	KENNEDY POINTE RESTAURANT					
	2016 GOLF OUT		06/03/16	01	2016 GOLF OUTING FOOD & DRINKS	79-795-56-00-5606	1,166.80
					INVOICE TOTAL:		1,166.80 *
					CHECK TOTAL:		1,166.80

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523535	KONICA	KONICA MINOLTA					
	28716785		06/11/16	01	06/01/16-07/01/16 COPIER LEASE	01-110-54-00-5485	175.19
				02	06/01/16-07/01/16 COPIER LEASE	01-120-54-00-5485	140.15
				03	06/01/16-07/01/16 COPIER LEASE	01-220-54-00-5485	260.98
				04	06/01/16-07/01/16 COPIER LEASE	01-210-54-00-5485	366.84
				05	06/01/16-07/01/16 COPIER LEASE	01-410-54-00-5485	35.29
				06	06/01/16-07/01/16 COPIER LEASE	51-510-54-00-5485	35.29
				07	06/01/16-07/01/16 COPIER LEASE	52-520-54-00-5485	35.29
				08	06/01/16-07/01/16 COPIER LEASE	79-790-54-00-5485	130.49
				09	06/01/16-07/01/16 COPIER LEASE	79-795-54-00-5485	130.48
					INVOICE TOTAL:		1,310.00 *
					CHECK TOTAL:		1,310.00
523536	LAYNE	LAYNE CHRISTENSEN COMPANY					
	89083916		06/08/16	01	05/06 TROUBLESHOOT WELL PUMP	51-510-56-00-5640	612.50
				02	SHUTDOWN DUE TO GROUND FAULT	** COMMENT **	
					INVOICE TOTAL:		612.50 *
					CHECK TOTAL:		612.50
523537	MEADE	MEADE ELECTRIC COMPANY, INC.					
	673544		05/26/16	01	RT47 & RT71 SIGNAL REPAIR	01-410-54-00-5435	4,713.31
					INVOICE TOTAL:		4,713.31 *
	673545		05/26/16	01	US34 & SYCAMORE SIGNAL REPAIR	01-410-54-00-5435	1,983.99
					INVOICE TOTAL:		1,983.99 *
					CHECK TOTAL:		6,697.30
523538	MENLAND	MENARDS - YORKVILLE					
	44918		05/10/16	01	POLE BREAKER	79-790-56-00-5640	15.39
					INVOICE TOTAL:		15.39 *

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523538	MENLAND	MENARDS - YORKVILLE						
	46623		05/26/16	01	STEEL HANDLES, WHEEL PARTS BOX	52-520-56-00-5620	141.57	
				02	POLY TRAY, STRETCH WRAP, HOOK	** COMMENT **		
						INVOICE TOTAL:	141.57	*
	47158		05/31/16	01	AIR CIRCULATOR, FANS	01-210-56-00-5610	54.97	
						INVOICE TOTAL:	54.97	*
	47181		05/31/16	01	PADLOCK	79-790-56-00-5620	13.79	
						INVOICE TOTAL:	13.79	*
	47261		06/01/16	01	DEGREASER, BOLTS, WASHER, NUTS	79-790-56-00-5640	17.35	
						INVOICE TOTAL:	17.35	*
	47283		06/01/16	01	CONNECTOR, HOSE BARB, BLADES,	79-790-56-00-5620	27.62	
				02	SCREWDRIVER, BRASS REDUCER	** COMMENT **		
						INVOICE TOTAL:	27.62	*
	47284		06/01/16	01	PVC PIPE, COUPLING	52-520-56-00-5640	45.97	
						INVOICE TOTAL:	45.97	*
	47349-16		06/02/16	01	REPLACEMENT SPOUT, GAS CAN	79-790-56-00-5640	29.97	
						INVOICE TOTAL:	29.97	*
	47395		06/02/16	01	PLEDGE, BRUSH HEAD, HANDLE	01-410-56-00-5628	33.51	
						INVOICE TOTAL:	33.51	*
						CHECK TOTAL:		380.14
523539	MENLAND	MENARDS - YORKVILLE						
	47403		06/02/16	01	PVC CONDUIT	15-155-54-00-5482	4.05	
						INVOICE TOTAL:	4.05	*
						CHECK TOTAL:		4.05

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523540	MENLAND	MENARDS - YORKVILLE					
	47458		06/03/16	01	LAG SHIELD, SCREW EYES, S-HOOK	79-790-56-00-5640	21.41
					INVOICE TOTAL:		21.41 *
					CHECK TOTAL:		21.41
523541	METROWES	METRO WEST COG					
	2616		06/01/16	01	05/03-05/04 LEGISLATIVE	01-110-54-00-5412	1,155.00
				02	DRIVEDOWN FOR 7 PEOPLE	** COMMENT **	
					INVOICE TOTAL:		1,155.00 *
	2637		06/02/16	01	05/26 BOARD MEETING FOR 2	01-110-54-00-5415	70.00
				02	PEOPLE	** COMMENT **	
					INVOICE TOTAL:		70.00 *
					CHECK TOTAL:		1,225.00
523542	MIKOLASR	RAY MIKOLASEK					
	060316		06/06/16	01	MASTER FIREARM TRAINING MEAL	01-210-54-00-5415	8.91
				02	REIMBURSEMENT	** COMMENT **	
					INVOICE TOTAL:		8.91 *
	060816		06/09/16	01	USE OF FORCE FOR SUPERVISORS	01-210-54-00-5415	9.98
				02	MEAL REIMBURSEMENT	** COMMENT **	
					INVOICE TOTAL:		9.98 *
					CHECK TOTAL:		18.89
523543	NICOR	NICOR GAS					
	00-41-22-8748 4-0516		06/07/16	01	05/06-06/07 1107 PRAIRIE LN	01-110-54-00-5480	25.22
					INVOICE TOTAL:		25.22 *
	15-41-50-1000 6-0516		06/09/16	01	04/06-06/06 804 GAME FARM RD	01-110-54-00-5480	33.25
					INVOICE TOTAL:		33.25 *

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
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523543	NICOR	NICOR GAS						
	15-63-74-573	2-0516	06/06/16	01	05/03-05/31 1955 S BRIDGE	01-110-54-00-5480	31.61	
					INVOICE TOTAL:		31.61	*
	15-64-61-3532	5-0516	06/07/16	01	05/06-06/06 1991 CANNONBALL TR	01-110-54-00-5480	28.76	
					INVOICE TOTAL:		28.76	*
	20-52-56-2042	1-0516	06/08/16	01	05/09-06/08 420 FAIRHAVEN	01-110-54-00-5480	82.29	
					INVOICE TOTAL:		82.29	*
	23-45-91-4862	5-0516	06/03/16	01	05/04-06/02 101 BRUELL ST	01-110-54-00-5480	84.58	
					INVOICE TOTAL:		84.58	*
	31-61-67-2493	1-0516	06/07/16	01	05/06-06/06 276 WINDHAM CR	01-110-54-00-5480	27.07	
					INVOICE TOTAL:		27.07	*
	45-12-25-4081	3-0516	06/06/16	01	04/01-06/02 201 W HYDRAULIC	01-110-54-00-5480	11.77	
					INVOICE TOTAL:		11.77	*
	46-69-47-6727	1-0516	06/07/16	01	05/06-06/07 1975 BRIDGE ST	01-110-54-00-5480	82.46	
					INVOICE TOTAL:		82.46	*
	49-25-61-1000	5-0516	06/06/16	01	05/03-06/02 1 VAN EMMON	01-110-54-00-5480	34.65	
					INVOICE TOTAL:		34.65	*
	66-70-44-6942	9-0516	06/10/16	01	05/09-06/08 1908 RAINTREE RD	01-110-54-00-5480	83.44	
					INVOICE TOTAL:		83.44	*
	80-56-05-1157	0-0516	06/03/16	01	05/03-06/02 2512 ROSEMONT	01-110-54-00-5480	32.94	
					INVOICE TOTAL:		32.94	*
					CHECK TOTAL:			558.04
523544	OLSONB	BART OLSON						
	060716		06/07/16	01	ICMA CONFERENCE AIRFARE	01-110-54-00-5415	226.20	
					INVOICE TOTAL:		226.20	*
					CHECK TOTAL:			226.20

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
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523545	PARADISE	PARADISE CAR WASH					
	223222		06/03/16	01	MAY 2016 CAR WASHES	01-210-54-00-5495	24.00
					INVOICE TOTAL:		24.00 *
					CHECK TOTAL:		24.00
523546	PATTEN	PATTEN INDUSTRIES, INC.					
	P0630011187		05/31/16	01	PERFORMED LOAD TEST	51-510-54-00-5445	6,467.00
					INVOICE TOTAL:		6,467.00 *
					CHECK TOTAL:		6,467.00
523547	PEPSI	PEPSI-COLA GENERAL BOTTLE					
	26712312		06/10/16	01	BRIDGE PARK CONCESSION DRINKS	79-795-56-00-5607	292.50
					INVOICE TOTAL:		292.50 *
					CHECK TOTAL:		292.50
523548	R0001643	SURINDER GLADWIN					
	060916		06/09/16	01	REFUND PYMT REC'D FROM	01-000-13-00-1371	140.94
				02	COLLECTIONS FOR ACCOUNT	** COMMENT **	
				03	#01090302500-05	** COMMENT **	
					INVOICE TOTAL:		140.94 *
					CHECK TOTAL:		140.94
523549	R0001644	KENNETH BRONSKI					
	060916		06/09/16	01	REFUND PYMT REC'D FROM	01-000-13-00-1371	228.82
				02	COLLECTIONS FOR ACCOUNT	** COMMENT **	
				03	#0101130600-09	** COMMENT **	
					INVOICE TOTAL:		228.82 *
					CHECK TOTAL:		228.82

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
01-220 COMMUNITY DEVELOPMENT	23-230 CITY-WIDE CAPITAL	72-720 LAND CASH	88-880 DOWNTOWN TIF
01-410 STREET OPERATIONS	25-205 POLICE CAPITAL	79-790 PARKS DEPARTMENT	90-XXX DEVELOPER ESCROW
01-640 ADMINSTRATIVE SERVICES	25-215 PUBLIC WORKS CAPITAL	79-795 RECREATION DEPT	95-XXX ESCROW DEPOSIT
11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

DATE: 06/22/16
TIME: 15:38:38
PRG ID: AP215000.WOW

UNITED CITY OF YORKVILLE
CHECK REGISTER

FY 17

CHECK DATE: 06/28/16

CHECK #	VENDOR #	INVOICE NUMBER	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	ITEM AMT
523550	R0001646	LIDUVINA ARROYO					
	154836		06/10/16	01	CLASS CANCELLATION REFUND DUE	79-795-54-00-5496	73.00
				02	TO LOW ENROLLMENT	** COMMENT **	
					INVOICE TOTAL:		73.00 *
					CHECK TOTAL:		73.00
523551	R0001647	ANNA LEWIS					
	061116		06/11/16	01	BEECHER DEPOSIT REFUND	01-000-24-00-2410	450.00
					INVOICE TOTAL:		450.00 *
					CHECK TOTAL:		450.00
523552	R0001648	CHRIS SCOTT					
	154704		06/06/16	01	CLASS CANCELLATION REFUND DUE	79-795-54-00-5496	200.00
				02	TO LOW ENROLLMENT	** COMMENT **	
					INVOICE TOTAL:		200.00 *
					CHECK TOTAL:		200.00
523553	R0001649	STEVE DAVIS					
	154702		06/06/16	01	CLASS CANCELLATION REFUND DUE	79-795-54-00-5496	350.00
				02	TO LOW ENROLLMENT	** COMMENT **	
					INVOICE TOTAL:		350.00 *
					CHECK TOTAL:		350.00
523554	R0001650	SHAD GOORSKY					
	154703		06/06/16	01	CLASS CANCELLATION REFUND DUE	79-795-54-00-5496	400.00
				02	TO LOW ENROLLMENT	** COMMENT **	
					INVOICE TOTAL:		400.00 *
					CHECK TOTAL:		400.00

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
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UNITED CITY OF YORKVILLE
CHECK REGISTER

FY 17

CHECK DATE: 06/28/16

CHECK #	VENDOR #	INVOICE NUMBER	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	ITEM AMT
523555	R0001651	KIMBERLY LULFS					
	061316		06/13/16	01	REFUND OVERPAYMENT ON FINAL	01-000-13-00-1371	113.47
				02	BILL FOR ACCT#0101121000-03	** COMMENT **	
					INVOICE TOTAL:		113.47 *
					CHECK TOTAL:		113.47
523556	R0001652	KHALED MOHAMED					
	061416-OLC		06/14/16	01	REFUND FINGERPRINTING FEE	01-000-42-00-4205	29.75
					INVOICE TOTAL:		29.75 *
					CHECK TOTAL:		29.75
523557	RIETZR	ROBERT L. RIETZ JR.					
	060216		06/02/16	01	UMPIRE	79-795-54-00-5462	108.00
					INVOICE TOTAL:		108.00 *
	060916		06/09/16	01	UMPIRE	79-795-54-00-5462	72.00
					INVOICE TOTAL:		72.00 *
					CHECK TOTAL:		180.00
523558	RIVRVIEW	RIVERVIEW FORD					
	FOCS371884		06/14/16	01	RELACED STARTER	01-410-54-00-5490	330.62
					INVOICE TOTAL:		330.62 *
					CHECK TOTAL:		330.62
523559	SENSUS	SENSUS METERING SYSTEMS					
	ZA17002729		05/27/16	01	ANNUAL SOFTWARE SUPPORT	51-510-54-00-5462	1,893.15
					INVOICE TOTAL:		1,893.15 *
					CHECK TOTAL:		1,893.15

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
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UNITED CITY OF YORKVILLE
CHECK REGISTER

FY 17

CHECK DATE: 06/28/16

CHECK #	VENDOR #	INVOICE NUMBER	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	ITEM AMT
523560	SPEEDWAY	SPEEDWAY					
	100152438-0615		06/01/16	01	MAY 2016 GASOLINE	79-790-56-00-5695	1,673.93
				02	MAY 2016 GASOLINE	79-795-56-00-5695	70.04
				03	MAY 2016 GASOLINE	01-210-56-00-5695	4,648.41
				04	MAY 2016 GASOLINE	51-510-56-00-5695	733.24
				05	MAY 2016 GASOLINE	52-520-56-00-5695	733.24
				06	MAY 2016 GASOLINE	01-410-56-00-5695	733.25
				07	MAY 2016 GASOLINE	01-220-56-00-5695	238.29
					INVOICE TOTAL:		8,830.40 *
					CHECK TOTAL:		8,830.40
523561	UPPER	UPPER CRUST CATERING INC					
	3394		06/02/16	01	KENDALL CO MAYORS AND MANAGERS	01-110-54-00-5415	265.00
				02	MEETING LUNCH	** COMMENT **	
					INVOICE TOTAL:		265.00 *
					CHECK TOTAL:		265.00
523562	UPSSTORE	MICHAEL J. KENIG					
	061016		06/10/16	01	1 PKG TO KFO	01-110-54-00-5452	28.65
					INVOICE TOTAL:		28.65 *
					CHECK TOTAL:		28.65
523563	VITOSH	CHRISTINE M. VITOSH					
	CMV 1786-1791		06/03/16	01	APRIL 25, MAY 2, 9, 16, 23 AND	01-210-54-00-5467	600.00
				02	JUNE 1 ADMIN HEARINGS	** COMMENT **	
					INVOICE TOTAL:		600.00 *
					CHECK TOTAL:		600.00
523564	WAREHOUS	WAREHOUSE DIRECT					

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
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11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

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PRG ID: AP215000.WOW

UNITED CITY OF YORKVILLE
CHECK REGISTER

FY 17

CHECK DATE: 06/28/16

CHECK #	VENDOR #	INVOICE NUMBER	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	ITEM AMT
523564	WAREHOUS	WAREHOUSE DIRECT					
	3089588-0		06/06/16	01	LEGAL PADS, MARKERS	01-210-56-00-5610	17.25
					INVOICE TOTAL:		17.25 *
					CHECK TOTAL:		17.25
523565	WIREWIZ	WIRE WIZARD OF ILLINOIS, INC					
	24668		06/01/16	01	JUL-SEPT ALARM MONITORING	52-520-54-00-5444	138.00
					INVOICE TOTAL:		138.00 *
					CHECK TOTAL:		138.00
523566	YBSD	YORKVILLE BRISTOL					
	053116SF		06/13/16	01	MAY 2016 SANITARY FEES	95-000-24-00-2450	229,755.97
					INVOICE TOTAL:		229,755.97 *
					CHECK TOTAL:		229,755.97
523567	YBSD	YORKVILLE BRISTOL					
	0551-012568247		06/03/16	01	MAY 2016 TRANSPORT & TIPPING	51-510-54-00-5445	6,733.34
					INVOICE TOTAL:		6,733.34 *
					CHECK TOTAL:		6,733.34
523568	YORKBIGB	YORKVILLE BIG BAND					
	082116		06/15/16	01	THROWBACK THURSDAY @ TOWN	79-795-56-00-5606	1,500.00
				02	SQUARE	** COMMENT **	
					INVOICE TOTAL:		1,500.00 *
					CHECK TOTAL:		1,500.00
523569	YORKMOW	YORKVILLE MOWING & LANDSCAPING					

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
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11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

DATE: 06/22/16
TIME: 15:38:38
PRG ID: AP215000.WOW

UNITED CITY OF YORKVILLE
CHECK REGISTER

FY 17

CHECK DATE: 06/28/16

CHECK #	VENDOR #	INVOICE NUMBER	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	ITEM AMT
523569	YORKMOW	YORKVILLE MOWING & LANDSCAPING					
	400		06/02/16	01	MULCH & GROUNDS UPKEEP	11-111-54-00-5495	581.00
						INVOICE TOTAL:	581.00 *
	401		06/02/16	01	WEED EATING & DEBRIS REMOVAL	11-111-54-00-5495	285.64
				02	WEED EATING & DEBRIS REMOVAL	12-112-54-00-5495	270.00
						INVOICE TOTAL:	555.64 *
						CHECK TOTAL:	1,136.64
523570	YOUNGM	MARLYS J. YOUNG					
	051716		06/12/16	01	PW COMMITTEE MEETING MINUTES	01-110-54-00-5462	99.00
						INVOICE TOTAL:	99.00 *
	051816		06/04/16	01	05/18 ADMIN MEETING MINUTES	01-110-54-00-5462	42.50
						INVOICE TOTAL:	42.50 *
						CHECK TOTAL:	141.50
						TOTAL AMOUNT PAID:	599,096.58

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
01-210 POLICE	23-216 MUNICIPAL BUILDING	52-520 SEWER OPERATIONS	87-870 COUNTRYSIDE TIF
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11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

DATE: 06/10/16
TIME: 13:27:45
PRG ID: AP215000.WOW

UNITED CITY OF YORKVILLE
CHECK REGISTER

FY 16

CHECK DATE: 06/10/16

CHECK #	VENDOR #	INVOICE NUMBER	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	ITEM AMT
523465	HRGREEN	HR GREEN					
	104196		05/31/16	01	WRIGLEY EXPANSION TRANSPORT	23-230-60-00-6009	2,646.50
				02	SERVICES FOR 02/13/16-03/18/16	** COMMENT **	
					INVOICE TOTAL:		2,646.50 *
					CHECK TOTAL:		2,646.50
					TOTAL AMOUNT PAID:		2,646.50

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
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11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

DATE: 06/14/16
TIME: 10:25:49
PRG ID: AP215000.WOW

UNITED CITY OF YORKVILLE
CHECK REGISTER

FY 17

CHECK DATE: 06/14/16

CHECK #	VENDOR #	INVOICE NUMBER	INVOICE DATE	ITEM #	DESCRIPTION	ACCOUNT #	ITEM AMT
523477	R0001645	JEREMY FRIES					
	20150635-BUILD		06/13/16	01	1462 RUBY DR BUILD PROGRAM	23-000-24-00-2445	3,872.00
				02	1462 RUBY DR BUILD PROGRAM	25-000-24-20-2445	600.00
				03	1462 RUBY DR BUILD PROGRAM	25-000-24-21-2445	1,600.00
				04	1462 RUBY DR BUILD PROGRAM	25-000-24-22-2445	100.00
				05	1462 RUBY DR BUILD PROGRAM	42-000-24-00-2445	50.00
				06	1462 RUBY DR BUILD PROGRAM	51-000-24-00-2445	3,778.00
					INVOICE TOTAL:		10,000.00 *
					CHECK TOTAL:		10,000.00
					TOTAL AMOUNT PAID:		10,000.00



01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
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11-111 FOX HILL SSA	25-225 PARKS & RECREATION CAPITAL	82-820 LIBRARY OPERATIONS	

DATE: 06/22/16
TIME: 09:14:52
ID: AP225000.CBL

UNITED CITY OF YORKVILLE
MANUAL CHECK REGISTER

FY 17

CHECK #	VENDOR # INVOICE #	INVOICE DATE	ITEM #	DESCRIPTION	CHECK DATE	ACCOUNT #	ITEM AMT
131085	KCR	KENDALL COUNTY RECORDER'S			06/16/16		
	190395	06/16/16	01	RELEASE UTILITY LIEN		51-510-54-00-5448	49.00
			02	RELEASE MOWING LIEN		25-215-54-00-5448	49.00
						INVOICE TOTAL:	98.00 *
						CHECK TOTAL:	98.00
						TOTAL AMOUNT PAID:	98.00

01-110 ADMINISTRATION	12-112 SUNFLOWER SSA	42-420 DEBT SERVICE	83-830 LIBRARY DEBT SERVICE
01-120 FINANCE	15-155 MOTOR FUEL TAX (MFT)	51-510 WATER OPERATIONS	84-840 LIBRARY CAPITAL
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UNITED CITY OF YORKVILLE PAYROLL SUMMARY June 17, 2016

	REGULAR	OVERTIME	TOTAL	IMRF	FICA	TOTALS
MAYOR & LIQ. COM.	\$ 808.34	\$ -	\$ 808.34	\$ -	\$ 61.84	\$ 870.18
CLERK	583.34	-	583.34	8.85	44.61	636.80
TREASURER	83.34	-	83.34	8.85	6.36	98.55
ALDERMAN	3,800.00	-	3,800.00	-	284.26	4,084.26
ADMINISTRATION	12,803.83	-	12,803.83	1,315.14	895.31	15,014.28
FINANCE	8,628.43	-	8,628.43	917.21	644.64	10,190.28
POLICE	98,137.41	8,619.68	106,757.09	553.73	7,821.71	115,132.53
COMMUNITY DEV.	11,937.44	-	11,937.44	1,050.93	872.37	13,860.74
STREETS	14,787.73	-	14,787.73	1,434.59	1,090.74	17,313.06
WATER	15,926.99	253.18	16,180.17	1,614.82	1,176.90	18,971.89
SEWER	8,020.17	-	8,020.17	852.55	598.19	9,470.91
PARKS	19,050.02	247.57	19,297.59	1,625.23	1,436.88	22,359.70
RECREATION	12,292.99	-	12,292.99	1,132.60	904.88	14,330.47
LIBRARY	15,686.14	-	15,686.14	855.55	1,172.46	17,714.15
TOTALS	\$ 222,546.17	\$ 9,120.43	\$ 231,666.60	\$ 11,370.05	\$ 17,011.15	\$ 260,047.80

TOTAL PAYROLL

\$ 260,047.80



UNITED CITY OF YORKVILLE

BILL LIST SUMMARY

Tuesday, June 28, 2016

ACCOUNTS PAYABLE

DATE

Manual Check Register - FY17 (Pages 1 - 3)	06/13/2016	1,365.00
Manual Check Register - FY17 (Page 4)	06/22/2016	20,000.00
City MasterCard Bill Register - FY16 (Pages 5 - 7)	06/25/2016	124,552.26
City MasterCard Bill Register - FY17 (Pages 8 - 11)	06/25/2016	18,348.62
City Check Register - FY16 (Pages 12 - 13)	06/28/2016	11,012.35
City Check Register - FY17 (Pages 14 - 38)	06/28/2016	599,096.58

SUB-TOTAL:

\$774,374.81

OTHER PAYABLES

FY16

Manual Check #523465 - HR Green-Wrigley Expansion (Page 39)	06/10/2016	2,646.50

FY17

Manual Check #523477 - Fries BUILD Check (Page 40)	06/14/2016	10,000.00
Clerk's Check #131085 - Kendall County Recorder (Page 41)	06/16/2016	98.00

SUB-TOTAL:

\$12,744.50

DEBT SERVICE PAYMENTS

* Amalgamated Bank of Chicago - 2014B Bond - Interest PMT	06/24/2016	25,075.00
* Amalgamated Bank of Chicago - 2014C Bond - Interest PMT	06/24/2016	15,075.00
* BNY Mellon - 2004B Bond - Interest PMT	06/24/2016	26,000.00
* BNY Mellon - 2006A Bond - Interest PMT	06/24/2016	77,603.13
* BNY Mellon - 2011 Bond - Interest PMT	06/24/2016	194,526.00
* BNY Mellon - 2007A Bond - Interest PMT	06/24/2016	60,581.25

TOTAL PAYMENTS:

\$398,860.38

PAYROLL

Bi - Weekly (Page 42)	06/17/2016	260,047.80

SUB-TOTAL:

\$260,047.80

TOTAL DISBURSEMENTS:

\$1,446,027.49

* Debt Service Payments Made Via Wire



Reviewed By:	
Legal	☒
Finance	☒
Engineer	☐
City Administrator	☒
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Mayor #1

Tracking Number

CC 2016-40

Agenda Item Summary Memo

Title: Bond Ordinances

Meeting and Date: City Council – June 28, 2016

Synopsis: See attached.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Rob Fredrickson Finance
Name Department

Agenda Item Notes:

Have a question or comment about this agenda item?

Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/gov_officials.php



Memorandum

To: City Council
From: Rob Fredrickson, Finance Director
Date: June 22, 2016
Subject: Tentative Time Schedule – 2016 Refunding Bond Issue

Please see below for refund savings information and a tentative time schedule related to the issuance of the 2016 Refunding bond issue:

- \$6,315,000 – Refunding General Obligation (ARS) Bonds, Series 2016 – consisting of a principal amount \$3,315,000 to refund the Series 2006A Debt Certificates and a principal amount of \$2,880,000 for the refunding of the Series 2007A General Obligation (ARS) bonds. The remaining \$120,000 will be used to finance the underwriter and other issuance costs.

The 2016 bond refunding process is scheduled to begin at the upcoming City Council meeting on June 28th, with the approval of three ordinances, which are explained in greater detail below:

- Revenue Bond Ordinance – this is the first ordinance (please see Exhibit A) requiring Council approval, which allows the City to issue revenue bonds in an amount not to exceed \$6.4 million. Revenue bonds differ from general obligation bonds, as they are backed solely by specific revenue streams (in this case water & sewer revenues) and do not revert back to the property tax rolls if those funds prove to be insufficient. Pursuant to State Statute, whenever a General Obligation (GO) Alternate Revenue Source (ARS) bond is issued, in the case for the refunding of debt certificates (i.e. 2006A debt certificates mentioned above); the City must first be authorized to issue revenue bonds, before it will be allowed to issue the GO ARS bonds (i.e. 2016 Refunding Bonds).
- Authorizing Ordinance – the second ordinance (please see Exhibit B) requiring Council approval establishes the maximum principal amount to be refunded and gives the City the ability to issue GO refunding alternate revenue source debt. GO ARS backed debt is preferred by bondholders, since it will ultimately revert to the property tax rolls, should water/sewer revenues and income taxes prove to be insufficient. It is also advantageous to the City, as GO backed debt requires a lower rate of interest to be paid on borrowed funds in comparison with revenue bonds. Please note that the authorizing ordinance would allow for principal to be issued up to \$6.5M, should the bonds be sold at a discount or to account for any unanticipated costs that arise between now and issuance.
- Bond Issuance Notification Act (BINA) Public Hearing Ordinance – this ordinance (please see Exhibit C) established the date and time for the public hearing on the proposed 2016 refunding bonds and establishes public notice requirements.

Assuming passage of the Revenue Bond & Authorizing ordinances mentioned above, public notice would be published in the Beacon News the following Friday (July 1st), which would also begin the 30-day challenge period for taxpayers to file a backdoor referendum.

A BINA public hearing is scheduled to be held at the July 26th City Council meeting. Once the 30-day backdoor referendum period has expired (August 2nd), the final step in the process is for Council to approve the winning bid from the competitive bond sale, which is tentatively scheduled for the October 25th City Council meeting.

As shown on the Debt Service Comparison (please see Exhibit D) report prepared by the City's financial advisor (Speer Financial, Inc.), the proposed 2016 bond refunding of the 2006A debt certificates and 2007A bonds is currently estimated to generate net present value savings of \$428,067 (6.91%) over the remaining life of the bonds. Based on these savings, staff recommends the approval of all three of the ordinances presented above. The ordinances (Exhibits A-C), debt service comparison report (Exhibit D), and the proposed 2016 refunding debt service schedule (Exhibit E) have been attached for your review and consideration.

ORDINANCE NO. _____

AN ORDINANCE authorizing the issuance of Waterworks and Sewerage Revenue Refunding Bonds of the United City of Yorkville, Kendall County, Illinois, in an aggregate principal amount not to exceed \$6,500,000.

* * *

WHEREAS, the United City of Yorkville, Kendall County, Illinois (the “City”), is a duly organized and existing municipality incorporated and existing under the provisions of the laws of the State of Illinois, is now operating under the provisions of the Illinois Municipal Code, as amended (the “Code”), and for many years has owned and operated a municipally-owned waterworks and sewerage system (the “System”) pursuant to Division 139 of Article 11 of the Code (the “*Waterworks and Sewerage Law*”); and

WHEREAS, the City Council of the City (the “*City Council*”) has determined that it is advisable, necessary and in the best interests of the public health, safety and welfare to refund (the “*Refunding*”) all or a portion of the City’s Refunding Debt Certificates, Series 2006A dated December 19, 2006 and its General Obligation Refunding Bonds (Alternate Revenue Source), Series 2007A dated March 1, 2007 (collectively, the “*Outstanding Obligations*”), all in accordance with the estimate of costs therefor; and

WHEREAS, the estimated aggregate cost of the Refunding, including legal, financial, bond discount, printing and publication costs and other expenses, is \$6,500,000, and there are insufficient funds on hand and lawfully available to pay such costs; and

WHEREAS, it is necessary and for the best interests of the City that the Refunding be undertaken and in order to finance the costs thereof it will be necessary for the City to issue up to \$6,500,000 of bonds (the “*Waterworks and Sewerage Revenue Refunding Bonds*”) payable from

the revenues of the System as authorized to be issued at this time pursuant to the Waterworks and Sewerage Law, Division 4 of Article 8 of the Code and other applicable law.

NOW, THEREFORE, Be It Ordained by the City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1. Incorporation of Preambles. The City Council hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct and do incorporate them into this Ordinance by this reference.

Section 2. Determination to Issue Bonds. It is necessary and in the best interests of the City to pay for the Refunding for the public health, safety and welfare, in accordance with the estimate of costs as hereinabove described, that the System continue to be operated as a combined utility in accordance with the provisions of the Waterworks and Sewerage Law, and that for such purpose, there are hereby authorized to be issued and sold the Waterworks and Sewerage Revenue Refunding Bonds in an aggregate principal amount not to exceed \$6,500,000.

Section 3. Publication. This Ordinance, together with a notice in the statutory form (the “Notice”), shall be published once within ten (10) days after passage hereof by the City Council in the *Beacon-News*, the same being a newspaper of general circulation in the City, and if no petition, signed by 1,131 electors (being equal to ten percent (10%) of the number of registered voters in the City), asking that the question of refunding the Outstanding Obligations, as provided in this Ordinance, and the issuance of the Waterworks and Sewerage Revenue Refunding Bonds therefor, be submitted to the electors of the City is filed with the City Clerk within thirty (30) days after the date of the publication of this Ordinance and the Notice, then the Waterworks and Sewerage Revenue Refunding Bonds shall be authorized to be issued.

Section 4. Additional Ordinances. If no petition meeting the requirements of the Code and other applicable law is filed during the petition periods hereinabove referred to, then the City Council may adopt additional ordinances or proceedings supplementing or amending this Ordinance providing for the issuance and sale of the Waterworks and Sewerage Revenue Refunding Bonds, prescribing all the details of the Waterworks and Sewerage Revenue Refunding Bonds, and providing for the collection, segregation and distribution of the revenues of the System, so long as the maximum amount of the Waterworks and Sewerage Revenue Refunding Bonds as set forth in this Ordinance is not exceeded and there is no material change in the Refunding or other purposes described herein. Such additional ordinances or proceedings shall in all instances become effective immediately without publication or posting or any further act or requirement. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for the issuance of the Waterworks and Sewerage Revenue Refunding Bonds under applicable law.

Section 5. Severability. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

(This space is intentionally blank)

Section 6. *Repealer.* All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

ADOPTED by the City Council on the 28th day of June, 2016, pursuant to a roll call vote as follows:

CARLO COLOSIMO	_____	KEN KOCH	_____
JACQUELYN MILSCHEWSKI	_____	LARRY KOT	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
SEAVER TARULIS	_____	DIANE TEELING	_____

APPROVED by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, the 28th day of June, 2016.

MAYOR

PASSED by the City Council of the United City of Yorkville, Kendall County, Illinois, the 28th day of June, 2016.

CITY CLERK

Alderman _____ moved and Alderman _____ seconded the motion that said ordinance as presented and read by title by the City Clerk be adopted.

After a full and complete discussion thereof, including a public recital of the nature of the matter being considered and other information that informed the public of the business being conducted, the Mayor directed that the roll be called for a vote upon the motion to adopt the ordinance.

Upon the roll being called, the following Aldermen voted AYE: _____
_____.

NAY: _____.

Whereupon the Mayor declared the motion carried and the ordinance adopted, and henceforth did approve and sign the same in open meeting and did direct the City Clerk to record the same in full in the records of the City Council of the United City of Yorkville, Kendall County, Illinois, which was done.

Other business not pertinent to the adoption of said ordinance was duly transacted at said meeting.

Upon motion duly made and seconded, the meeting was adjourned,

CITY CLERK

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

CERTIFICATION OF ORDINANCE AND MINUTES

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the United City of Yorkville, Kendall County, Illinois (the “City”), and as such officer I am the keeper of the books, records, files, and journal of proceedings of the City and of the City Council thereof (the “City Council”).

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of the City Council held on the 28th day of June, 2016, insofar as same relates to the adoption of Ordinance No. _____ entitled:

AN ORDINANCE authorizing the issuance of Waterworks and Sewerage Revenue Refunding Bonds of the United City of Yorkville, Kendall County, Illinois, in an aggregate principal amount not to exceed \$6,500,000.

a true, correct and complete copy of which said ordinance as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the City Council on the adoption of said ordinance were taken openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that an agenda for said meeting was posted at the principal office of the City Council at least 96 hours in advance of the holding of said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as *Exhibit A*, that said meeting was called and held in strict accordance with the provisions of the Illinois Municipal Code, as amended, and the Open Meetings Act of the State of Illinois, as amended, and the Local Government Debt Reform Act of the State of Illinois, as amended, and that the City Council have complied with all of the applicable provisions of said Code and said Acts and its procedural rules in the adoption of said ordinance.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the City, this 28th day of June, 2016.

(SEAL)

City Clerk, United City of Yorkville, Kendall
County, Illinois

[Attach Agenda as Exhibit A]

PETITION – WATERWORKS AND SEWERAGE REVENUE REFUNDING BONDS

To the City Clerk of the United City of Yorkville, Kendall County, Illinois:

We, the undersigned, being registered voters of the United City of Yorkville, Kendall County, Illinois, do hereby petition you to cause the following question to the electors of said City: “Shall the United City of Yorkville, Kendall County, Illinois, refund a portion of said City’s Refunding Debt Certificates, Series 2006A and its General Obligation Refunding Bonds (Alternate Revenue Source), Series 2007A, and issue Waterworks and Sewerage Revenue Refunding Bonds to the aggregate amount of \$6,500,000 for the purpose of paying the costs thereof”; and we do hereby further request that the City Clerk of said City certify said proposition to the County Clerk of The County of Kendall, Illinois, for submission to said voters at the next election at which said proposition lawfully may be submitted to said voters.

NAME	ADDRESS
_____	_____, Yorkville, Kendall County, Illinois
_____	_____, Yorkville, Kendall County, Illinois
_____	_____, Yorkville, Kendall County, Illinois
_____	_____, Yorkville, Kendall County, Illinois
_____	_____, Yorkville, Kendall County, Illinois
_____	_____, Yorkville, Kendall County, Illinois
_____	_____, Yorkville, Kendall County, Illinois
_____	_____, Yorkville, Kendall County, Illinois
_____	_____, Yorkville, Kendall County, Illinois

The undersigned, being first duly sworn, deposes and certifies that he or she is at least 18 years of age, his or her residence address is _____
(Street Address), _____ (City, Village or Town),
_____ County, _____ (State), that he or she is a citizen of the United States of America, that the signatures on the foregoing petition were signed in his or her presence and are genuine, that to the best of his or her knowledge and belief the persons so signing were at the time of signing said petition registered voters of said City and that their respective residences are correctly stated therein.

Signed and sworn to before me this
__ day of _____, 2016.

Notary Public

My commission expires _____

(NOTARY SEAL)

MINUTES of a regular public meeting of the City Council of the United City of Yorkville, Kendall County, Illinois, held at the City Council Chambers of the City Hall, located at 800 Game Farm Road, in said City, at 7:00 o'clock P.M., on the 28th day of June, 2016.

* * *

The Mayor called the meeting to order and directed the City Clerk to call the roll.

Upon roll call, the following answered present at said location: _____

_____.

The following Aldermen were absent: _____.

The Mayor announced that in order to refund certain debt certificates and bonds of the City, it would be necessary for the City to issue Waterworks and Sewerage Revenue Refunding Bonds and that the City Council would consider the adoption of an ordinance authorizing the issuance of such bonds.

Whereupon Alderman _____ presented and the City Clerk read by title an ordinance as follows, a copy of which was provided to each Alderman prior to said meeting and to everyone in attendance at said meeting who requested a copy:

**NOTICE OF INTENT TO ISSUE REVENUE BONDS
AND RIGHT TO FILE PETITION**

Notice is hereby given that pursuant to Ordinance No. _____, adopted on the 28th day of June, 2016 (the “*Ordinance*”), the United City of Yorkville, Kendall County, Illinois (the “*City*”), intends to issue its Waterworks and Sewerage Revenue Refunding Bonds in an aggregate principal amount not to exceed \$6,500,000 (the “*Waterworks and Sewerage Revenue Refunding Bonds*”) and bearing interest per annum at not to exceed the maximum rate authorized by law at the time of the sale thereof, for the purpose of refunding a portion of the City’s Refunding Debt Certificates, Series 2006A and its General Obligation Refunding Bonds (Alternate Revenue Source), Series 2007A (collectively, the “*Outstanding Obligations*”). A complete copy of the Ordinance follows this notice.

Notice is hereby further given that if a petition signed by 1,131 or more electors of the City (the same being equal to 10% of the registered voters of the City) asking that the question of refunding the Outstanding Obligations, as provided in the Ordinance, and the issuance of the Waterworks and Sewerage Revenue Refunding Bonds therefor, be submitted to the electors of the City is filed with the City Clerk within thirty (30) days after the date of publication of the Ordinance and this notice, an election on the proposition to issue the Waterworks and Sewerage Revenue Refunding Bonds shall be held on the 8th day of November, 2016. The Circuit Court may declare that an emergency referendum should be held prior to either of said election dates pursuant to the provisions of Section 2A-1.4 of the Election Code of the State of Illinois, as amended.

A form of petition for such purpose is available to any individual requesting one from the office of the City Clerk.

By order of the City Council of the United City of Yorkville, Kendall County, Illinois, this 28th day of June, 2016.

/s/ Beth Warren
City Clerk, United City of Yorkville,
Kendall County, Illinois

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

NO PETITION CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the United City of Yorkville, Kendall County, Illinois (the “City”), and as such official I do further certify that pursuant to an Ordinance entitled:

AN ORDINANCE authorizing the issuance of Waterworks and Sewerage Revenue Refunding Bonds of the United City of Yorkville, Kendall County, Illinois, in an aggregate principal amount not to exceed \$6,500,000.

duly adopted by the City Council of the City (the “City Council”) on the 28th day of June, 2016, notice of authorization of the City to issue \$6,500,000 Waterworks and Sewerage Revenue Refunding Bonds Revenue Bonds was published on the ____ day of _____, 2016, in the *Beacon-News*, the same being a newspaper of general circulation in the City, and was not posted electronically on the City’s World Wide Web pages.

I do further certify that no petition has ever been filed in my office as City Clerk or has ever been presented to me as such official requesting that the proposition to issue said bonds be submitted to the voters of the City, but that I provided a petition form regarding the same to every individual requesting one.

IN WITNESS WHEREOF, I hereunto affix my official signature, this ____ day of _____, 2016.

City Clerk

MINUTES of a regular public meeting of the City Council of the United City of Yorkville, Kendall County, Illinois, held in the City Hall, 800 Game Farm Road, Yorkville, Illinois, at 7 o'clock P.M., on the 28th day of June, 2016.

The Mayor called the meeting to order and directed the City Clerk to call the roll.

Upon the roll being called, Gary J. Golinski, the City Mayor, and the following Aldermen were physically present at said location:

_____.

The following Aldermen were allowed by a majority of the Aldermen of the City Council in accordance with and to the extent allowed by rules adopted by the City Council to attend the meeting by video or audio conference: _____

No Alderman was not permitted to attend the meeting by video or audio conference.

The following Aldermen were absent and did not participate in the meeting in any manner or to any extent whatsoever: _____

The Mayor announced that in order to refund all or a portion of the City's outstanding Refunding Debt Certificates, Series 2006A and General Obligation Refunding Bonds (Alternate Revenue Source), Series 2007A, in order to achieve debt service savings, it would be necessary for the City to issue its refunding alternate revenue bonds and that the City Council would consider the adoption of an ordinance authorizing the issuance of such alternate revenue bonds, and directing the publication of a notice setting forth the determination of the City Council to issue such bonds.

Whereupon Alderman _____ presented and the City Clerk read by title an Ordinance as follows, a copy of which was provided to each Alderman prior to said meeting and to everyone in attendance at said meeting who requested a copy:

AN ORDINANCE authorizing the issuance of General Obligation Refunding Bonds (Alternate Revenue Source), Series 2016 of the United City of Yorkville, Kendall County, Illinois in an amount not to exceed \$6,500,000 for the purpose of refunding all or a portion of the City's outstanding Refunding Debt Certificates, Series 2006A and General Obligation Refunding Bonds (Alternate Revenue Source), Series 2007A.

* * * * *

WHEREAS, the United City of Yorkville, Kendall County, Illinois (the "City"), is a duly organized and existing municipality incorporated and existing under the provisions of the laws of the State of Illinois, and is now operating under the provisions of Illinois Municipal Code, as amended (the "*Municipal Code*"), and all laws amendatory thereof and supplementary thereto, including without limitation the Local Government Debt Reform Act of the State of Illinois, as amended (the "*Debt Reform Act*"); and

WHEREAS, the City has heretofore issued and there are now outstanding the Refunding Debt Certificates, Series 2006A dated December 19, 2006 and the General Obligation Refunding Bonds (Alternate Revenue Source), Series 2007A dated March 1, 2007 (collectively, the "*Prior Obligations*"); and

WHEREAS, the Mayor and the City Council of the City have determined that it is advisable, necessary and in the best interests of the public health, safety, welfare and convenience of the City to refund all or a portion of the outstanding Prior Obligations (the "*Refunding*") in order to achieve debt service savings; and

WHEREAS, the estimated cost of the Refunding, including, without limitation, legal, financial, bond discount, bond registrar, paying agent and other related banking fees, printing and publication costs and other expenses, does not exceed \$6,500,000, but the City does not currently have sufficient funds on hand and lawfully available to pay such costs; and

WHEREAS, it is necessary and for the best interests of the City that the Refunding be undertaken, and, in order to finance the cost thereof, it will be necessary for the City to issue its

general obligation alternate revenue bonds (the “*Alternate Bonds*”) in lieu of revenue bonds (upon due authorization of such revenue bonds), which Alternate Bonds shall be in an aggregate amount not to exceed \$6,500,000 and be payable from (i) the revenues of the City’s municipally-owned waterworks and sewerage system, (ii) all collections distributed to the City pursuant to the State Revenue Sharing Act from those taxes imposed by the State of Illinois pursuant to subsections (a) and (c) of Section 201 of the Illinois Income Tax Act, as supplemented and amended from time to time, or substitute taxes thereof as provided by the State of Illinois in the future, and (iii) such other funds of the City as may be necessary and on hand from time to time and lawfully available for such purpose (collectively, the “*Pledged Revenues*”), as authorized to be issued at this time pursuant to the Debt Reform Act; and

WHEREAS, as provided in the Debt Reform Act, if the Pledged Revenues are insufficient to pay the Alternate Bonds, ad valorem property taxes levied upon all taxable property in the City without limitation as to rate or amount are authorized to be extended and collected to pay the principal of and interest on the Alternate Bonds; and

WHEREAS, pursuant to and in accordance with the provisions of Section 15 of the Debt Reform Act, the City is authorized to issue its Alternate Bonds, in lieu of revenue bonds as authorized, in an aggregate principal amount not to exceed \$6,500,000 for the purpose of providing funds to pay the cost of the Refunding; and

WHEREAS, before the Alternate Bonds may be issued for said purpose, the Debt Reform Act requires that the City Council must first adopt an Ordinance authorizing the issuance of the Alternate Bonds for said purpose and directing that notice of such authorization be published as provided by law.

NOW, THEREFORE, Be It and It Is Hereby Ordained by the City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1. **Incorporation of Preambles.** The City Council hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct and does incorporate them into this Ordinance by this reference.

Section 2. **Determination to Issue Bonds.** It is necessary and in the best interests of the public health, safety, welfare and convenience of the City to undertake the Refunding in accordance with the estimate of costs as hereinabove described, and that for such purpose there are hereby authorized to be issued and sold by the City its Alternate Bonds in an aggregate principal amount not to exceed \$6,500,000 (the “*Alternate Bonds*”).

Section 3. **Publication.** This Ordinance, together with a notice in the statutory form as set forth herein in Section 4 (the “*Notice*”), shall be published at least once in the *Beacon-News*, the same being a newspaper of general circulation in the City, and if no petition, signed by not less than 848 registered voters of the City (being the number of registered voters equal to the greater of (a) seven and one-half percent (7.5%) of the registered voters of the City, or (b) the lesser of (i) fifteen percent (15%) of the registered voters of the City, or (ii) 200 registered voters), asking that the issuance of the Alternate Bonds be submitted to referendum, is filed with the City Clerk within thirty (30) days after the date of the publication of this Ordinance and the Notice, then the Alternate Bonds shall be authorized to be issued. If such petition is filed with the City Clerk within thirty (30) days after the date of publication of this Ordinance and the Notice, an election on the proposition to issue the Alternate Bonds shall be held on the 8th day of November, 2016 (being the next election held in accordance with the general election law of the State of Illinois). The City Clerk shall make a petition form available to anyone requesting one.

It is expressly provided that in the event that there shall be filed with the City Clerk, in a timely manner, a petition, as set forth in Ordinance Number _____ (the “*Revenue Bonds Ordinance*”), heretofore adopted on this 28th day of June, 2016 by the City Council and

authorizing the issuance of certain Waterworks and Sewerage Revenue Refunding Bonds to pay the cost of the Refunding, then the Alternate Bonds necessary for the payment of the cost of the Refunding shall not be authorized to be issued until such time as the question of financing the Refunding and the issuance of the aforesaid Waterworks and Sewerage Revenue Refunding Bonds therefor, as set forth in the Revenue Bonds Ordinance, shall have been submitted to the electors of the Village and a majority of the votes cast on such question shall have been in favor thereof.

Section 4. **Form of Notice.** The notice of the intention to issue the Alternate Bonds shall be in substantially the following form:

**NOTICE OF INTENT OF
THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS
TO ISSUE \$6,500,000 ALTERNATE REVENUE BONDS
AND RIGHT TO FILE PETITION**

PUBLIC NOTICE is hereby given that pursuant to an Ordinance (the “*Ordinance*”) adopted on the 28th day of June, 2016 by the City Council (the “*City Council*”) of the United City of Yorkville, Kendall County, Illinois (the “*City*”), the City intends to issue its general obligation alternate revenue bonds in an aggregate amount of not to exceed \$6,500,000 (the “*Alternate Bonds*”) for the purpose of refunding a portion of the City’s Refunding Debt Certificates, Series 2006A and its General Obligation Refunding Bonds (Alternate Revenue Source), Series 2007A (collectively, the “*Outstanding Obligations*”). The revenue sources for the payment of the Alternate Bonds will be (a) the revenues of the City’s municipally-owned waterworks and sewerage system, (b) all collections distributed to the City pursuant to the State Revenue Sharing Act from those taxes imposed by the State of Illinois pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, as supplemented and amended from time to time, or substitute taxes therefor as provided by the State of Illinois in the future, and (c) such other funds of the City as may be necessary and on hand from time to time and lawfully available for such purpose. If these revenue sources are insufficient to pay the Alternate Bonds, the City will also levy ad valorem property taxes upon all taxable property in the City without limitation as to rate or amount to pay the principal of and interest on the Alternate Bonds. This notice is incorporated into the Ordinance.

Notice is hereby further given that a petition may be filed with the City Clerk (the “*City Clerk*”) within thirty (30) days after the date of publication of the Ordinance and this notice, signed by not less than 848 registered voters of the City (being the number of registered voters equal to the greater of (a) seven and one-half percent (7.5%) of the registered voters of the City, or (b) the lesser of (i) fifteen percent (15%) of the registered voters of the City, or (ii) 200 registered voters) asking that the issuance of the Alternate Bonds be submitted to the voters of the City. If such petition is filed with the City Clerk within thirty (30) days after the date of publication of this notice, an election on the proposition to issue the Alternate Bonds shall be held on the 8th day of November, 2016. Forms of petitions for such purposes are available to any individual requesting one from the office of the City Clerk. The Circuit Court may declare that an emergency referendum should be held prior to said election date pursuant to the provisions of Section 2A-1.4 of the Election Code of the State of Illinois, as amended. If no such petition is filed within said thirty (30) day period, then the City shall thereafter be authorized to issue the Alternate Bonds for the purpose hereinabove provided.

By order of the City Council of the United City of Yorkville, Kendall County, Illinois.

DATED this 28th day of June, 2016.

Beth Warren
City Clerk
United City of Yorkville, Kendall County,
Illinois

Note to Publisher: Please be certain that this notice appears over the name of the City Clerk.

Section 5. **Additional Ordinances.** If no petition meeting the requirements of applicable law is filed during the petition period hereinabove referred to, and if the City shall have been authorized to issue its Waterworks and Sewerage Revenue Refunding Bonds as provided in the Municipal Code, then the City Council may adopt additional Ordinances or proceedings supplementing or amending this Ordinance providing for the issuance and sale of the Alternate Bonds and prescribing all the details of the Alternate Bonds, so long as the maximum amount of the Alternate Bonds as set forth in this Ordinance is not exceeded and there is no material change in the Project described herein. Such additional Ordinances or proceedings shall in all instances become effective immediately without publication or posting or any further act or requirement. This Ordinance, together with such additional Ordinances or proceedings, shall constitute complete authority for the issuance of the Alternate Bonds under applicable law.

Section 6. **Severability.** If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

(This space is intentionally blank)

Section 7. **Repealer and Effective Date.** All Ordinances and parts of Ordinances in conflict herewith be and the same are hereby repealed and that this Ordinance be in full force and effect forthwith upon its adoption.

ADOPTED by the City Council on the 28th day of June, 2016, pursuant to a roll call vote as follows:

CARLO COLOSIMO	_____	KEN KOCH	_____
JACQUELYN MILSCHEWSKI	_____	LARRY KOT	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
SEAVAR TARULIS	_____	DIANE TEELING	_____

APPROVED by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, the 28th day of June, 2016.

MAYOR

PASSED by the City Council of the United City of Yorkville, Kendall County, Illinois, the 28th day of June, 2016.

CITY CLERK

Alderman _____ moved and Alderman _____ seconded the motion that said Ordinance as presented and read by title be adopted.

After a full and complete discussion thereof, the Mayor directed the City Clerk to call the roll for a vote upon the motion to adopt said Ordinance.

Upon the roll being called, the following Aldermen voted AYE: _____.

The following Aldermen voted NAY: _____

Whereupon the Mayor declared the motion carried and said Ordinance adopted, and in open meeting approved and signed said Ordinance and directed the City Clerk to record the same in full in the records of the City Council of the United City of Yorkville, Kendall County, Illinois, which was done.

Other business not pertinent to the adoption of said Ordinance was duly transacted at said meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

CERTIFICATION OF MINUTES AND ORDINANCE

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the United City of Yorkville, Kendall County, Illinois (the “City”), and that as such official I am the keeper of the records and files of the City and of the City Council thereof (the “City Council”).

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of the City Council held on the 28th day of June, 2016, insofar as same relates to the adoption of Ordinance No. _____ entitled:

AN ORDINANCE authorizing the issuance of General Obligation Refunding Bonds (Alternate Revenue Source), Series 2016 of the United City of Yorkville, Kendall County, Illinois in an amount not to exceed \$6,500,000 for the purpose of refunding all or a portion of the City’s outstanding Refunding Debt Certificates, Series 2006A and General Obligation Refunding Bonds (Alternate Revenue Source), Series 2007A.

a true, correct and complete copy of which said Ordinance as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the City Council on the adoption of said Ordinance were conducted openly, that the vote on the adoption of said Ordinance was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the City Council at least 96 hours in advance of the holding of said meeting and on a day that was not a Saturday, Sunday or legal holiday in the State of Illinois, that a true, correct and complete copy of said agenda as so posted is attached hereto as *Exhibit A*, that said meeting was called and held in strict compliance with the provisions of the Public Code of the State of Illinois, as amended, the Open Meetings Act of the State of Illinois, as amended, and the Local Government Debt Reform Act of the State of Illinois, as amended, and that the City Council has complied with all of the provisions of said Acts and with all of the procedural rules of the City Council in the conduct of said meeting and in the adoption of said Ordinance.

IN WITNESS WHEREOF, I hereunto affix my official signature, this 28th day of June, 2016.

(SEAL)

City Clerk, United City of Yorkville, Kendall
County, Illinois

[Attach Agenda as Exhibit A]

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

PETITION – ALTERNATE REVENUE REFUNDING BONDS

We, the undersigned, do hereby certify that we are registered voters of United City of Yorkville, Kendall County, Illinois, and as such voters, we do hereby petition you to cause that the following question be submitted to the voters of said City: “Shall the City Council of United City of Yorkville, Kendall County, Illinois, be authorized to issue not to exceed \$6,500,000 general obligation alternate revenue bonds to refund all or a portion of the City’s Refunding Debt Certificates, Series 2006A and the City’s General Obligation Refunding Bonds (Alternate Revenue Source), Series 2007A, as provided for by the Ordinance adopted by the City Council of said City on the 28th day of June, 2016, with the revenue sources to be used to pay the principal of and interest on said bonds to be (a) the revenues of the City’s municipally-owned waterworks and sewerage system, (b) all collections distributed to the City pursuant to the State Revenue Sharing Act from those taxes imposed by the State of Illinois pursuant to subsections (a) and (b) of Section 201 of the Illinois Income Tax Act, as supplemented and amended from time to time, or substitute taxes therefor as provided by the State of Illinois in the future, and (c) such other funds of the City as may be necessary and on hand from time to time and lawfully available for such purpose, unless said revenue sources are insufficient to pay said bonds, in which case ad valorem property taxes levied upon all taxable property in said City without limitation as to rate or amount are authorized to be extended for such purpose?”; and we do hereby further request that the City Clerk certify said proposition to the County Clerk of The County of Kendall, Illinois, for submission to said City voters at the election to be held on the 8th day of November, 2016:

SIGNATURE	STREET ADDRESS OR RURAL ROUTE NUMBER	CITY, CITY OR TOWN	COUNTY
_____	_____	Yorkville, Kendall County, Illinois	
_____	_____	Yorkville, Kendall County, Illinois	
_____	_____	Yorkville, Kendall County, Illinois	
_____	_____	Yorkville, Kendall County, Illinois	
_____	_____	Yorkville, Kendall County, Illinois	
_____	_____	Yorkville, Kendall County, Illinois	
_____	_____	Yorkville, Kendall County, Illinois	
_____	_____	Yorkville, Kendall County, Illinois	
_____	_____	Yorkville, Kendall County, Illinois	
_____	_____	Yorkville, Kendall County, Illinois	
_____	_____	Yorkville, Kendall County, Illinois	
_____	_____	Yorkville, Kendall County, Illinois	

The undersigned, being first duly sworn, deposes and certifies that he or she is at least 18 years of age, his or her residence address is _____
(Street Address), _____ (City, City or Town), _____
County, _____ (State), that he or she is a citizen of the United States of America, that the signatures on the foregoing petition were signed in his or her presence and are genuine, that to the best of his or her knowledge and belief the persons so signing were at the time of signing said petition registered voters of said City and that their respective residences are correctly stated therein.

Signed and sworn to before me this _____
_____ day of _____, 2016.

Illinois Notary Public

My commission expires _____

(NOTARY SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

NO PETITION CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the United City of Yorkville, Kendall County, Illinois (the “City”), and as such official I do further certify that pursuant to an Ordinance entitled:

AN ORDINANCE authorizing the issuance of General Obligation Refunding Bonds (Alternate Revenue Source), Series 2016 of the United City of Yorkville, Kendall County, Illinois in an amount not to exceed \$6,500,000 for the purpose of refunding all or a portion of the City’s outstanding Refunding Debt Certificates, Series 2006A and General Obligation Refunding Bonds (Alternate Revenue Source), Series 2007A.

duly adopted by the City Council of the City (the “City Council”) on the 28th day of June, 2016, notice of authorization of the City to issue \$6,500,000 Alternate Revenue Bonds was published on the ____ day of _____, 2016, in the *Beacon-News*, the same being a newspaper of general circulation in the City, and was not posted electronically on the City’s World Wide Web pages.

I do further certify that no petition has ever been filed in my office as City Clerk or has ever been presented to me as such official requesting that the proposition to issue said bonds be submitted to the voters of the City, but that I provided a petition form regarding the same to every individual requesting one.

IN WITNESS WHEREOF, I hereunto affix my official signature, this ____ day of _____, 2016.

City Clerk

ORDINANCE calling a public hearing concerning the intent of the City Council of the United City of Yorkville, Kendall County, Illinois, to sell not to exceed \$6,500,000 General Obligation Alternate Revenue Bonds.

* * *

WHEREAS, the United City of Yorkville, Kendall County, Illinois (the “City”), is a duly organized and existing municipality incorporated and existing under the provisions of the laws of the State of Illinois, and is now operating under the provisions of Illinois Municipal Code, as amended (the “Code”), and all laws amendatory thereof and supplementary thereto, including the Local Government Debt Reform Act of the State of Illinois, as amended (the “Debt Reform Act”); and

WHEREAS, the City Council of the City (the “City Council”) intends to sell bonds in the amount of not to exceed \$6,500,000 (the “Bonds”) for the purpose of providing funds to refund all or a portion of the City’s outstanding Refunding Debt Certificates, Series 2006A and General Obligation Refunding Bonds (Alternate Revenue Source), Series 2007A; and

WHEREAS, the Bond Issue Notification Act of the State of Illinois, as amended, requires the City Council to hold a public hearing concerning the City Council’s intent to sell the Bonds before adopting an ordinance providing for the sale of the Bonds:

NOW, THEREFORE, Be It and It Is Hereby Ordained by the City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

1. **Incorporation of Preambles.** The City Council hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct and does incorporate them into this Ordinance by reference.

2. **Public Hearing.** The City Council hereby calls a public hearing to be held at 7:00 o’clock P.M. on the 26th day of July, 2016, in the City Hall, 800 Game Farm Road, Yorkville,

Illinois, concerning the City Council's intent to sell the Bonds and to receive public comments regarding the proposal to sell the Bonds (the "*Hearing*").

3. **Notice**. The City Clerk (the "*City Clerk*") shall (i) publish notice of the Hearing at least once in the *Beacon-News*, the same being a newspaper of general circulation in the City, not less than seven (7) nor more than thirty (30) days before the date of the Hearing and (ii) post at least 48 hours before the Hearing a copy of said notice at the principal office of the City Council.

4. **Form of Notice**. Notice of the Hearing shall appear above the name of the City Clerk and shall be in substantially the following form:

**NOTICE OF PUBLIC HEARING CONCERNING THE INTENT OF
THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS TO SELL
NOT TO EXCEED \$6,500,000,000 GENERAL OBLIGATION
ALTERNATE REVENUE BONDS**

PUBLIC NOTICE IS HEREBY GIVEN that the United City of Yorkville, Kendall County, Illinois (the “City”), will hold a public hearing on the 26th day of July, 2016, at 7:00 o’clock P.M. The hearing will be held in the City Hall, 800 Game Farm Road, Yorkville, Illinois. The purpose of the hearing will be to receive public comments on the proposal to sell general obligation alternate revenue bonds of the City in the amount of not to exceed \$6,500,000 for the purpose of providing funds to refund all or a portion of the City’s outstanding Refunding Debt Certificates, Series 2006A and General Obligation Refunding Bonds (Alternate Revenue Source), Series 2007A.

By order of the City Council of the United City of Yorkville, Kendall County, Illinois.

DATED the 28th day of June, 2016.

Beth Warren
City Clerk
United City of Yorkville, Kendall County,
Illinois

Note to Publisher: Please be certain that this notice appears above the name of the City Clerk.

5. **Hearing Requirements.** At the Hearing, the City Council shall explain the reasons for the proposed bond issue and permit persons desiring to be heard an opportunity to present written or oral testimony within reasonable time limits. The City Council shall not adopt an ordinance selling the Bonds for a period of seven (7) days after the final adjournment of the Hearing.

6. **Severability.** If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

(This space is intentionally blank)

7. **Repeal.** All Ordinances and parts thereof in conflict herewith be and the same are hereby repealed, and this Ordinance shall be in full force and effect forthwith upon its adoption.

ADOPTED by the City Council on the 28th day of June, 2016, pursuant to a roll call vote as follows:

CARLO COLOSIMO	_____	KEN KOCH	_____
JACQUELYN MILSCHEWSKI	_____	LARRY KOT	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
SEAVER TARULIS	_____	DIANE TEELING	_____

APPROVED by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, the 28th day of June, 2016.

MAYOR

PASSED by the City Council of the United City of Yorkville, Kendall County, Illinois, the 28th day of June, 2016.

CITY CLERK

United City of Yorkville, Kendall County, Illinois

Series 2016 Refunds 2007A ARS and 2006A DC

Planning

Refunds All Callable 2017-2022

Exhibit D

Debt Service Comparison

Date	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings
12/30/2016	-	484,518.75	480,789.98	484,518.75	3,728.77
12/30/2017	673,495.63	-	673,495.63	747,331.26	73,835.63
12/30/2018	674,725.00	-	674,725.00	747,693.76	72,968.76
12/30/2019	1,672,185.00	-	1,672,185.00	1,747,256.26	75,071.26
12/30/2020	1,618,410.00	-	1,618,410.00	1,697,656.26	79,246.26
12/30/2021	1,123,530.00	-	1,123,530.00	1,202,418.76	78,888.76
12/30/2022	969,000.00	-	969,000.00	1,045,518.76	76,518.76
Total	\$6,731,345.63	\$484,518.75	\$7,212,135.61	\$7,672,393.81	\$460,258.20

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	553,003.41
Net PV Cashflow Savings @ 2.191%(AIC)	553,003.41
Transfers from Prior Issue Debt Service Fund	(128,665.63)
Contingency or Rounding Amount	3,728.77
Net Present Value Benefit	\$428,066.55
Net PV Benefit / \$6,195,000 Refunded Principal	6.910%
Net PV Benefit / \$6,315,000 Refunding Principal	6.779%

Refunding Bond Information

Refunding Dated Date	11/15/2016
Refunding Delivery Date	11/15/2016

United City of Yorkville, Kendall County, Illinois**Exhibit E**

Series 2016 Refunds 2007A ARS and 2006A DC

Planning

Refunds All Callable 2017-2022

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
12/30/2016	-	-	-	-
12/30/2017	560,000.00	1.100%	113,495.63	673,495.63
12/30/2018	580,000.00	1.300%	94,725.00	674,725.00
12/30/2019	1,585,000.00	1.500%	87,185.00	1,672,185.00
12/30/2020	1,555,000.00	1.600%	63,410.00	1,618,410.00
12/30/2021	1,085,000.00	1.800%	38,530.00	1,123,530.00
12/30/2022	950,000.00	2.000%	19,000.00	969,000.00
Total	\$6,315,000.00	-	\$416,345.63	\$6,731,345.63

Yield Statistics

Bond Year Dollars	\$24,609.38
Average Life	3.897 Years
Average Coupon	1.6918172%
Net Interest Cost (NIC)	1.8842743%
True Interest Cost (TIC)	1.8903197%
Bond Yield for Arbitrage Purposes	1.6890955%
All Inclusive Cost (AIC)	2.1913445%

IRS Form 8038

Net Interest Cost	1.6918172%
Weighted Average Maturity	3.897 Years



Reviewed By:	
Legal	☒
Finance	☐
Engineer	☐
City Administrator	☒
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Mayor #2

Tracking Number

CC 2016-41

Agenda Item Summary Memo

Title: Ordinance for sale of a portion of Bristol Bay 65 park

Meeting and Date: City Council – June 28, 2016

Synopsis: See attached memo.

Council Action Previously Taken:

Date of Action: N / A Action Taken: _____

Item Number: _____

Type of Vote Required: ¾ of corporate authorities (7 out of 9)

Council Action Requested: Approval

Submitted by: Bart Olson Administration
Name Department

Agenda Item Notes:

Have a question or comment about this agenda item?

Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/gov_officials.php



Memorandum

To: City Council
From: Bart Olson, City Administrator
CC:
Date: June 22, 2016
Subject:

Summary

Consideration of an ordinance directing the sale of a portion of Bristol Bay 65.

Background

This item was last discussed by City Council at the June 14 City Council meeting. At that meeting, the City Council reviewed the proposal from Elevation Investments, LLC for purchase of the 15 acres of Bristol Bay 65 park. The full proposal is attached to this memo. The general terms of the proposal are as follows:

- 1) Purchase price of \$250,000
- 2) \$25,000 escrow payment due after approval of ordinance.
- 3) Closing before July 31
- 4) Use of the Bristol Bay Regional Park detention basin by the buyer for the future development
- 5) Commitment to build a 75,000 square foot steel framed structure for use as a multi-use sports facility.
- 6) Commitment to give the City a 20% discount on the fair market value of the rental of the facility for the first three years of operation.

Park Board reviewed the proposal at their June 16th meeting. They recommended that the City accept the Elevations Investments proposal, and gave some feedback on their wish for how the funds would be used. A memo is attached from Director Evans that outlines the Park Board discussion.

The ordinance directing the sale of a portion of the Bristol Bay 65 regional park is attached, along with a purchase agreement that mimics the terms of the Elevations Investments proposal. If the City Council approves the agreement at the June 28th meeting, we would work to conduct a property closing in mid-to-late July.

Staff has sought approval of the development proposal from the Bristol Bay developer. In past conversations, the developer has had positive feedback on the proposed development. The Bristol Bay

annexation agreement contemplates sign-off by the developer, so we will work with the developer to receive that sign-off before closing.

Recommendation

The City recommends approval of the attached ordinance directing the sale of a portion of Bristol Bay 65 regional park. This ordinance requires a $\frac{3}{4}$ vote of the corporate authorities (7 out of 9).

No specific recommendation is given for use of the funds, other than the general outline given by Director Evans and the Park Board. The decision to use the funds on a specific project or property can be made at any point in the future as part of a normal budget discussion.

Memorandum



To: Yorkville City Council
From: Tim Evans, Director of Parks and Recreation
CC: Bart Olson, City Administrator
Date: June 20, 2016
Subject: Review of the Bristol Bay 65 Development Request for Proposal Submittals

Summary

Review of the Bristol Bay 65 Development Request for Proposal Submittal.

Background

As discussed at the March and April 2016 Park Board meetings, staff was recently presented with a proposal to develop a community center on the southern fifteen (15) acres of the Bristol Bay 65 park. The community center would provide educational classes, social clubs and adoptive teams sport activities for children and adults with disabilities. Since the proposal asks the City to sell land, a Request for Proposal was offered to anyone who would like to submit a proposal for the Park Board and City Council to review.

Proposals were accepted until 4:00 p.m. on Tuesday, June 14, 2016. One (1) proposal was submitted and opened at the June 14, 2016 City Council Meeting.

Recommendation

At their June meeting, the Park Board reviewed and discussed the submitted proposal. The Board was in favor of the proposal and has requested consideration that the funds from the land sale to be used in the following ways:

- 1) Purchase and/or add programming space for the recreation department.
- 2) Purchase new playground equipment for a current park.
- 3) Purchase land for a future park.

Request For Proposal to the United City of Yorkville

From : Jason and Justine Brummel D.B.A. Elevation Investments LLC

Purpose: To acquire fee simple title to approximately 15 +or- acres of land located on Galena Road in Section 9 of Bristol Township, Kendall County, T.37N.-R.7E. The purpose of this land acquisition is to construct a 250 X 300 ft. steel framed structure (fabric covered) building for use as a multi-use sports facility. There will be room to expand this building if and when the need arises. This structure will be available to the public as well as to private organizations.

Terms and conditions:

1. The United City of Yorkville will grant fee simple title to Elevation Investments LLC for the purpose of developing the land and building a year round training facility.
2. Elevation Investments LLC will enter into a non-contingent purchase contract with the City of Yorkville within 5 business days after approval of the RFP proposal.
3. The purchase price will be \$250,000.00.
4. 10% of the purchase price (\$25,000.00) will be paid as escrow money within 24 hours of contract acceptance.
5. The City of Yorkville will provide a title policy in the amount of the purchase price.
6. The City of Yorkville shall provide to Buyer an ALTA survey prior to closing.
7. City shall file any necessary application for Governmental exemption for the 2016 (payable 2017) tax year that the City retains ownership of the subject property. The United City of Yorkville shall be responsible for any real estate taxes levied from January 1, 2016 up and through the date of closing.
8. Possession will be given to Elevation Investments LLC on or before July 31, 2016.
9. The City of Yorkville will not be responsible for any real estate commission.
10. The City of Yorkville will provide full access to utilities with no recapture costs.
11. The property conveyed will include access to the city's drainage ditch to the east of the property.
12. Elevation Investments LLC will work with the county highway department to secure the proper entrance and possible deceleration lanes on Galena road.
13. The United City of Yorkville shall grant Elevation Investments LLC both onsite and offsite drainage and utility easements.
14. Elevation Investments LLC will retain the services of David Schultz of HR Green to ensure the project is properly engineered to the City of Yorkville's standards.

Benefits to the Community:

1. Elevation Investments LLC plans to build a facility that will create a new opportunity to members of the community, Yorkville Parks and Recreation Department, Yorkville School District and private organizations. This year round facility will provide turf space, a running track and performance training programs.
2. Over time, this facility will bring 10 to 25 jobs to Yorkville. There will be a full time staff and many part time positions.
3. This land does not currently generate any tax dollars and building this facility will infuse the community with new real estate tax dollars.
4. The facility plans to create adaptive sport programs and provide access to persons of all different ability levels, a much needed service for our community.
5. Elevation Investments LLC is willing to coordinate with the United City of Yorkville to construct an outdoor perimeter running path, complementing both properties.
6. Elevation Investments LLC plans to access Galena Road for its entrance. They also plan to accommodate their users with sufficient parking on site to alleviate traffic concerns of Bristol Bay residents.
7. Elevation Investments LLC plans to construct a parking lot on the north side of the purchased property to help alleviate parking concerns when the United City of Yorkville builds out their remaining open space.
8. Elevation Investments LLC proposes to offer the Yorkville Parks and Recreation Department a 20% discount off published rental prices for the first three years of operation. This could be used for indoor programs or special events.
9. This facility will be open to the public for its programs and activities. Scheduled times are planned for open gym, turf and track access.



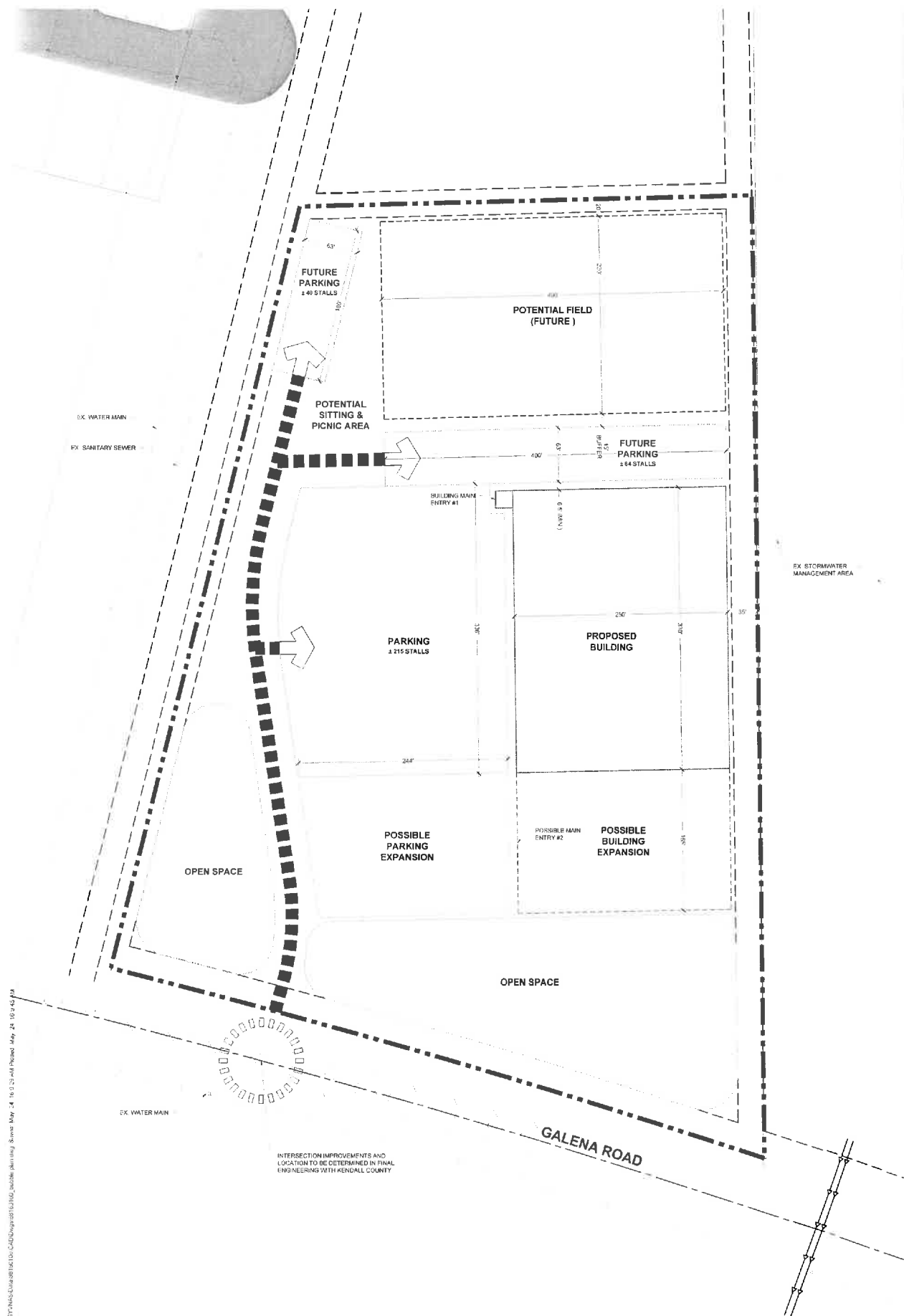
Justine Brummel, Member

Elevation Investments LLC

12565 Fox Rd, Yorkville, IL 60560

6-6-16

Date



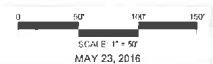
\\PFS3\NAS\Drawings\Bristol Bay\Bristol Bay 65 - +/-15 AC KBL Center.dwg, Saved: May 24, 10:10 AM, Plotted: May 24, 10:10 AM

CONCEPT BUBBLE PLAN



BRISTOL BAY 65 - +/-15 AC. KBL CENTER

UNITED CITY OF YORKVILLE, ILLINOIS



MAY 23, 2016

**AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY,
ILLINOIS, APPROVING THE BRISTOL BAY PARK PURCHASE AND SALE
AGREEMENT**

WHEREAS, the United City of Yorkville, Kendall County, Illinois (the “City”) is a duly organized and validly existing non-home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, the City owns certain real estate commonly known as Bristol Bay Park consisting of sixty-five (65) acres in total, fifty (50) acres of which are used in part for soccer fields, in part for a baseball field and a portion of which remains to be developed as a park; and,

WHEREAS, the balance of the approximately fifteen (15) acres is zoned as OS-2 Open Space (Recreational), is identified as parcel number 02-04-200-015 (the “*Recreational Parcel*”) and remains to be developed on the condition that such development compliments the existing uses as soccer fields, a baseball field and the proposed park and is developed solely for recreational purposes; and,

WHEREAS, by Ordinance No. 2016-32 and in accordance with Section 11-76-2 of the Illinois Municipal Code (65 ILCS 5/1-14-1 *et seq.*) the City found it to be in the best interests of its residents to sell the Recreational Parcel and thereafter published notice for three (3) consecutive weeks in the *Kendall County Record* requesting proposals for the sale of the Recreational Parcel; and,

WHEREAS, Elevation Investments, LLC, an Illinois Limited Liability Corporation (the “*Purchaser*”) has submitted a proposal to the City to purchase the Recreational Parcel for \$250,000.00; and,

WHEREAS, the Mayor and City Council of the City have determined it to be in the best interest of the City to accept the proposal and authorize the conveyance of the Recreational Parcel to Elevation Investments, LLC pursuant to the terms and conditions set forth in the “*Real Estate Purchase and Sale Agreement*” which is attached hereto as Exhibit A and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1. Each of the recitals above is incorporated by reference in this Section 1.

Section 2. The proposal made by Elevation Investments, LLC to purchase the Recreational Parcel is hereby accepted and the REAL ESTATE PURCHASE AND SALE AGREEMENT, attached hereto as Exhibit A, for the sale of the Recreational Parcel is hereby approved.

Section 3. The Mayor and City Clerk are hereby authorized and directed to execute and deliver said Real Estate Purchase and Sale Agreement and the Mayor, City Clerk, and Administrator are hereby authorized to undertake any and all actions as may be required to implement the terms thereof.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois, this ____ day of _____, A.D. 2016.

CARLO COLOSIMO _____
JACKIE MILSCHEWSKI _____
CHRIS FUNKHOUSER _____
DIANE TEELING _____

KEN KOCH _____
LARRY KOT _____
JOEL FRIEDERS _____
SEAVER TARULIS _____

APPROVED by me, as Mayor of the United City of Yorkville, Kendall County, Illinois,
this _____ day of _____, A.D. 2016.

Mayor

Attest:

City Clerk

REAL ESTATE PURCHASE AND SALE AGREEMENT

This **AGREEMENT** ("Agreement") is made this ____ day of June, 2016 between **THE UNITED CITY OF YORKVILLE, a municipal corporation** ("City"), and **ELEVATION INVESTMENTS, LLC, an Illinois Limited Liability Company** ("Purchaser").

RECITALS

WHEREAS, City owns certain real estate commonly known as Bristol Bay Park consisting of sixty-five (65) acres in total, fifty (50) acres of which are used in part for soccer fields, in part for a baseball field and park area; and

WHEREAS, the balance of the approximately fifteen (15) acres is zoned as OS-2 Open Space (Recreational), is identified as parcel number 02-04-200-015 and may be developed on the condition that such development is open to the public, compliments the existing uses as soccer fields, a baseball field and park area and is developed solely for recreational purposes; and

WHEREAS, the City advertised and requested bids for the sale of the real estate (PIN 02-04-200-015) depicted and legally described on the attached Exhibit A (the "Land") and as a result the Purchaser presents an offer and plan for development; and

WHEREAS, City desires to sell, and Purchaser desires to buy, the Real Estate hereafter described, at the price and on the terms and conditions hereinafter set forth.

WITNESSETH

NOW, THEREFORE, in consideration of mutual covenants hereafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are mutually acknowledged by City and Purchaser it is agreed by and between the parties as follows:

1. **Real Estate.** City shall transfer, assign, sell, and convey or cause to be transferred, assigned, sold, and conveyed to Purchaser all of City's interest of the Land and all other improvements on the Land (collectively, the "Improvements") together with all of City's rights, titles, and interests, if any, in and to all easements, party walls, rights of way, privileges, appurtenances, and rights to the same, belonging to or inuring to the benefit of the Land.

The Land, the Improvements, and other real property interests to be conveyed as aforesaid are collectively referred to herein as the "Real Estate." The conveyance of the Real Estate shall be by a recordable special warranty deed with release of homestead rights, if any, subject only to Permitted Exceptions as defined in Paragraph 3.C.

2. **Purchase Price; Earnest Money.**

A. The purchase price to be paid by Purchaser to City at Closing for the Real Estate ("the Purchase Price") shall be \$250,000, less any and all prorations and adjustments, if any (as defined and described in Paragraph 7 of this Agreement).

B. Within 24 hours of the execution of this Agreement, Purchaser will deliver to the Escrow Agent (as hereinafter defined) the sum of \$25,000, ("the Earnest Money"). The Escrow Agent shall hold and retain the Earnest Money, in trust, and shall disburse the same in accordance with the terms and conditions contained in this Agreement. If the Real Estate is sold to Purchaser pursuant to this Agreement, then the Earnest Money shall be paid to the City at Closing (as hereinafter defined) and applied against the payment of the Purchase Price. If this Agreement is terminated, the Earnest Money shall be disbursed to City or Purchaser, as applicable, in accordance with the terms hereof.

3. **Title Insurance; Permitted Exceptions; Survey.**

A. Not later than ten (10) days after execution of this Agreement, City shall deliver or cause to be delivered to Purchaser, at City's expense, a commitment ("the Commitment") by Chicago Title (the "Title Insurer" or the "Escrow Agent") to issue a current form ALTA owner's title insurance policy (the "Owner's Title Policy"), in the amount of the Purchase Price, covering title to the Real Estate, subject to the Permitted Exceptions.

B. Not later than ten (10) days after execution of this Agreement, City, at its own expense, shall furnish Purchaser with an ALTA survey of the Real Estate, dated after the date of this Agreement, made by an Illinois licensed surveyor, in accordance with ALTA/ACSM land title survey requirements and sufficient to allow the Title Insurer to provide "extended coverage" ("Survey"). Such Survey shall be certified to the Title Insurer, Purchaser, and Purchaser's lender. The Survey shall indicate the total square footage of the Land, location of any improvements upon the Land, and all easements, building lines, set-back requirements and rights-of-way, recorded or visible.

C. The following matters shall be permitted exceptions to title insurance coverage ("Permitted Exceptions"):

- 1) general exceptions set out in the Commitment;
- 2) any other matter (including encroachments and liens and encumbrances of a definite and ascertainable amount) over which the Title Insurer will issue an endorsement or against which Purchaser will be indemnified by the Title Insurer, provided that the same is acceptable to Purchaser;
- 3) all reservations, exceptions, covenants, conditions, restrictions, agreements, easements, setback lines and other matters of record which are disclosed in the Title Commitment and to which Purchaser has not objected;
- 4) zoning regulations and other governmental laws, rules, regulations, codes, orders and directives affecting the Real Estate;
- 5) unrecorded easements, discrepancies, boundary line disputes, overlaps, shortages in area, encroachments and other matters which are disclosed by City to Purchaser and to which Purchaser has not objected;
- 6) matters arising as a result of the acts or omissions of Purchaser or any of its Affiliates, agents, employees, contractors or representatives.

D. If the Commitment discloses exceptions (including disclosure that City is not in title to the Real Estate), if the legal description on the Survey does not match that on the Commitment, or if the Survey discloses encroachments, boundary line disputes, or other matters which do or may render title to the Real Estate unmarketable (herein referred to as "survey defects"), Purchaser shall have 10 days from the date of delivery thereof to provide City with a written notice (the "Purchaser's Objections Notice") of any matters on the Commitment or the Survey to which Purchaser objects (the "Purchaser's Objections"). If Purchaser fails to deliver Purchaser's Objections Notice within such 10-day period, Purchaser shall be deemed to have waived any objections to and accepted the Commitment and the Survey. Within seven (7) days after City's receipt of the Purchaser's Objections Notice (the "City Objection Response Period"), City shall provide written notice to Purchaser as to whether City will cure any of the Purchaser's Objections or refuse to cure the Purchaser's Objections (the "City's Response Notice"). In no event shall City be obligated to cure any of the Purchaser's Objections. If City fails to deliver the City's Response Notice within the City Objection Response Period, City shall be deemed to have elected not to cure the Purchaser's Objections. In the event City elects, or is deemed to have elected, not to cure any of Purchaser's Objections, then Purchaser shall have the right, by written notice delivered to City within seven (7) days after the expiration of the City's Objection Response Period (the "Purchaser's Election Notice"), to either (i) waive the Purchaser's Objections which City shall not cure and proceed to Closing, in which event each of such Purchaser's Objections shall be deemed a Permitted Exception, or (ii) terminate this Agreement, in which event the Earnest Money shall be refunded to Purchaser and the parties shall have no further rights or objections hereunder. In the event Purchaser fails to deliver the Purchaser's Election Notice to City within seven (7) days after the expiration of the City's Objection Response Period, then Purchaser shall be deemed to have elected to waive the Purchaser's Objections and proceed to Closing. All of Purchaser's Objections that are waived, or deemed to be waived by Purchaser shall become Permitted Exceptions. In the event City elects to cure any of Purchaser's Objections, City shall complete the cure of such Purchaser's Objections on or before the Closing Date.

E. At the Closing, City shall deliver to Purchaser evidence that Purchaser will receive from the Title Insurer, at City's expense, a current form ALTA owner's title insurance policy insuring the fee simple interest of Purchaser in the Real Estate in the amount of the Purchase Price.

4. **Escrow Closing.** The Closing on this transaction shall be on or before July 31, 2016, or as agreed to by the attorneys for City and Purchaser; or at such earlier, or later date, as agreed upon in writing by the Purchaser and City, or by their attorneys (the "Closing Date"), provided all conditions hereof have been fulfilled, and this Agreement has not been terminated pursuant to City's default, or by Purchaser pursuant to the provisions hereof.

A. **Closing.** Unless agreed to by the attorneys, this transaction shall be closed through an Escrow with the Title Insurer, in accordance with the general provisions of the usual form of deed and money escrow agreement then in use by the Title Insurer, with such special provisions inserted in the Escrow Agreement as may be required to conform with this Agreement. On the creation of such escrow, anything herein to the contrary notwithstanding, payment of the Purchase Price and delivery of Deed shall be made through the

Escrow and this Agreement and the Earnest Money shall be deposited in the Escrow. The cost of the Escrow shall be divided by Purchaser and by City.

- B. Possession. City shall deliver possession of the Real Estate to Purchaser as of the Closing Date, provided there is no delay in the disbursement of closing proceeds. In the event that there is a delay in the disbursement of closing proceeds, City shall deliver possession of the Real Estate to Purchaser at such time as the closing proceeds are disbursed to City.

5. **Broker's Commission.**

A. Purchaser represents that Purchaser has not contacted any broker and has not engaged a real estate broker in the connection with the execution of this Agreement, or in connection with the acquisition of the Real Estate. Purchaser represents that, as a consequence of Purchaser's execution of this Agreement, and as a consequence of the intended Purchase, no broker shall be entitled to a commission at the Closing, or otherwise, as a consequence of Purchaser's actions.

B. City represents that City has not contacted any broker and has not engaged a real estate broker in the connection with the execution of this Agreement, or in connection with the sale of the Real Estate. City represents that, as a consequence of City's execution of this Agreement, and as a consequence of the intended sale, no broker shall be entitled to a commission at the Closing, or otherwise, as a consequence of City's actions.

6. **Representations, Warranties and Covenants of City.** City hereby makes the following representations, warranties and covenants to and with Purchaser, each of which representations, warranties and covenants are material and true as of the date hereof and which shall continue to be true at the Closing and shall where applicable survive the Closing:

- A. There is not pending or, to the best of City's knowledge any threatened, litigation or proceedings before any court, tribunal or other governmental agency respecting the Real Estate, or the ownership of the Real Estate by City. City will advise Purchaser of any notice or summons or complaint City receives of the commencement of any litigation or like proceeding respecting the Real Estate or City's ownership of the Real Estate.
- B. City's execution of and performance under this Agreement is pursuant to authority validly and duly conferred upon City. City has the right and authority to perform all of its obligations hereunder without obtaining any further consents from any partners, creditors, investors, judicial bodies, administrative agencies, governmental authorities or others. City is not a "foreign person" within the meaning of Section 1445 of the Internal Revenue Code of 1986, as amended.
- C. There are no leases affecting any portion of the Real Estate and there exists no contracts, verbal or written, including without limitation, service contracts or maintenance contracts, affecting the Real Estate, which will survive the Closing.

- D. City shall file any necessary application for exemption from Property Taxes for which City is entitled by way of its ownership of the Real Estate for a portion of the year 2016. Said obligation shall survive Closing.

7. **Representations, Warranties and Covenants of Purchaser.** Purchaser hereby makes the following representations, warranties and covenants to and with City, each of which representations, warranties and covenants are material and true as of the date hereof and which shall continue to be true at the Closing and shall where applicable survive the Closing:

A. (i) Purchaser is a limited liability company, duly organized, validly existing and in good standing under the laws of the state of its formation, (ii) to the extent required by law, Purchaser is, or will be by Closing, duly qualified to do business in the state where the Real Estate is located, (iii) Purchaser has all power and authority necessary for it to execute and deliver this Agreement and perform its obligations hereunder, and (iv) the execution, delivery and performance of this Agreement by Purchaser does not conflict with or constitute a breach of any contract, agreement or other instrument by which Purchaser is bound.

B. (i) the execution and delivery of this Agreement by Purchaser and Purchaser's performance of its obligations under this Agreement does not conflict with or result in a breach of any order, judgment, writ, injunction or decree of any court, arbiter or governmental instrumentality in any action to which Purchaser is a party as of the Effective Date, (ii) the individual executing this Agreement on behalf of Purchaser has the authorization and direction of Purchaser to so execute and deliver this Agreement and bind Purchaser to the provisions thereof and covenants and agreements contained herein, and (iii) this Agreement and any documents executed by Purchaser pursuant to this Agreement are binding and enforceable against Purchaser.

C. Purchaser is not a party to any pending lawsuits or governmental proceedings that could have a material adverse effect on Purchaser's ability to perform its obligations under this Agreement.

D. Purchaser has not (i) filed any voluntary petition in bankruptcy or sought to reorganize its affairs under the Bankruptcy Code of the United States or any other federal, state or local law related to bankruptcy, insolvency or relief for debtors, (ii) been adjudicated as bankrupt or insolvent, or (iii) had an involuntary petition filed against it under the Bankruptcy Code of the United States or any other federal, state or local law related to bankruptcy, insolvency or relief for debtors.

8. **Conditions to Purchaser's Obligation to Close.** Purchaser shall not be obligated to proceed with the Closing unless and until each of the following conditions has been either fulfilled or waived by Purchaser:

- A. There shall have been no uncured breach of any material representation, warranty or covenant given by City herein which was untrue as of the date hereof or as of Closing. City shall have a period of fifteen (15) days to cure a breach under this subparagraph (a), such cure period to commence upon the date of City's receipt of written notice from Purchaser that such breach exists.

- B. This Agreement shall not have been previously terminated pursuant to any other provision hereof or by reason of any default by City.
- C. City shall be prepared to deliver to Purchaser all instruments and documents to be delivered to the Title Insurer and Purchaser, at the Closing, pursuant to Paragraph 11 or any other provision of this Agreement.
- D. There shall not exist any environmental contamination of the Real Estate or other environmental condition of the Real Estate unacceptable to Purchaser whereby Purchaser has terminated this Agreement.
- E. City shall have agreed to and executed the Land Use Agreement attached hereto as Exhibit B and incorporated herein by this reference.

9. **Conditions to City's Obligation to Close.** City shall not be obligated to proceed with the Closing unless and until each of the following conditions has been fulfilled or waived by City:

- A. Purchaser or the Title Insurer shall be prepared to pay to City the Net Purchase Price to be paid to City at the Closing pursuant to the provisions of this Agreement and the Closing documents;
- B. This Agreement shall not have been previously terminated pursuant to any other provision hereof or by reason of any Purchaser default;
- C. Purchaser shall have agreed to and executed the Land Use Agreement attached hereto as Exhibit B and incorporated herein by this reference.

10. **Closing Deliveries.**

- A. At the Closing, City shall deliver or cause to be delivered to Purchaser, through the escrow each of the following:
 - (i) The Deed to the Real Estate provided for in Paragraph 3 hereof;
 - (ii) A certificate in the form approved by the United States Internal Revenue Service relating to City's representation contained in Paragraph 8(c) that it is not a "foreign person;"
 - (iii) An Affidavit of Title to Purchaser, and an ALTA Statement to Purchaser and to the Title Insurer, certifying that there are no tenants or manager of the Real Estate and that City has not performed any work on the Real Estate or ordered any materials therefor which would give rise to a mechanic's lien against the Real Estate;
 - (iv) Such other documents and instruments as may be specifically required by any other provision of this Agreement or as may reasonably be required to carry out the terms and intent of this Agreement.
- B. At the Closing, Purchaser shall deliver or cause to be delivered to City, through the escrow each of the following:

- (i) The Net Purchase Price due to City per the Closing Statement as approved by the City's and Purchaser's attorneys, which Closing Statement will contain all prorations for recording releases of City's liens, and other credits to Purchaser for the payment of City's Closing expenses, if any, which are to be paid via the Closing; and
- (ii) Such other documents and instruments as may be specifically required by any other provision of this Agreement or as may reasonably be required to carry out the terms and intent of this Agreement.

11. **Expenses.** At the Closing the expenses shall be paid as follows:

- A. One half (1/2) of escrow fees, all Title charges for an Owner's Policy and all other City's closing costs, charges and expenses, shall be borne and paid by City. Purchaser represents that the conveyance provided for herein is an Exempt transaction pursuant to 35 ILCS 200/31-45 (b)(1) and that no real estate transfer taxes shall be payable to the State of Illinois, the County of DuPage, or the Purchaser as a consequence of this conveyance.
- B. One half (1/2) of escrow fees, and charges for recording fees for the Deed, shall be paid by Purchaser.
- C. City shall pay any recording charges for release documentation or title clearance matters caused by City lien/s or City's Title Defects.
- D. Each party shall pay its own respective attorneys' fees and costs.

12. **Miscellaneous Provisions.**

- A. This Agreement constitutes the entire agreement and understanding of the parties with respect to the subject matter hereof, and supersedes any prior or contemporaneous written or oral agreements, undertakings, promises, representations, warranties or covenants not contained herein, all of which prior agreements are hereby terminated and of no force or effect.
- B. This Agreement may be amended only by a writing executed by both Purchaser and City.
- C. This Agreement may not be assigned by Purchaser or City, nor shall City assign its interest in this Agreement or the net proceeds, unless City utilizes such assignments in connection with a Like-Kind Exchange pursuant to Sections 1031 of the Internal Revenue Service Code.
- D. No waiver of any provision or condition of this Agreement by either party shall be valid unless in writing signed by such party. No such waiver shall be taken as a waiver of any other or similar provision or of any future event, act, or default.
- E. In the computation of any period of time provided for in this Agreement or by law, the day of the act or event from which said period of time runs shall be

excluded, and the last day of such period shall be included, unless it is a Saturday, Sunday, or legal holiday, in which case the period shall be deemed to run until the end of the next day which is not a Saturday, Sunday, or legal holiday.

- F. In the event that any provision of this Agreement shall be unenforceable in whole or in part, such provision shall be limited to the extent necessary to render the same valid, or shall be excised from this Agreement, as circumstances require, and this Agreement shall be construed as if said provision had been incorporated herein as so limited, or as if said provision had not been included herein, as the case may be.
- G. Headings of paragraphs are for convenience of reference only, and shall not be construed as a part of this agreement.
- H. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective lawful successors.
- I. Whenever a written notice is required or permitted pursuant to this Agreement notice shall be delivered pursuant to this clause, with telecopy facsimile sent to the indicated telecopy numbers when notice is delivered to the courier, or deposited for delivery by the U.S. Postal Service. All notices required or desired to be given hereunder shall be deemed given if and when delivered personally, or on the day of being deposited with a national overnight courier service, or on the day of being deposited in the United States certified or registered mail, return receipt requested, postage prepaid, addressed to a party at its address set forth below, or such other address as the party to receive such notice may have designated to all other parties by notice in accordance herewith:

If to Purchaser: Elevation Investments, LLC
 12565 Fox Road
 Yorkville, Illinois 60560

With a copy to:

If to City: United City of Yorkville
 800 Game Farm Road
 Yorkville, Illinois 60560

With a copy to: Kathleen Field Orr
 Kathleen Field Orr & Associates
 53 West Jackson Blvd. Suite 964
 Chicago, Illinois 60604
 Telephone: 312-382-2113
 FAX: 312-382-2127

- (j) Time is of the essence of this Agreement.

CITY:
OWNER OF RECORD,
or Owner of Record's duly authorized Agent.

By: _____

Its: _____

Date: _____, 2016

PURCHASER:
Elevation Investments, LLC

By: _____

Its:

Date: _____, 2016

EXHIBIT A

Property Index Number 02-04-200-015

Legal Description:

Exhibit B

LAND USE AGREEMENT

This **AGREEMENT** ("Agreement") is made this ____ day of June, 2016 between **THE UNITED CITY OF YORKVILLE, a municipal corporation** ("City"), and **ELEVATION INVESTMENTS, LLC, an Illinois Limited Liability Company** ("Purchaser")(collectively, the "Parties").

RECITALS

WHEREAS, City owns certain real estate commonly known as Bristol Bay Park consisting of sixty-five (65) acres in total, fifty (50) acres of which are used in part for soccer fields, in part for a baseball field and park area; and

WHEREAS, the balance of the approximately fifteen (15) acres is zoned as OS-2 Open Space (Recreational), is identified as parcel number 02-04-200-015 (the "Recreational Parcel") and may be developed on the condition that such development is open to the public, compliments the existing uses as soccer fields, a baseball field and park area and is developed solely for recreational purposes; and

WHEREAS, Purchaser submitted a proposal to purchase the Recreational Parcel as requested by the City and the City has accepted said proposal; and

WHEREAS, the Parties desire to memorialize the terms and conditions of use, as presented in Purchaser's proposal, of the Recreational Parcel by this Agreement which will be incorporated as part of the Purchase and Sale Agreement between the Parties.

WITNESSETH

NOW, THEREFORE, in consideration of mutual covenants hereafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are mutually acknowledged by City and Purchaser it is agreed by and between the parties as follows:

1. **Term.** All of the responsibilities and obligations of City and Purchaser, as outlined in Paragraphs 2 and 3 below shall continue until and unless waived by the City. The duties of the respective Parties under this Agreement shall continue in full force and effect and survive the closing contemplated by the Purchase and Sale Agreement in which this Agreement is incorporated.

2. **City's Responsibilities and Obligations.**

A. The City will provide Purchaser with full access to utilities and the City will provide certification that there are no recapture agreements relating to the Recreational Parcel.

B. The conveyance of the Recreational Parcel will include access to the City's drainage ditch to the east of the property. Such access shall remain unfettered; provided however, the City shall have no responsibility to provide water storage for the Recreational Parcel.

C. The City will grant Purchaser both onsite and offsite drainage and utility easements. The City shall only be responsible for granting an easement to offsite drainage to the extent that the City has control over offsite drainage.

3. **Purchaser's Responsibilities and Obligations.**

A. Purchaser will build a year round facility (the "Facility") designed to provide members of the community, the Yorkville Parks and Recreation Department, the Yorkville School District, and private organizations with opportunities to take part in adaptive sport programs tailored to persons of all different ability levels.

B. At the option of City, Purchaser will coordinate with City to construct an outdoor perimeter path on the Recreational Parcel.

C. Purchaser will offer the Yorkville Parks and Recreation Department a 20% discount off all published rental prices for the first three years of operation of the Facility. There shall be no restrictions upon the Yorkville Parks and Recreation Department's use of this discount.

D. The Facility and its programs and activities shall remain open to the public and Purchaser shall create specified open gym, turf, and track access.

E. Purchaser shall not restrict the use of any of its parking lots by patrons of the neighboring park.

F. Prior to commencing any construction on the Recreational Parcel, Purchaser shall have delivered to City engineering plans created by a duly qualified engineer in a form acceptable to City showing the Proposed Development Plan for the Recreational Parcel. City shall have the sole discretion to approve or deny any such plan, said approval to not be unreasonably withheld. Under no circumstances shall construction commence without the City's approval of the Proposed Development Plan.

G. Prior to commencing any construction on the Recreational Parcel, Purchaser shall have delivered to City plans prepared by the Kendall County Highway Department showing the proper entrance and, if necessary, deceleration lanes on Galena Road providing access to the Proposed Development Plan.

4. **Miscellaneous Provisions.**

A. This Agreement constitutes the entire agreement and understanding of the parties with respect to the subject matter hereof, and supersedes any prior or contemporaneous written or oral agreements, undertakings, promises, representations, warranties or covenants not contained herein, all of which prior agreements are hereby terminated and of no force or effect.

B. This Agreement may be amended only by a writing executed by both Purchaser and City.

- D. No waiver of any provision or condition of this Agreement by either party shall be valid unless in writing signed by such party. No such waiver shall be taken as a waiver of any other or similar provision or of any future event, act, or default.
- E. In the computation of any period of time provided for in this Agreement or by law, the day of the act or event from which said period of time runs shall be excluded, and the last day of such period shall be included, unless it is a Saturday, Sunday, or legal holiday, in which case the period shall be deemed to run until the end of the next day which is not a Saturday, Sunday, or legal holiday.
- F. In the event that any provision of this Agreement shall be unenforceable in whole or in part, such provision shall be limited to the extent necessary to render the same valid, or shall be excised from this Agreement, as circumstances require, and this Agreement shall be construed as if said provision had been incorporated herein as so limited, or as if said provision had not been included herein, as the case may be.
- G. Headings of paragraphs are for convenience of reference only, and shall not be construed as a part of this Agreement.
- H. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective lawful successors.
- I. Whenever a written notice is required or permitted pursuant to this Agreement notice shall be delivered pursuant to this clause, with telecopy facsimile sent to the indicated telecopy numbers when notice is delivered to the courier, or deposited for delivery by the U.S. Postal Service. All notices required or desired to be given hereunder shall be deemed given if and when delivered personally, or on the day of being deposited with a national overnight courier service, or on the day of being deposited in the United States certified or registered mail, return receipt requested, postage prepaid, addressed to a party at its address set forth below, or such other address as the party to receive such notice may have designated to all other parties by notice in accordance herewith:

If to Purchaser: Elevation Investments, LLC
 12565 Fox Road
 Yorkville, Illinois 60560

With a copy to:

If to City: United City of Yorkville
 800 Game Farm Road
 Yorkville, Illinois 60560

With a copy to: Kathleen Field Orr
 Kathleen Field Orr & Associates
 53 West Jackson Blvd. Suite 964
 Chicago, Illinois 60604

Telephone: 312-382-2113
FAX: 312-382-2127

(j) Time is of the essence of this Agreement.

CITY:

By: _____

Its: _____

Date: _____, 2016

PURCHASER:
Elevation Investments, LLC

By: _____

Its:

Date: _____, 2016



Reviewed By:	
Legal	☐
Finance	☐
Engineer	☒
City Administrator	☒
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

PW #1

Tracking Number

PW 2016-38

Agenda Item Summary Memo

Title: Fountain Village – Development Status

Meeting and Date: City Council – June 28, 2016

Synopsis: Consideration of Default Issuance

Council Action Previously Taken:

Date of Action: PW – 06/21/16 Action Taken: Moved forward to CC agenda

Item Number: PW 2016-38

Type of Vote Required: _____

Council Action Requested: Consideration of Default Issuance

Submitted by: Brad Sanderson Engineering
Name Department

Agenda Item Notes:

Have a question or comment about this agenda item?

Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/gov_officials.php



Memorandum

To: Bart Olson, City Administrator
From: Brad Sanderson, EEI
CC: Eric Dhuse, Director of Public Works
Krysti Barksdale-Noble, Community Dev. Dir.
Lisa Pickering, Deputy City Clerk

Date: May 26, 2016
Subject: Fountain Village

This memo is to provide an update as to the status of the completion of the improvements for the Fountain Village development.

The City is currently holding a letter of credit in the amount of \$414,538.10 for work to be completed within the development. The City recently completed a punchlist inspection and identified a number of outstanding work items. There have been several attempts to communicate with the bank and new owner of the lots regarding obtaining a schedule to complete the work. To date, a completion schedule has not been provided.

The following section of the City Code (Section 11-5-2 paragraph e) addresses this particular situation:

Projects Over Four Years: Projects over four (4) years into construction will receive notification of default from the city engineer, at the city council direction, indicating that the letter of credit or performance bond is subject to a demand for call within sixty (60) days of the date of the notice should the developer not seek an extension for completion. (Ord. 2012-27, 8-28-2012)

Based on the amount of outstanding work and the lack of progress from the developer, staff is recommending that a letter of default be prepared and issued to the developer. This would be the first step in officially calling the letter of credit and afford the developer an additional sixty (60) days to complete the required improvements, or until August 2016 before the City moves to call the security.

At this time, we are requesting direction from the City Council as to whether a letter of default should be issued.



Engineering Enterprises, Inc.

April 11, 2016

Standard Bank and Trust Company
Trust #19335
7800 W 95th St.
Hickory Hills, IL 60457

Re: *Fountain Village Subdivision - LOC # 11953*
United City of Yorkville
Kendall County, Illinois

To whomever it may concern:

This letter is a follow-up to the letter sent to you on December 22, 2015 (attached) as we have not received a schedule from you.

Please be advised that City Staff will be recommending to the City Council that we call the letter of credit for this project.

If you have any questions or need additional information, please contact our office.

Very truly yours,

ENGINEERING ENTERPRISES, INC.

A handwritten signature in black ink, appearing to read 'Bradley P. Sanderson', is written over a horizontal line. The signature is fluid and cursive.

Bradley P. Sanderson, P.E.
Vice President

Enclosure
BPS/dm

pc: Mr. Bart Olson, City Administrator (via e-mail)
 Ms. Krysti Barksdale-Noble, Community Development Director (via e-mail)
 Mr. Eric Dhuse, Director of Public Works (via e-mail)
 Ms. Lisa Pickering, Deputy Clerk (via e-mail)
 Ms. Kathy Field-Orr, City Attorney (via e-mail)
 Mr. Gene Kelley, Standard Bank and Trust Company (via e-mail)
 Mr. Mark Koenig, Koenig and Associates (via e-mail)

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Engineering Enterprises, Inc.

December 22, 2015

Standard Bank and Trust Company
Trust #19335
7800 W 95th St.
Hickory Hills, IL 60457

**Re: Fountain Village Subdivision
United City of Yorkville
Kendall County, Illinois**

To whomever it may concern:

Attached, please find a letter from my office dated December 9, 2015 concerning the current outstanding items as it relates to the planned improvements. We are requesting that this letter and attachments be presented to the beneficiary.

The United City of Yorkville is requesting that a schedule for completing the outstanding items be provided within 15 days of the date of this letter. In addition, we are requiring that an updated letter of credit be issued to the City immediately.

If you have any questions or need additional information, please contact our office.

Very truly yours,

ENGINEERING ENTERPRISES, INC.


Bradley P. Sanderson, P.E.
Vice President

Enclosure
BPS/dm

pc: Mr. Bart Olson, City Administrator (via e-mail)
Ms. Krysti Barksdale-Noble, Community Development Director (via e-mail)
Mr. Eric Dhuse, Director of Public Works (via e-mail)
Ms. Lisa Pickering, Deputy Clerk (via e-mail)
Mr. Gene Kelley, Standard Bank and Trust Company (via e-mail)

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Engineering Enterprises, Inc.

December 9, 2015

Ms. Krysti Barksdale-Noble
Community Development Director
United City of Yorkville
800 Game Farm Road
Yorkville, IL 60560

**Re: Fountain Village
United City of Yorkville
Kendall County, Illinois**

Krysti:

Representatives from Engineering Enterprises, Inc. performed an onsite punch list inspection during November of the improvements for the above referenced project. A summary of the punch list items is listed below.

General

1. Record drawings dated October 21, 2008 were previously reviewed by then City Engineer Joe Wyrwot. The attached review comments have not been addressed.
2. A copy of IDOT approval of the traffic signal installation and work performed in the right-of-way needs to be provided.
3. Provide two copies of the recorded Plat of Easement for lots 4 and 5.
4. All property pins need to be set/located.

Water

5. All fire hydrants shall be cleaned and repainted.

Storm Sewer

6. Structures CB-202 and Inlet 204 need to be installed.
7. Structures Inlet 253 and FES-200 need to be cleaned.
8. Structures Inlet 241 and structure 602 need to have the frames reset.

9. Structure CB-251 shall be lowered to grade.
10. Fillets shall be installed at the following curb inlets: 222, 224, 226, 243, 247, 249, 253, and 272.
11. The restrictor structure 292 was incorrectly installed on the inlet side. It shall be re-installed on the outflow side per engineering plans. See attached photos.
12. Structure 112 shall be located and adjusted to grade.
13. Structure 604 shall have the broken frame replaced.
14. The pavement in front of Inlet 270 needs to be patched.
15. Curb inlet 253 requires backfilling and restoration.
16. Comments from the televising inspection shall be addressed. (See attached).

Sanitary Sewer

17. Sanitary MH-D shall have the area around the pipes grouted. There was noticeable infiltration coming from around the pipes.

Roadway

18. Type 3 barricades shall be installed at the north entrance.
19. The curb installation at the Route 47 entrance shall be completed.
20. All striping at the Route 47 entrances shall be installed.
21. The stop sign and striping at north entrance needs to be installed.
22. Guardrails should be installed per engineering plans.
23. Handicap detector ramps need to be installed at north entrance.

Landscaping

24. All landscaping shall be completed per approved landscape plan.
25. The wet basin and dry basin to the north of lot 3 are both required to be naturalized; both are being mowed. They shall be returned to their approved, naturalized state.
26. Verify that all four (4) concrete curtain walls have been installed per engineering plans.

Ms. Krysti Barksdale-Noble
December 9, 2015
Page 3

It is apparent that little to no activity has occurred since the City performed the last punchlist inspection in October of 2010. If you have any questions or if you require additional information, please call.

Very truly yours,

ENGINEERING ENTERPRISES, INC.



Bradley P. Sanderson, P.E.
Vice President

BPS/MWS

pc: Mr. Bart Olson, City Administrator (Via e-mail)
Mr. Eric Dhuse, Director of Public Works (Via e-mail)
Ms. Lisa Pickering, Deputy Clerk (Via e-mail)



**Restrictor Structure 292 with 4"
restrictor on inlet side.**



**Restrictor Structure 292 with no
restrictor on outlet side.**



United City of Yorkville

County Seat of Kendall County

800 Game Farm Road

Yorkville, Illinois, 60560

Telephone: 630-553-4350

Fax: 630-553-7575

Website: www.yorkville.il.us

February 3, 2009

Mr. Craig Duy
SEC Group, Inc.
651 Prairie Pointe Drive, Suite 201
Yorkville, Illinois 60560

Re: Fountain Village of Yorkville – Record Drawings

Dear Craig:

I have reviewed the revised onsite record drawings, dated 10/21/08 and received 12/22/08, and have the following comments:

General

- Sheet Nos. 18 and 19 deal with temporary erosion control measures, and can be deleted from the record drawing plan set.
- Record drawings need to be submitted for improvements on Route 47 and Route 71.
- Provide as-builts for the parking lot and service road lighting. Refer to the attachment.
- Some of the items listed below need to be performed by others before you can perform your task, but they are listed so they are not overlooked.

Sheet 1

- The cover sheet should be signed and sealed.

Sheet 2

- The curtain wall for Basin 2 needs to be constructed and re-grading performed in the immediate vicinity.
- Double-check the slope for Storm Tag 103.

Sheet 3

- The curtain walls for Basin 1 and Basin 1B need to be constructed and re-grading performed in the immediate vicinity.
- Construct the balance of the 200-series storm sewer. Lower the entrance roadway pavement and regrade the downstream swale accordingly.

Sheet 5

- For Storm Tag 258 provide the as-built data listed also listed on Sheet 4.
- Double-check the slope of Storm Tag 264. It appears that this sewer is still back-pitched.

Sheet 6

- The easement hatching shown on this sheet has hidden all underlying improvements. Revise accordingly.
- Storm sewer 205 is not legible.
- Identify the watermain constructed as part of the Walgreens site improvements and add a note referring to those plans prepared by SEC.

Sheet 7

- The easement hatching shown on this sheet has hidden all underlying improvements. Revise accordingly.
- The rim of Valve 509C needs to be lowered about 12 inches.

Sheet 13

- Provide as-built data for the 100-year restrictor detail.

Please make the requested revisions once the necessary field work is performed and resubmit for review. If you have any questions regarding these comments, please call me at (630) 553-8527.

Very truly yours,

Joseph Wywrot
City Engineer

Cc: Jennifer Woodrick, Engineering Administrative Assistant

January 5, 2007

Notes:
1 from MH# 112 to A needs to be TV - 4" Ductal Does not need T.U.

2 All inlets and manholes that are not sumps need benches.

3 Where PVC pipe was used need to be mandrel test. — 2 ea 45° & 80° 5 70 140 45 70 140

4 Re-TV or leave repair exposed for City of Yorkville to inspect.

	LOCATION	DISTANCE	REPAIR	NOTES
1-9-07	CB# 251 to Inlet #253	66'	spigot broken	
	Inlet#241 to inlet#224	9'	reject pipe	remove and replace 50'
		44'	spigot broken	
		48'	reject pipe	
	MH#263 to MH#261	148'	spigot broken	
	MH#255 to MH#222	31'	spigot broken	
		55'	spigot broken	
		87'	spigot broken	
	CB#106 to CB#104	90'	Reject pipe	remove and replace
	CB#104 to MH# 102	24'	spigot broken	
	73'	Open joint	Repair concrete collar	
MH#602 to MH# 604	85'	lift plug missing	Repair	
	88'	lift plug missing	Repair	



"ORIGINAL"
Project No.: _____

A STANDARD BANCSHARES, INC. Bank

IRREVOCABLE STAND-BY LETTER OF CREDIT NO. 11953

February 27, 2012

BENEFICIARY:

City of Yorkville
800 Game Farm Road
Yorkville, IL 60560
Attn: Mayor and Alderman

APPLICANT:

Crest Lake Holdings LLC
2433 Reeves Road
Joliet, IL 60436

BANK:

Standard Bank & Trust Company
7800 W. 95th Street
Hickory Hills, IL 60457

AMOUNT:

\$414,538.10

ISSUE DATE:

June 14, 2006

NEW EXPIRY DATE: September 5, 2012

Please be advised that we are extending the expiration date of our Letter of Credit #11953 to September 5, 2012. Drafts drawn under this Letter of Credit must be presented to us at our office located at: 7800 W. 95th St., Hickory Hills, IL 60457, together with the original Letter of Credit and other documents, if any, required under that Letter of Credit on or before 1:00 P.M., on March 5, 2012.

All other terms and conditions remain unchanged.

Sincerely,

STANDARD BANK & TRUST COMPANY

By: _____

Kelly L. Beaty
President

By: _____

Michael LaMonica
Vice President



A STANDARD BANCSHARES, INC. Bank

IRREVOCABLE STAND-BY LETTER OF CREDIT NO. 11953

January 5, 2012

BENEFICIARY:

City of Yorkville
800 Game Farm Road
Yorkville, IL 60560
Attn: Mayor and Alderman

APPLICANT:

Crest Lake Holdings LLC
2433 Reeves Road
Joliet, IL 60436

BANK:

Standard Bank & Trust Company
7800 W. 95th Street
Hickory Hills, IL 60457

AMOUNT:

\$414,538.10

ISSUE DATE:

June 14, 2006

NEW EXPIRY DATE:

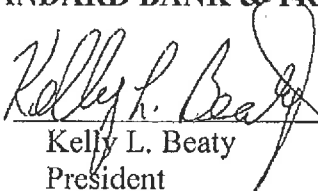
March 5, 2012

Please be advised that we are extending the expiration date of our Letter of Credit #11953 to January 5, 2012. Drafts drawn under this Letter of Credit must be presented to us at our office located at: 7800 W. 95th St., Hickory Hills, IL 60457, together with the original Letter of Credit and other documents, if any, required under that Letter of Credit on or before 1:00 P.M., on March 5, 2012.

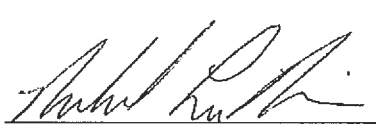
All other terms and conditions remain unchanged.

Sincerely,

STANDARD BANK & TRUST COMPANY

By: 

Kelly L. Beaty
President

By: 

Michael LaMonica
Vice President



IRREVOCABLE STAND-BY LETTER OF CREDIT NO. 11953

October 5, 2011

BENEFICIARY:

City of Yorkville
800 Game Farm Road
Yorkville, IL 60560
Attn: Mayor and Alderman

APPLICANT:

Crest Lake Holdings LLC
2433 Reeves Road
Joliet, IL 60436

BANK:

Standard Bank & Trust Company
7800 W. 95th Street
Hickory Hills, IL 60457

AMOUNT:

\$414,538.10

ISSUE DATE:

June 14, 2006

NEW EXPIRY DATE:

January 5, 2102

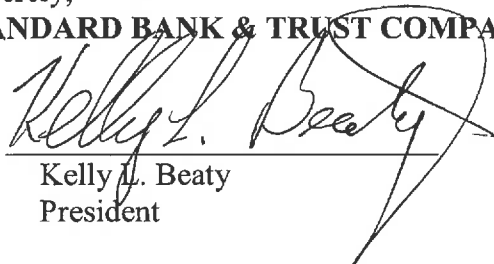
Please be advised that we are extending the expiration date of our Letter of Credit #11953 to January 5, 2012. Drafts drawn under this Letter of Credit must be presented to us at our office located at: 7800 W. 95th St., Hickory Hills, IL 60457, together with the original Letter of Credit and other documents, if any, required under that Letter of Credit on or before 1:00 P.M., on January 5, 2012.

All other terms and conditions remain unchanged.

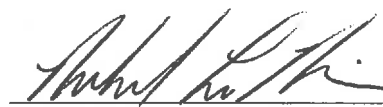
Sincerely,

STANDARD BANK & TRUST COMPANY

By:


Kelly L. Beaty
President

By:


Michael LaMonica
Vice President





A STANDARD BANCSHARES, INC. Bank

IRREVOCABLE STAND-BY LETTER OF CREDIT NO. 11953

October 14, 2010

BENEFICIARY:

City of Yorkville
800 Game Farm Road
Yorkville, IL 60560
Attn: Mayor and Alderman

APPLICANT:

Crest Lake Holdings LLC
2250 Weber Road
Crest Hill, IL 60403

BANK:

Standard Bank & Trust Company
7800 W. 95th Street
Hickory Hills, IL 60457

AMOUNT:

\$1,079,916.00

ISSUE DATE:

June 14, 2006

NEW EXPIRY DATE:

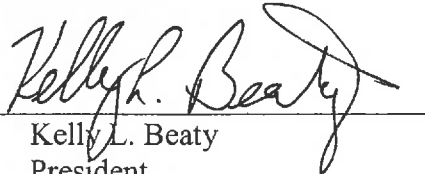
October 5, 2011

Please be advised that we are extending the expiration date of our Letter of Credit #11953 to October 5, 2011. Drafts drawn under this Letter of Credit must be presented to us at our office located at: 7800 W. 95th St., Hickory Hills, IL 60457, together with the original Letter of Credit and other documents, if any, required under that Letter of Credit on or before 1:00 P.M., on October 5, 2011.

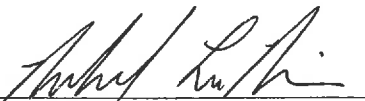
All other terms and conditions remain unchanged.

Sincerely,

STANDARD BANK & TRUST COMPANY

By: 

Kelly L. Beaty
President

By: 

Michael LaMonica
Vice President

Easton Village



A STANDARD BANCSHARES, INC. Bank

IRREVOCABLE STAND-BY LETTER OF CREDIT NO. 11953

December 27, 2010

BENEFICIARY:

City of Yorkville
800 Game Farm Road
Yorkville, IL 60560
Attn: Mayor and Alderman

APPLICANT:

Crest Lake Holdings LLC
2250 Weber Road
Crest Hill, IL 60403

BANK:

Standard Bank & Trust Company
7800 W. 95th Street
Hickory Hills, IL 60457

AMOUNT:

\$414,538.10

ISSUE DATE:

June 14, 2006

NEW EXPIRY DATE: November 5, 2011

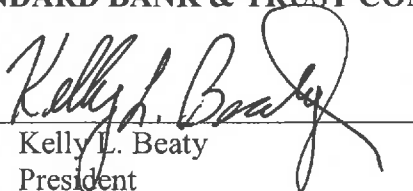
Please be advised that we are extending the expiration date of our Letter of Credit #11953 to November 5, 2011 and **the amount has been reduced to \$414,538.10 per your letter of November 24, 2010.** Drafts drawn under this Letter of Credit must be presented to us at our office located at: 7800 W. 95th St., Hickory Hills, IL 60457, together with the original Letter of Credit and other documents, if any, required under that Letter of Credit on or before 1:00 P.M., on November 5, 2011.

All other terms and conditions remain unchanged.

Sincerely,

STANDARD BANK & TRUST COMPANY

By:


Kelly L. Beaty
President

By:


Michael LaMonica
Vice President





A STANDARD BANCSHARES, INC. Bank

IRREVOCABLE STAND-BY LETTER OF CREDIT NO. 11953

July 23, 2010

BENEFICIARY:

City of Yorkville
800 Game Farm Road
Yorkville, IL 60560
Attn: Mayor and Alderman

APPLICANT:

Crest Lake Holdings LLC
2250 Weber Road
Crest Hill, IL 60403

BANK:

Standard Bank & Trust Company
7800 W. 95th Street
Hickory Hills, IL 60457

AMOUNT: \$1,079,916.00

ISSUE DATE: June 14, 2006

NEW EXPIRY DATE: November 5, 2010

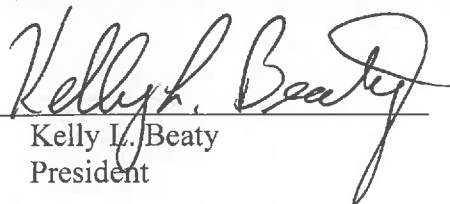
Please be advised that we are extending the expiration date of our Letter of Credit #11953 to November 5, 2010. Drafts drawn under this Letter of Credit must be presented to us at our office located at: 7800 W. 95th St., Hickory Hills, IL 60457, together with the original Letter of Credit and other documents, if any, required under that Letter of Credit on or before 1:00 P.M., on November 5, 2010.

All other terms and conditions remain unchanged.

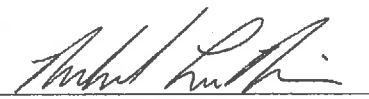
Sincerely,

STANDARD BANK & TRUST COMPANY

By:


Kelly L. Beaty
President

By:


Michael LaMonica
Vice President



Fountain Village

A STANDARD BANCSHARES, INC. Bank

IRREVOCABLE STAND-BY LETTER OF CREDIT NO. 11953

June 5, 2009

BENEFICIARY:

City of Yorkville
800 Game Farm Road
Yorkville, IL 60560
Attn: Mayor and Alderman

APPLICANT:

Crest Lake Holdings LLC
2250 Weber Road
Crest Hill, IL 60403

BANK:

Standard Bank & Trust Company
7800 W. 95th Street
Hickory Hills, IL 60457

AMOUNT:

\$1,079,916.00

ISSUE DATE:

June 14, 2006

NEW EXPIRY DATE:

May 5, 2010

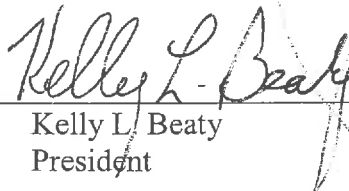
Please be advised that we are extending the expiration date of our Letter of Credit #11953 to May 5, 2010. Drafts drawn under this Letter of Credit must be presented to us at our office located at: 7800 W. 95th St., Hickory Hills, IL 60457, together with the original Letter of Credit and other documents, if any, required under that Letter of Credit on or before 1:00 P.M., on May 5, 2010.

All other terms and conditions remain unchanged.

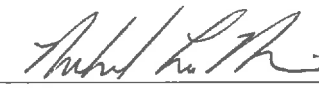
Sincerely,

STANDARD BANK & TRUST COMPANY

By:


Kelly L. Beaty
President

By:


Michael LaMonica
Vice President

June 14, 2006

Mayor and Aldermen
City of Yorkville
800 Game Farm Road
Yorkville, IL 60560

Re: Subdivision Name Fountain Village
Letter of Credit No. 11953
For Account of Crest Lake Holdings, LLC
Amount \$1,079,916
Date June 14, 2006

Gentlemen:

The undersigned Standard Bank & Trust Company by Kelly L. Beaty, its' duly authorized agent,, hereby establishes and issues this Irrevocable Letter of Credit in favor of the City of Yorkville in the amount of \$1,079,916.00, which represents 110% of the cost of the improvements described herein. Such credit is available to be drawn upon by said City upon presentation to this bank of your demand for payment accompanied by a copy of this Letter of Credit.

This Letter of Credit is issued for the purpose of securing and paying for the installation of the following public improvements in the aforesaid subdivision:

The costs of the foregoing improvements are detailed in the attached Engineer's Cost Estimate.

See Attached Revised Contractors Statement dated June 15, 2006

The development is legally described as follows:

See Attached Exhibit "A"

Said public improvements shall be constructed by Crest Lake Holdings, LLC our customer, in accordance with the plans, specifications, completion schedules and cost estimates prepared by Smith Engineering Consultants, Inc.

The Issuer's obligation to the City is based solely on this Irrevocable Letter of Credit engagement between this financial institution and the City and is not subject to instructions from our customer.

It is recognized that the City has directed our customer to proceed with the construction of public improvements upon the guarantee of this irrevocable commitment. It is further acknowledged that the consideration for this irrevocable commitment is provided by agreements between this financial institution and our customer.

This Irrevocable Letter of Credit sets forth in full the terms of this undertaking between the Issuer and the City, and such undertaking shall not in any way be modified, amended, amplified, nor shall it be limited by reference to any documents, instrument or agreement referred to herein, and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement.

Demands on this Letter of Credit shall be made by presenting the Issuer with a letter from the City Clerk of the City of Yorkville demanding payment accompanied by the certificate of the City Clerk of the City of Yorkville certifying the basis for the default and demand on this Letter of Credit.

The undersigned agrees that this Letter of Credit shall not be reduced or discharged except upon receipt of a certificate of the City Clerk of the City of Yorkville certifying that this Letter of Credit may be reduced. The outstanding balance of this Letter of Credit shall be the face amount of this Letter of Credit less any amount which is discharged upon certificate of the City Clerk; Provided however, the outstanding balance of this Letter of Credit shall not be reduced to less than 15% of the approved engineer's estimate upon which this Letter of Credit is based until the City Council accepts the aforementioned improvements and a certificate of the City Clerk certifying that the Letter of Credit has been released by the City Council of the City.

All acts, requirements and other preconditions for the issuance of this Irrevocable Letter of Credit have been completed.

The undersigned further agrees and engages that it will be responsible and liable for attorney fees and court costs which may be incurred by the City in enforcing collection of this Letter of Credit in accordance with its' terms.

We hereby engage with you that all demands for payment in conformity with the terms of this Irrevocable Letter of Credit will be duly honored on presentation to us prior to expiration of this Letter of Credit.

BY: Standard Bank & Trust Co.

Name: Kelly L. Beaty
Kelly L. Beaty

Title: President

ATTEST:

Name: Jeffrey T. Rzasa
Jeffrey T. Rzasa

Title: Vice President

The undersigned agrees that this Irrevocable Letter of Credit shall remain in full force and effect and pertain to any and all amendments or modifications which may be made from time to time to the plans, specifications and cost estimated for said modifications.

This Irrevocable Letter of Credit shall expire on July 5, 2007, provided, however, the undersigned shall notify the City Clerk by certified or registered mail, return receipt requested, at least ninety (90) days prior to said expiration date, that said Letter of Credit is about to expire. In no event shall this Irrevocable Letter of Credit or the obligations contained herein expire except upon said prior written notice, it being expressly agreed by the undersigned that the above expiration date shall be extended as required to comply with this notice provision.

This Irrevocable Letter of Credit shall remain in effect until July 5, 2007, without regard to any default in payment of money owed to the issuer by our customer and without regard to other claims which the Issuer may have against our customer, and in no event shall terminate without notice as specified above.

This Letter of Credit may be renewed by the Issuer or our customer prior to the above expiration date by submitting a new Letter of Credit to the same form and substance as this Letter of Credit to the City Clerk in an amount equal to 110% of the estimated cost to complete and pay for the above described improvements.

It is agreed that the following shall be considered a default by our customer and shall entitle the City to make demand on this Letter of Credit:

1. that said Letter of Credit will expire within thirty (30) days and has not been renewed;
or
2. that the aforesaid improvements have not been completed by the subdivider at least thirty (30) days prior to the aforesaid expiration date; or
3. that the owner and/or subdivider has failed to complete or carry on the work of the installation and construction of the required improvements in accordance with the schedule, or at a faster pace if the installation of the private improvements shall be completed before public improvements to service them are available; or
4. that the City of Yorkville has determined that the owner and/or subdivider has demonstrated that they will be unable to complete the improvement; or
5. that the City of Yorkville has determined that the public improvements or other improvements covered by this commitment have been or are likely to be the subject of liens or other claims by contractors, subcontractors or third parties; or
6. that if more funds are disbursed at this time on order of the owner and/or subdivider insufficient funds will remain irrevocably committed to guarantee the completion of all improvements, and such certification indicates that the owner and/or subdivider has been notified that the municipality finds that a breach of the owner's and/or subdivider's obligations has occurred and has not been cured within a period of thirty (30) days.

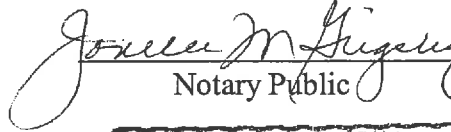
STATE OF ILLINOIS)

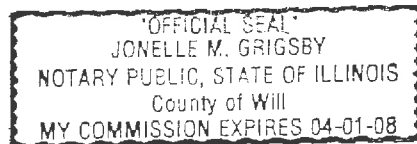
) SS

COUNTY OF Grundy)

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that Kelly L. Beaty, personally known to me to be the President of the Standard Bank & Trust Co., and Jeffrey T. Rzasa, personally known to me to be the Vice President of said institution, and who are personally known to me to be the same persons whose names are subscribed to the foregoing Letter of Credit as such President and Vice President respectively, and caused the corporate seal of said Standard Bank & Trust Co. to be affixed thereto pursuant to authority given by the Board of Directors thereof as their free and voluntary acts and as the free and voluntary act and deed of said institution.

Given under my hand and official seal this 20th day of June, 2006.

 SEAL
Notary Public



FOUNTAIN VILLAGE OF YORKVILLE
ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COSTS
PREPARED BY SMITH ENGINEERING CONSULTANTS, INC.
JOB NO. TOMI-050737
PREPARATION DATE: DECEMBER 16, 2006
REVISED: June 15, 2006

***** DENOTES ENGINEER'S ESTIMATE *****

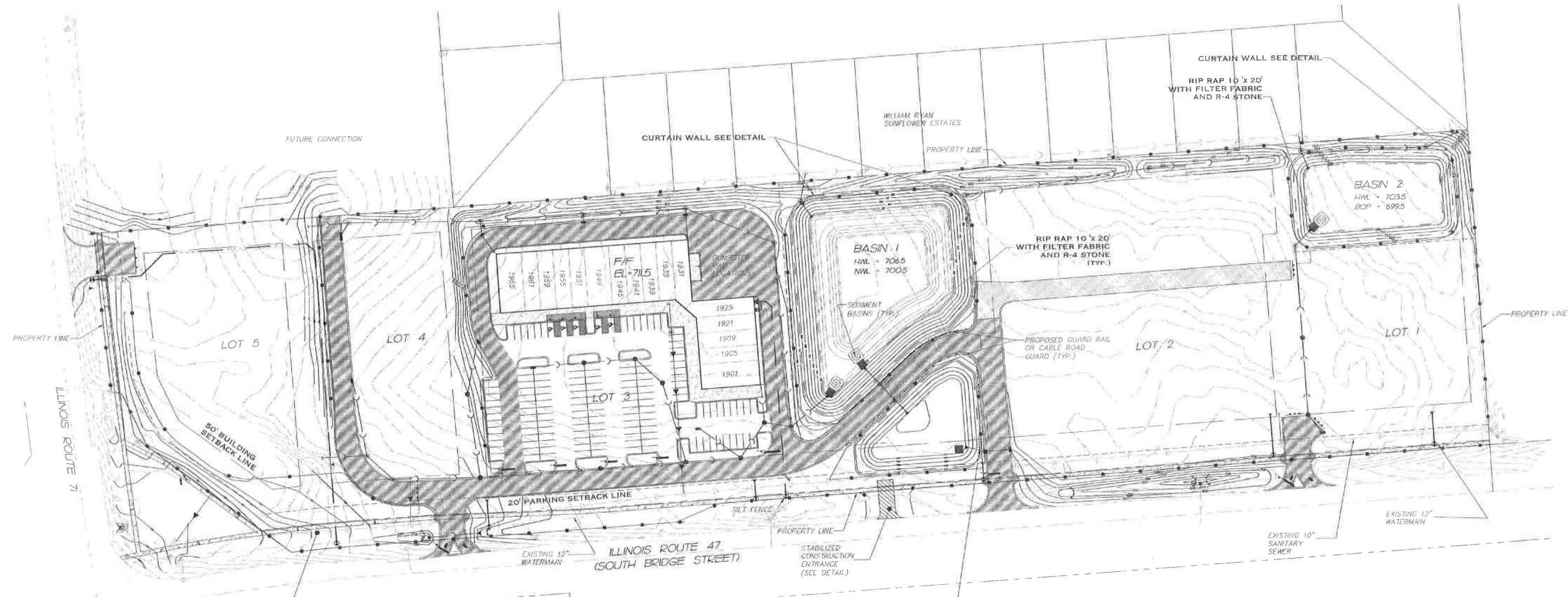
PAY ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST
EARTHWORK CONSTRUCTION				
TOPSOIL STRIP	40,282	C.Y.	\$ 1.70	\$ 68,479.40
TOPSOIL RESPADE	3,800	C.Y.	\$ 3.30	\$ 12,540.00
ON-SITE CUT/FILL & COMPACT	36,482	C.Y.	\$ 3.20	\$ 116,742.40
EROSION CONTROL FENCE	4140	L.F.	\$ 2.00	\$ 8,280.00
SEEDING	12.8	ACRES	\$ 2,000.00	\$ 25,600.00
TEMPORARY CONSTRUCTION ENTRANCE	1	EACH	\$ 2,500.00	\$ 2,500.00
			SUBTOTAL	\$ 234,141.80
SITE CONSTRUCTION				
AGGREGATE BASE COURSE, TYPE B, CA-6 4" (SIDEWALK)	1,838	S.Y.	\$ 2.00	\$ 3,676.00
AGGREGATE BASE COURSE, TYPE B, CA-6 12"	13491	S.Y.	\$ 5.00	\$ 67,455.00
BIT. CONC. SURFACE CSE. MIX C, CL I, TY 2, 1.5"	419	TONS	\$ 45.00	\$ 18,855.00
BIT. CONC. BINDER CSE. MIX B, TY 2, 1.5"	419	TONS	\$ 42.00	\$ 17,598.00
BIT. CONC. SURFACE CSE. MIX C, CL I, TY 2, 2"	1,016	TONS	\$ 45.00	\$ 45,720.00
BIT. CONC. BINDER CSE. MIX B, TY 2, 2"	1,016	TONS	\$ 42.00	\$ 42,672.00
BIT. MATERIAL PRIME COAT MC-30 (0.35 GAL/SY)	5,768	GAL	\$ 1.50	\$ 8,682.00
PAVEMENT MARKING		LUMP SUM		\$ 1,500.00
5" PCC SIDEWALK	16,541	S.F.	\$ 2.50	\$ 41,352.50
B.6-12 CURB AND GUTTER	6,409	L.F.	\$ 8.50	\$ 54,476.50
ROADWAY SIGNS		LUMP SUM		\$ 2,500.00
HANDICAP SIGNS	5	EACH	\$ 200.00	\$ 1,000.00
			SUBTOTAL	\$ 305,487.00
STORM SEWER CONSTRUCTION				
12" STORM SEWER CL A2, RCP	576	L.F.	\$ 19.00	\$ 10,944.00
15" STORM SEWER CL A2, RCP	168	L.F.	\$ 22.00	\$ 3,696.00
18" STORM SEWER CL A2, RCP	665	L.F.	\$ 23.00	\$ 15,295.00
24" STORM SEWER CL A2, RCP	803	L.F.	\$ 30.00	\$ 24,090.00
30" STORM SEWER CL A2, RCP	504	L.F.	\$ 39.00	\$ 19,656.00
36" STORM SEWER CL A2, RCP	183	L.F.	\$ 48.00	\$ 8,784.00
MH TA 4' DIA.	7	EACH	\$ 1,250.00	\$ 8,750.00
MH TA, 5' DIA.	5	EACH	\$ 1,600.00	\$ 8,000.00
MH TA, 6' DIA.	1	EACH	\$ 1,600.00	\$ 1,600.00
CB TC, 4' DIA.	9	EACH	\$ 1,600.00	\$ 14,400.00
CB TA, 5' DIA.	1	EACH	\$ 1,750.00	\$ 1,750.00
CB TA, 6' DIA.	3	EACH	\$ 3,000.00	\$ 9,000.00
INLET TA 2' DIA	11	EACH	\$ 700.00	\$ 7,700.00
18" FES PRC W/ GRATE	2	EACH	\$ 1,000.00	\$ 2,000.00
24" FES PRC W/ GRATE	4	EACH	\$ 1,300.00	\$ 5,200.00
36" FES PRC W/ GRATE	1	EACH	\$ 1,700.00	\$ 1,700.00
24" x 24" BOX CULVERT	5	L.F.	\$ 125.00	\$ 625.00
STORM SEWER TRENCH BACKFILL	1300	C.Y.	\$ 15.00	\$ 19,500.00
			SUBTOTAL	\$ 182,690.00

WATER MAIN CONSTRUCTION				
6" PRESSURE CONNECTION	6	EACH	\$ 1,200.00	\$ 7,200.00
8" PRESSURE CONNECTION	4	EACH	\$ 1,500.00	\$ 6,000.00
FIRE HYDRANT	7	EACH	\$ 2,500.00	\$ 17,500.00
REMOVAL OF FIRE HYDRANT	3	EACH	\$ 500.00	\$ 1,500.00
6" DUCTILE IRON WATER MAIN	379	L.F.	\$ 16.00	\$ 6,064.00
8" DUCTILE IRON WATER MAIN	723	L.F.	\$ 18.00	\$ 13,014.00
WATER MAIN TRENCH BACKFILL	780	C.Y.	\$ 20.00	\$ 15,600.00
			SUBTOTAL	\$ 66,878.00
SANITARY SEWER CONSTRUCTION				
4 FT SANITARY MANHOLE	1	EACH	\$ 1,200.00	\$ 1,200.00
CORE AND BOOT, EXIST. SAN MH	2	EACH	\$ 1,000.00	\$ 2,000.00
CORE AND BOOT, EXIST. SAN MH W/ EXTERNAL DROP	2	EACH	\$ 2,500.00	\$ 5,000.00
SANITARY SEWER, 6" PVC	378	L.F.	\$ 15.00	\$ 5,670.00
MANHOLE RECONSTRUCTION W/ EXT. CHIMNEY SEALS	4	EACH	\$ 1,000.00	\$ 4,000.00
SANITARY SEWER TRENCH BACKFILL	500	C.Y.	\$ 20.00	\$ 10,000.00
			SUBTOTAL	\$ 27,870.00
LANDSCAPING IMPROVEMENTS				
LANDSCAPING IMPROVEMENTS (BY OTHERS)	1	LUMP	\$ 184,675.00	\$ 184,675.00
			SUBTOTAL	\$ 184,675.00
SUMMARY - OVERALL IMPROVEMENTS				
EARTHWORK CONSTRUCTION				\$ 234,141.80
SITE CONSTRUCTION				\$ 305,487.00
STORM SEWER CONSTRUCTION				\$ 162,690.00
WATER MAIN CONSTRUCTION				\$ 66,878.00
SANITARY SEWER CONSTRUCTION				\$ 27,870.00
LANDSCAPING IMPROVEMENTS				\$ 184,675.00
TOTAL				\$ 981,741.80

EXHIBIT "A"

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 26 IN SUNFLOWER ESTATES PHASE 3; THENCE EASTERLY, 400.0 FEET ALONG THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID SUBDIVISION (BEING ALONG THE SOUTH LINE OF PROPERTY DESCRIBED IN TRUSTEES DEED RECORDED IN BOOK 594, PAGES 136 AND 137) TO THE WEST LINE OF ILLINOIS STATE ROUTE 47; THENCE SOUTHERLY, 824.74 FEET ALONG SAID WEST LINE (BEING 60 FEET WESTERLY AND PARALLEL WITH THE CENTERLINE OF SAID STATE ROUTE) TO THE CENTERLINE OF SCOTT DRIVE; THENCE SOUTHERLY, 472.86 FEET ALONG SAID CENTERLINE TO ITS INTERSECTION WITH THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID SUNFLOWER ESTATES PHASE 3; THENCE WESTERLY, 296.04 FEET ALONG SAID EXTENDED LINE TO THE EAST LINE OF SAID SUBDIVISION; THENCE NORTHERLY, 1290.43 FEET ALONG SAID EAST SUBDIVISION LINE TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.





LEGEND

— HIGH WATER LEVEL

--- NORMAL WATER LEVEL

--- IDOT RIGHT OF WAY

→ DENOTES PROPOSED DRAINAGE DIRECTION ARROW

← DENOTES PROPOSED OVERFLOW DIRECTION ARROW

--- EXISTING CONTOUR

--- PROPOSED CONTOUR

● CATCHBASIN

⊙ STORM MANHOLE

■ INLET

— SILT FENCE

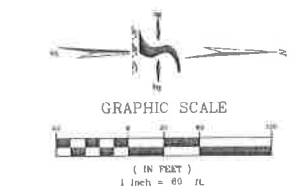
1965 BUILDING UNIT ADDRESS

■ DENOTES HEAVY DUTY SECTION

□ DENOTES STANDARD PAVEMENT

■ DENOTES TEMPORARY PAVEMENT

■ DENOTES CONCRETE PAVEMENT



FOUNTAIN VILLAGE OF YORKVILLE				
OVERALL PLAN				
KJB 06-13-00				
REVISIONS	DWN BY:	INT:	DATE:	PROJECT NO.
1. S.W.	01-17-06	D.H.	12-05-2005	050737
2. K.B.	01-22-06	D.S.N.	INT:	HORIZ SCALE:
3. J.F.R.	2-17-06	INT:	1" = 60'	SHEET NO.
4. K.B.	03-10-06	CHK BY:	INT:	VERT SCALE:
5. J.F.R.	5-8-06	S.W.		
				4



Reviewed By:	
Legal	☒
Finance	☐
Engineer	☐
City Administrator	☒
Human Resources	☐
Community Development	☒
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

EDC #1

Tracking Number

EDC 2016-33

Agenda Item Summary Memo

Title: Proposal to Combine the Plan Commission and Zoning Board of Appeals

Meeting and Date: City Council – June 28, 2016

Synopsis: Ordinance consolidating the duties of the Plan Commission and Zoning Board of Appeals in to newly formed Planning and Zoning Commission.

Council Action Previously Taken:

Date of Action: EDC – 06/07/16 Action Taken: Moved forward to CC agenda

Item Number: EDC 2016-33

Type of Vote Required: Majority

Council Action Requested: _____

Submitted by: Krysti J. Barksdale-Noble, AICP

Community Development

Name

Department

Agenda Item Notes:

See attached Memo.



Memorandum

To: Economic Development Committee
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Date: April 27, 2016
Subject: **Proposal to Combine the Plan Commission & Zoning Board of Appeals**

Request Summary:

A request to amend Title 2, Chapter 1: Plan Commission and Title 2, Chapter 2: Zoning Board of Appeals of the Yorkville City Code to consolidate the functions and duties of the Plan Commission and Zoning Board of Appeals into a single recommending body to be known as the “Planning and Zoning Commission” effective May 21, 2016.

Background:

In 1962, the City adopted an ordinance establishing a Plan Commission, and in 1974, Yorkville created its Zoning Board of Appeals. Both bodies were established to perform specific duties regulating land and its development within the corporate boundaries (Zoning Board of Appeals and Plan Commission) and unincorporated land within 1.5 miles of our city (Plan Commission). A list of the specific duties is as follows:

Table 1. Duties and Powers of the Plan Commission and Zoning Board of Appeals

Plan Commission (Section 10-4-5)	Zoning Board of Appeals (Section 10-4-6)
• To hear and report findings and recommendations to the mayor and city council on all applications for text amendments, map amendments and special use permits.	• To hear and decide appeals from any order, requirement, decision or determination made by the zoning administrator or officer under the zoning regulations of this code.
• To initiate, direct and review, from time to time, studies of the provisions of this title, and to make reports of its recommendations to the mayor and city council not less frequently than once each year.	• To hear and pass upon applications for variations from the terms provided in the zoning ordinance in the manner prescribed by and subject to the standards established therein.
• To hear and make recommendations to the mayor and city council on all matters upon which it is required to pass under this title.	• To hear and decide all matters referred to it and upon which it is required to pass under the zoning ordinance as prescribed by statute.
• To prepare and recommend to the mayor and city council a comprehensive plan or updates thereto for the present and future development or redevelopment of the city.	• To enforce and make all decisions under the sign ordinance.

While each commission has suited the community well over the past several decades, there have been instances where Plan Commission meetings had to be cancelled due to a lack of a quorum. Since January 2014, there have been three (3) Plan Commission meetings cancelled due to a lack of attending members or mid-term resignations. This has resulted in an inconvenience to petitioners and the public seeking to provide comments during scheduled hearings, and ultimately led to the recent adoption of Ordinance 2016-15 which reduced the size of the Plan Commission from nine (9) members to seven (7) just to increase the odds of having a quorum.

Additionally, the Zoning Board of Appeals, an ad hoc committee, has not experienced quorum related issues like the Plan Commission; it has only averaged less than two (2) meetings a year since January 2014 due to limited agenda items.

Surrounding Communities & Other Committees:

The consolidation of municipalities' Plan Commission and Zoning Board of Appeals has become a trend in recent years across the area in an effort to stream line review processes for applicants and to ensure the public can attend and follow meetings related to all aspects of a project in a convenient and efficient manner. Staff has researched the following surrounding communities which have combined their Plan Commission and Zoning Board of Appeals:

Table 2. Communities with Combined Plan Commission and Zoning Board of Appeals

<i>Community</i>	<i>Commission/Board Name</i>	<i>Membership Number</i>	<i>Established</i>
Wheaton	Planning & Zoning Board	7 members	2001
Oswego	Planning & Zoning Commission	7 members	2015
Plano	Plan Commission & Zoning Board of Appeals	7 members	2007
Hoffman Estates	Planning & Zoning Commission	11 members	2011
Darien	Planning & Zoning Commission	9 members	2002
Westmont	Planning & Zoning Commission	7 members	1995
Lisle	Planning & Zoning Commission	7 members	2003
South Elgin	Planning & Zoning Commission	7 members	1999

Proposed Planning and Zoning Commission:

The proposed newly formed Planning and Zoning Commission will consist of seven (7) appointed members and hold hearings on zoning, variances and other development related matters formerly conducted separately by the Plan Commissions and Zoning Board of Appeals. A chairperson will be named at the time of his/her appointment and a vice-chairperson will be selected by the Planning and Zoning Commission at the beginning of each fiscal year. If approved, the effective date for the new commission would be May 31, 2016. Below is a summary of the provisions of the proposed Planning and Zoning Commission.

Terms of Office

Each member of the Commission will serve respectively for the following terms and until a successor has been appointed: two (2) for one (1) year, two (2) for two (2) years, two (2) for three (3) years, one (1) for four (4) years; the successor to each member appointed shall serve for a term of four (4) years. Vacancies on the Commission shall be filled for the unexpired term of the member whose place has become vacant in the same manner as providing for the appointment of new members. The Mayor shall have the power to remove any member of the Commission for cause after a public hearing.

Meetings/Quorums

Meetings of the Commission shall be held at the call of the chairperson or Community Development Director and at such other times as the Commission may determine. All regular meetings of the Commission shall be held at City Hall and all meetings shall be open to the public in accordance with the Open Meetings Act. The chairperson or, in his or her absence, the vice-chairperson may administer oaths and compel attendance of witnesses. The presence of at least four (4) members of the Commission shall be necessary to constitute a quorum. The affirmative vote of at least four (4) members shall be required to approve or recommend any action to the Mayor and City Council.

Duties

The duties of the Planning and Zoning Commission are as follows:

- A. To perform such duties as provided by the previous Plan Commission as specified in Section 2-1-5, POWERS, of the Yorkville Zoning Ordinance.
- B. To perform such duties as provided by the previous Zoning Board of Appeals as specified in Section 2-2-4, JURISDICTION AND AUTHORITY, of the Yorkville Zoning Ordinance.
- C. To perform such duties of a plan commission as authorized by Division 12 of the Illinois Municipal Code (65 ILCS 5/11-12-1 et seq.).
- D. To perform such duties of a zoning board of appeals as authorized by Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.).
- E. To perform such additional duties as are outlined in the Yorkville Zoning Ordinance, the Yorkville City Code or the Illinois Municipal Code.”

Staff Comments:

Based upon the recent meeting attendance, lack of agenda items and surrounding community research, it is the recommendation of the City staff to consolidate the functions of the Plan Commission and Zoning Board of Appeals into a single recommending body to be known as the “Planning and Zoning Commission”.

A draft ordinance proposing to consolidate the two (20 hearing bodies is attached for your consideration. It is staff’s intention to solicit feedback from the Economic Development Committee and a recommendation for approval to the City Council at their May 10, 2016 meeting. Staff has also notified all sitting members of the Plan Commission and Zoning Board of Appeals with an offer to apply for the seven (7) open seats on the newly formed commission. A public announcement will be made to the residents of Yorkville seeking their interest on the commission as well.

Should you have any questions regarding this request; staff will be available at Monday night’s meeting.

**AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, ILLINOIS
CREATING A PLANNING AND ZONING COMMISSION**

WHEREAS, the United City of Yorkville (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, the Yorkville City Code established a Plan Commission and Zoning Board of Appeals to perform such functions and duties as provided in Divisions 12 and 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.); and,

WHEREAS, the City desires to assign the functions and duties of the Plan Commission and Zoning Board of Appeals to a new single Commission to be known as the Planning and Zoning Commission; and,

WHEREAS, a single Planning and Zoning Commission will allow for greater efficiency in the holding of hearings and provide for a Commission that has a greater scope and understanding of the zoning and subdivision processes of the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: That Section 2-1-1, of Chapter 1, PLAN COMMISSION, of the Yorkville City Code is hereby amended to read as follows:

“2-1-1: COMMISSION ABOLISHED

Effective July 31, 2016 the Plan Commission shall be abolished and its functions and duties shall be transferred to the Planning and Zoning Commission. Wherever in the Yorkville City Code there is a reference to Plan Commission it shall be construed to mean the Planning and Zoning Commission”

Section 2: That Section 2-1-2, 2-1-3 and 2-1-4 of Chapter 1, PLAN COMMISSION, of the Yorkville City Code be and are hereby repealed.

Section 3: That Section 2-2-1, of Chapter 2, ZONING BOARD OF APPEALS, of the Yorkville City Code is hereby amended to read as follows:

“2-2-1: BOARD ABOLISHED

Effective July 31, 2016 the Zoning Board of Appeals shall be abolished and its functions and duties shall be transferred to the Planning and Zoning Commission. Wherever in the Yorkville City Code there is a reference to the Zoning Board of Appeals it shall be construed to mean the Planning and Zoning Commission”

Section 4: That Section 2-2-2, 2-2-3 and 2-2-5 of Chapter 2, ZONING BOARD OF APPEALS, of the Yorkville City Code be and are hereby repealed.

Section 5: That Title 2, Chapter 9, PLANNING AND ZONING COMMISSION, be and is hereby added to the Yorkville City Code to read as follows:

**“Chapter 9
ZONING AND PLANNING COMMISSION**

2-9-1: ESTABLISHMENT:

Effective July 31, 2016 there is hereby established a Planning and Zoning Commission that shall assume jurisdiction of all matters previously assigned to the Zoning Board of Appeals and the Planning Commission. Any reference in this Title or in the Yorkville City Code to the Zoning Board of Appeals or the Planning Commission shall mean the Planning and Zoning Commission as established in this chapter.

2-9-2: MEMBERSHIP; APPOINTMENT; COMPENSATION:

The Planning and Zoning Commission shall be composed of seven (7) members, all of whom shall reside within the City. The Commission members shall be appointed by the Mayor, with the advice and consent of the City Council. One (1) of the members appointed shall be named as chairperson at the time of his appointment. At the beginning of each fiscal year, the Commission shall elect a vice-chairperson. In the performance of its duties, the Commission may incur such expenditures as shall be authorized by the corporate authorities. Each member of the Commission shall receive for their services such compensation, if any, as is determined from time to time by the corporate authorities.

2-9-3: TERMS OF OFFICE; VACANCIES; REMOVAL:

Each member of the Commission will serve respectively for the following terms and until a successor has been appointed: two (2) for one (1) year, two (2) for two (2) years, two (2) for three (3) years, one (1) for four (4) years; the successor to each member appointed shall serve for a term of four (4) years. Vacancies on the Commission shall be filled for the unexpired term of the member whose place has become vacant in the same manner as providing for the appointment of new members. The Mayor shall have the power to remove any member of the Commission for cause after a public hearing.

2-9-4: MEETINGS; QUORUM:

Meetings of the Commission shall be held at the call of the chairperson or Community Development Director and at such other times as the Commission may determine. All regular meetings of the Commission shall be held at City Hall and all meetings shall be open to the public in accordance with the Open Meetings Act. The chairperson or, in his

or her absence, the vice-chairperson may administer oaths and compel attendance of witnesses. The presence of at least four (4) members of the Commission shall be necessary to constitute a quorum. The affirmative vote of at least four (4) members shall be required to approve or recommend any action to the Mayor and City Council

2-9-5 RECORDS:

The Commission may adopt its own rules of procedures consistent with this Title and applicable state statutes. The Commission shall keep a record of its own proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Findings of fact shall be included in the minutes of each case where required and the reasons for approving or denying such case shall be specified. All records of proceedings, findings, determinations and actions of the Commission shall be filed immediately in the office of the Community Development Director and shall be a public record.

2-9-6 DUTIES:

The duties of the Planning and Zoning Commission are as follows:

- A. To perform such duties as provided by the previous Plan Commission as specified in Section 2-1-5, POWERS, of the Yorkville Zoning Ordinance.
- B. To perform such duties as provided by the previous Zoning Board of Appeals as specified in Section 2-2-4, JURISDICTION AND AUTHORITY, of the Yorkville Zoning Ordinance.
- C. To perform such duties of a plan commission as authorized by Division 12 of the Illinois Municipal Code (65 ILCS 5/11-12-1 et seq.).
- D. To perform such duties of a zoning board of appeals as authorized by Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.).
- E. To perform such additional duties as are outlined in the Yorkville Zoning Ordinance, the Yorkville City Code or the Illinois Municipal Code.”

Section 6: This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this _____ day of _____, 2016.

CITY CLERK

CARLO COLOSIMO	_____	KEN KOCH	_____
JACKIE MILSCHEWSKI	_____	LARRY KOT	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
DIANE TEELING	_____	SEAVER TARULIS	_____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this
_____ day of _____, 2016.

MAYOR



Reviewed By:	
Legal	☒
Finance	☒
Engineer	☐
City Administrator	☒
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

ADM #1

Tracking Number

ADM 2016-42

Agenda Item Summary Memo

Title: Clerk and Treasurer Referendum Questions

Meeting and Date: City Council – June 28, 2016

Synopsis: See attached memo.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Bart Olson Administration
Name Department

Agenda Item Notes:



Memorandum

To: City Council
From: Bart Olson, City Administrator
CC:
Date: June 22, 2016
Subject: Clerk and Treasurer referendum questions

Summary

Review of referendum questions abolishing the elected offices of the City Clerk and City Treasurer.

Background

This item was last discussed by the Administration Committee at the June meeting. At that meeting, the committee unanimously recommended support for two referendum questions involving the elimination of the elected clerk and treasurer positions. After that meeting, staff made some changes to the specific language of the question. Track changes and clean copy of the ordinances are attached.

In general, we've tried to make it clearer that the purpose of the referendum is to save money, rather than just simply move the position from an elected position to an appointed position. Over the past few years, staff has heard a few concerns related to the fact that the proposal seemed like a power grab, rather than a cost savings. When we would explain that the treasurer position has been vacant for the better part for almost four years and the duties have been completed by the Finance Director during that time, those resident concerns were alleviated. Additionally, we've had a few people ask us if the elimination of the elected treasurer position would get rid of a "financial watchdog" type of position. While there may be individuals in the treasurer position in other municipalities that use the position to serve in that manner, the statutory duties of the position are far more mundane. I've attached the state statute on the treasurer duties for your review. The best way to fulfill the financial watchdog position is to conduct a yearly audit, have strong internal controls on accounting, review budgeting and accounting documents on a regular basis in public, and have public bodies committed to transparency.

Making both of these positions appointed would allow the City to set education and experience requirements for the position and to hold the individual accountable for poor performance. The Oswego Village Clerk, which is an appointed position, requires the person holding the position to have a Certified Municipal Clerk (CMC) certification within five years of being appointed. The City of Yorkville could not require this education and certification for an elected official. The City of Yorkville's current Deputy Clerk has this CMC certification. Similarly, the Finance Director has a CPA certification and there could never be a requirement for an elected treasurer to have a CPA.

As a reminder, the base salary for the elected treasurer and the elected clerks positions is \$3,600 annually with a \$100 per meeting stipend (\$6,000 annual max). Both of these positions can be covered by in-house staff at the City for no additional cost, resulting in a savings of around \$10,000 per year¹.

¹ The Deputy Clerk appointment has a \$100 per meeting stipend the same as the City Clerk compensation plan. This was done so that the Deputy Clerk was being paid the same amount for covering a meeting the City Clerk had to miss.

Recommendation

Staff recommends approval of the resolutions authorizing a referendum question on abolishing the elected clerk and treasurer positions.



Memorandum

To: Administration Committee
From: Nicole Kathman, Administrative Intern
Bart Olson, City Administrator
Date: June 8, 2016
Subject: Resolutions for Appointment of the Clerk and Treasurer

Summary

A resolution for a binding referendum for the general election in November 2016 for the elimination of the elected Clerk and Treasurer positions.

Background

On the April 2013 municipal consolidated election, the following two questions were presented to voters with the following outcomes:

1. Shall the United City of Yorkville appoint rather than elect the office of City Clerk?

Yes – 411, 38.23%

No – 664, 61.77%

2. Shall the United City of Yorkville appoint rather than elect the office of City Treasurer?

Yes – 403, 37.63%

No – 668, 62.37%

At this time, City staff would like the City Council's direction on reintroducing these two questions to voters at the November 2016 general election. If the City Council would like the two questions to be presented, a resolution for each question must be approved and submitted by August 22, 2016. Therefore, if this item is brought to City Council at the next meeting, there will be 4 meetings available to discuss and pass this resolution before the deadline. A resolution for each question is attached.

Since January 2013, the City Treasurer position has been vacant. As you may recall, the City Treasurer at the time, William Powell resigned as he felt that this position was not needed due to the Finance Director fulfilling all of the duties. In April 2015, Powell ran again for the position with a pledge to resign if he were elected and that is exactly what happened.

At this time, the Finance Director fulfills the duties of City Treasurer as the current Deputy City Treasurer. If the City Treasurer position was changed to an appointed position by referendum, then by ordinance or resolution, this position could be eliminated. In this case, the City could benefit financially by the savings of the salaries for both the City Treasurer position and the Deputy City Treasurer position. Currently, this is set at \$3,600 and \$100 per meeting for the City Treasurer and a \$1,000 stipend for the Deputy City Treasurer.

On a general basis, having appointed officials would allow the City to create required qualifications for the positions as well as hold them accountable through personnel procedures and policies. Furthermore, duties of these positions could be delegated to current staff members, saving the salary cost. Please note, this is not intended as an evaluation of current or past officials, but rather just simply states what appointing these two elected positions could permit.

If the City Clerk referendum question is approved by City Council and the question receives a majority of yes votes from the residents, the current clerk would serve out her term through 2019.

For your reference, a compilation of materials on 2012's discussion and process of adding this on the ballot is attached. This is primarily comprised of meeting minutes over the course of June – December 2012.

Recommendation

Staff recommends moving this forward to the June 28, 2016 City Council meeting.



Memorandum

To: City Council
From: Bart Olson, City Administrator
CC:
Date: December 6, 2012
Subject: Resolution for the elimination of the Clerk and Treasurer

Summary

A resolution for a binding referendum for the municipal consolidated election in April 2013 for the elimination of the elected Clerk and Treasurer positions.

Background

This item was last discussed by the City Council during Summer 2012. Over the course of a few meetings (minutes attached), the City Council discussed the placement of this referendum question in relationship to a home rule referendum and REC Center question. The end result of the conversation appears to be a desire to place the clerk and treasurer question on the April 2013 ballot.

The attached resolution will satisfy that direction. The deadline for referendum questions to be approved by the City Council is in mid-January, so we do have two more City Council meetings to discuss this item.

If the referendum question is approved by City Council and the question receives a majority of yes votes from the residents, the current clerk and treasurer would serve out their term through 2015.

Recommendation

Staff recommends approval of the attached resolution.

Resolution No. 2016-_____

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO
THE ELECTORS OF THE UNITED CITY OF YORKVILLE, KENDALL
COUNTY, ILLINOIS, A REFERENDUM OF WHETHER THE CITY SHOULD
APPOINT RATHER THAN ELECT THE CITY CLERK ABOLISH THE ELECTED
OFFICE OF CITY CLERK AND THE DUTIES OF THE CITY CLERK BE ASSIGNED
TO THE DEPUTY CLERK**

WHEREAS, the United City of Yorkville (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, Article VII, Section 7 of the 1970 Constitution of the State of Illinois provides that municipalities may by referendum change their form of government and provide for their officers, manner of selection and terms of office; and,

WHEREAS, Section 28-7 of the Election Code (10 ILCS 5/28-7) provides a method of submission of referendum which are authorized by Article VII of the Constitution and that such referendum may be initiated by the City Council by passage of a resolution requesting the submission of the referendum for consideration by the voters of the City; and,

WHEREAS, the City Council hereby finds that it is in the best interest of the City to submit the referendum of whether the City shall have an appointed the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: The City Council finds that the recitals set forth above are true and correct and includes the recitals in this Resolution.

Section 2: The City Council finds and determines that it is in the best interest of the City to provide for a referendum concerning the appointment rather than election of the City Clerk.

Section 3: The City Clerk is directed to immediately certify and submit the following public question to the Kendall County Clerk to be placed on the ballot for the Consolidated Election to be held on November 8, 2016 in the following form:

~~Shall the elected office of the City Clerk in the United City of Yorkville, Illinois be abolished and the City Clerk appointed by the Mayor with the advice and consent of the City Council?~~	Yes _____
<u>Shall the elected office of the City Clerk of the United City of Yorkville be abolished and the duties of the City Clerk be assigned to the Deputy City Clerk, at a cost savings to the City?</u>	No _____

Section 4: This resolution shall be in full force and effect from and after its passage and approval as required by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, 2016.

CITY CLERK

CARLO COLOSIMO	_____	KEN KOCH	_____
JACKIE MILSCHEWSKI	_____	LARRY KOT	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
DIANE TEELING	_____	SEAVAR TARULIS	_____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this ____day of _____, 2016.

MAYOR

Resolution No. 2016-_____

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO
THE ELECTORS OF THE UNITED CITY OF YORKVILLE, KENDALL
COUNTY, ILLINOIS, A REFERENDUM OF WHETHER THE CITY SHOULD
ABOLISH THE ELECTED OFFICE OF CITY TREASURER AND THE DUTIES OF
THE CITY TREASURER BE ASSIGNED TO THE FINANCE DIRECTOR**

WHEREAS, the United City of Yorkville (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, Article VII, Section 7 of the 1970 Constitution of the State of Illinois provides that municipalities may by referendum change their form of government and provide for their officers, manner of selection and terms of office; and,

WHEREAS, Section 28-7 of the Election Code (10 ILCS 5/28-7) provides a method of submission of referendum which are authorized by Article VII of the Constitution and that such referendum may be initiated by the City Council by passage of a resolution requesting the submission of the referendum for consideration by the voters of the City; and,

WHEREAS, the City Council hereby finds that it is in the best interest of the City to submit the referendum of whether the City shall abolish the office of City Treasurer and transfer the duties of the City Treasurer to the City’s Director of Finance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: The City Council finds that the recitals set forth above are true and correct and includes the recitals in this Resolution.

Section 2: The City Council finds and determines that it is in the best interest of the City to provide for a referendum concerning the appointment rather than election of the City Treasurer.

Section 3: The City Clerk is directed to immediately certify and submit the following public question to the Kendall County Clerk to be placed on the ballot for the Consolidated Election to be held on November 8, 2016 in the following form:

<u>Shall the elected office of the City Treasurer of the United City of Yorkville be abolished and the duties of the City Treasurer be assigned to the City Finance Director at a cost savings to the City?</u>	Yes
~~Shall the office of the City Treasurer in the United City of Yorkville, Illinois be abolished and the duties of the City Treasurer assigned to the City’s Director of Finance?~~	No

Section 4: This resolution shall be in full force and effect from and after its passage and approval as required by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, 2016.

CITY CLERK

CARLO COLOSIMO	_____	KEN KOCH	_____
JACKIE MILSCHEWSKI	_____	LARRY KOT	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
DIANE TEELING	_____	SEAVAR TARULIS	_____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this ____ day of _____, 2016.

MAYOR

Resolution No. 2016-_____

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO
THE ELECTORS OF THE UNITED CITY OF YORKVILLE, KENDALL
COUNTY, ILLINOIS, A REFERENDUM OF WHETHER THE CITY SHOULD
ABOLISH THE ELECTED OFFICE OF CITY CLERK AND THE DUTIES OF THE
CITY CLERK BE ASSIGNED TO THE DEPUTY CLERK**

WHEREAS, the United City of Yorkville (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, Article VII, Section 7 of the 1970 Constitution of the State of Illinois provides that municipalities may by referendum change their form of government and provide for their officers, manner of selection and terms of office; and,

WHEREAS, Section 28-7 of the Election Code (10 ILCS 5/28-7) provides a method of submission of referendum which are authorized by Article VII of the Constitution and that such referendum may be initiated by the City Council by passage of a resolution requesting the submission of the referendum for consideration by the voters of the City; and,

WHEREAS, the City Council hereby finds that it is in the best interest of the City to submit the referendum of whether the City shall have an appointed the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: The City Council finds that the recitals set forth above are true and correct and includes the recitals in this Resolution.

Section 2: The City Council finds and determines that it is in the best interest of the City to provide for a referendum concerning the appointment rather than election of the City Clerk.

Section 3: The City Clerk is directed to immediately certify and submit the following public question to the Kendall County Clerk to be placed on the ballot for the Consolidated Election to be held on November 8, 2016 in the following form:

Shall the elected office of the City Clerk of the United City of Yorkville be abolished and the duties of the City Clerk be assigned to the Deputy City Clerk, at a cost savings to the City?	Yes No

Section 4: This resolution shall be in full force and effect from and after its passage and approval as required by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this ____ day
of _____, 2016.

CITY CLERK

CARLO COLOSIMO	_____	KEN KOCH	_____
JACKIE MILSCHEWSKI	_____	LARRY KOT	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
DIANE TEELING	_____	SEAVAR TARULIS	_____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this ____ day
of _____, 2016.

MAYOR

Resolution No. 2016-_____

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO
THE ELECTORS OF THE UNITED CITY OF YORKVILLE, KENDALL
COUNTY, ILLINOIS, A REFERENDUM OF WHETHER THE CITY SHOULD
ABOLISH THE ELECTED OFFICE OF CITY TREASURER AND THE DUTIES OF
THE CITY TREASURER BE ASSIGNED TO THE FINANCE DIRECTOR**

WHEREAS, the United City of Yorkville (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, Article VII, Section 7 of the 1970 Constitution of the State of Illinois provides that municipalities may by referendum change their form of government and provide for their officers, manner of selection and terms of office; and,

WHEREAS, Section 28-7 of the Election Code (10 ILCS 5/28-7) provides a method of submission of referendum which are authorized by Article VII of the Constitution and that such referendum may be initiated by the City Council by passage of a resolution requesting the submission of the referendum for consideration by the voters of the City; and,

WHEREAS, the City Council hereby finds that it is in the best interest of the City to submit the referendum of whether the City shall abolish the office of City Treasurer and transfer the duties of the City Treasurer to the City’s Director of Finance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: The City Council finds that the recitals set forth above are true and correct and includes the recitals in this Resolution.

Section 2: The City Council finds and determines that it is in the best interest of the City to provide for a referendum concerning the appointment rather than election of the City Treasurer.

Section 3: The City Clerk is directed to immediately certify and submit the following public question to the Kendall County Clerk to be placed on the ballot for the Consolidated Election to be held on November 8, 2016 in the following form:

Shall the elected office of the City Treasurer of the United City of Yorkville be abolished and the duties of the City Treasurer be assigned to the City Finance Director at a cost savings to the City?	Yes _____ No

Section 4: This resolution shall be in full force and effect from and after its passage and approval as required by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, 2016.

CITY CLERK

CARLO COLOSIMO	_____	KEN KOCH	_____
JACKIE MILSCHEWSKI	_____	LARRY KOT	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
DIANE TEELING	_____	SEAVAR TARULIS	_____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this ____ day of _____, 2016.

MAYOR



Reviewed By:	
Legal	☒
Finance	☒
Engineer	☐
City Administrator	☒
Human Resources	☐
Community Development	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

ADM #2

Tracking Number

ADM 2016-43

Agenda Item Summary Memo

Title: Home Rule

Meeting and Date: City Council – June 28, 2016

Synopsis: See attached memo.

Council Action Previously Taken:

Date of Action: N/ A Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Bart Olson Administration
Name Department

Agenda Item Notes:



Memorandum

To: City Council
From: Bart Olson, City Administrator
CC:
Date: June 9, 2016
Subject: Home rule discussion

Summary

Consideration of a resolution which would place a question on home rule authority on the November general election ballot.

Background

This item was last discussed in July 2012. At the time, the City Council felt that the merits of home rule warranted consideration of a referendum question in Spring 2013. However, the City Council was in the beginning stages of financial recovery and felt that questions related to the elimination of the clerk and treasurer offices, and a question about the REC Center, were more important. The minutes from the July 2012 City Council meeting indicate that we would revisit the matter in a year or so, and the item was tabled indefinitely.

In the past several years, the City's financial position has stabilized, the City has seen progressive growth and development, the City has continued to reduce property taxes, and City Council policy decisions have been full of respectful and thorough discourse. I feel a discussion on a referendum question is warranted.

What is home rule authority?

The Illinois constitution, which grants municipal authority, is set up so that municipalities only have that authority which is specifically granted them under state statutes. This is the definition of being a "non-home rule community;" we can only do what the state says we can do. When a City opts to become a home rule community, the state statutes allow us to do anything we deem necessary, unless the state statutes specifically say we cannot. The packets from Geneva and Lake Forest do an excellent job on comprehensively explaining home rule authority.

How is home rule authority achieved?

In short, home rule authority is achieved through referendum or through the certification that the municipality has 25,000 residents. We do expect to have 25,000 residents in the next 10 years, and the staff has been internally discussing the transition for the past few years. For a referendum approval, the City Council has the authority to pass an ordinance or resolution initiating the referendum question. That ordinance or resolution would have to be approved by the City Council 79 days prior to the election date, so we are looking at a mid-August deadline for the November 2016 general election.

Uses in Yorkville?

The first question often posed by residents of a community considering home rule status is “what are you proposing to do with home rule authority?” The following list of topics that residents, businesses, and the City Council has discussed over the past decade that could be assisted with home rule authority. We do not necessarily recommend that each of these authorities be used; we only pose them as an illustration of possibilities under home rule.

1) Can incur debt beyond 20 years

- a. If the City is going to entertain a Fox River water intake, which will cost well over \$60 million, it would be advantageous to have some flexibility to extend the term of the loan repayment beyond 20 years. Limiting the term to 20 years will result in some tough decisions while the City tries to secure its long term viability.
- b. When the City refinanced the Rob Roy debt obligation, we were limited to bonds that had less than a 20 year term. For large, long-term utility projects it may be desirable to have the payment period more closely match the useful life of the item. For things like sewer and water mains, this could mean a 40 year debt obligation (maximum). The benefits of being able to stretch payments out over longer periods is that it allows more time for developers to build in the service area (and thus pay their share of the project) and lowers the burden on individual homeowners to a more manageable amount.

2) Improving the City’s bond ratings

- a. A component of the City’s various bond ratings is based on being non-home rule vs. home rule. Bond rating agencies have figured out that a home rule municipality has more authority and flexibility to deal with large issues when they occur (be it recession or state budget impasse) and this has become a justification for lower ratings for non-home rule municipalities. Higher bond ratings are attributable to lower debt issuance costs and interest rates, which saves the City money in the long run. Even if the City never uses any of its expanded home rule authority, it would benefit by just having the title of a home rule municipality.

3) Changing the size of the City Council

- a. After the 2010 decennial census results were received in summer 2011, the City Council was faced with the requirement to add one ward and two aldermen to the current ward system. This addition was triggered by state statute, but the statute also gave us the authority to temporarily freeze the number of aldermen and wards at our current level. So, the City Council passed an ordinance keeping the number of aldermen and wards at their current level. We will be faced with the same issue in 2020, and assuming we grow to above 20,000 residents by then, we will actually be faced with a choice of 5 wards and 10 aldermen or 7 wards and 14 aldermen. With home rule status, the City could authorize a referendum question to the voters to permanently set any number of wards and aldermen (4/8, 5/10, 4/4, 10/10, etc.).

4) Landlord-tenant issues

- a. Residents have previously asked us for crime-free housing ordinances, or assistance with landlord issues. As a non-home rule municipality, the City has almost no authority over landlord-tenant issues. As a home rule municipality, the City could pass standards and regulations for rental properties. This has been done in other municipalities to make sure landlords are registered in the City, and to enact standards on living conditions in a rental unit. Crime-free housing ordinances have also been used on behalf of landlords to easily evict bad tenants.

5) Reduced residential speed limit

- a. This authority is one of the most requested municipal ordinances by residents. We often receive complaints that cars are driving too fast through neighborhoods. We respond to those complaints with extra police presence in the area, speed trailers, and loaning speed guns to residents so they can see how fast cars are travelling. Under home rule-authority, the default residential speed limit in the City could be reduced from 30 mph to 25mph.

6) Have greater flexibility to enforce property maintenance costs on properties subject to a violation

- a. Any decision rendered by an administrative adjudication officer is as strong as a decision by a judge – which means the City could levy fines for mowing violations and then immediately lien the property.
- b. The maximum violation for a single citation is currently around \$50,000 under non-home rule laws. As a home rule unit, we would be able to exceed that amount. This would be particularly helpful in cases where entire houses must be condemned and torn down (i.e. abandoned homes with mold issues).

7) Establish more flexible rules for administrative adjudication

- a. As a non-home rule unit, adjudication hearings must be between 30 and 40 days from the date the ticket was issued. As a home rule unit, we would be able to change that window to as low as 15 days from the date the ticket was issued.

8) Establish more flexible rules for purchase and sale of public property

- a. As a non-home rule municipality, the City can only sell property through an auction, request for bids, or through partnership with a broker. The City can only purchase property by having a public hearing, and then having the results published in the local newspaper twice after the approval of the ordinance. We have considered selling the old post office in the past, and have purchased the Betzweiser building in the past decade. Having home rule authority would allow us to lengthen or shorten the RFP window for the sale of property, or would allow us to consider different procedures for the sale (direct negotiations with multiple developers, etc.). For purchase of public property, the non-home rule requirement to publish the entire purchase ordinance after the ordinance is approved is archaic and expensive. The City could still publicize the property purchase through its website, press releases, or other methods.

9) Alternatives to Police and Fire Commissions

- a. While we have had no recent issues with hiring and firing authority with our Police and Fire Commissions, home rule municipalities will often set up a hiring process where the Police Chief is the final authority on hiring and firing, as opposed to the Police and Fire Commission. This is done primarily so that the Police Chief has control over his department, and can be held accountable for poor hires or firings. The other reason to consider this process is for expediency in hiring. The simple act of calling a meeting and then waiting for that meeting can add a few weeks to a hiring process. These few weeks can be the difference between hiring someone at the top of a list, and having those top candidates find employment elsewhere.

10) Zoning ordinances

- a. Exemption from the “Affordable Housing Planning and Appeal Act” which requires all local governmental bodies having zoning authority to provide at least 10% of their year-round housing units for affordable housing. The Act requires extensive research and planning, and entails such activities as conducting a survey of all housing units, identifying existing housing stock which is most appropriate for affordable housing, and creating a plan to convert and/or rehabilitate the housing for that use (think Comprehensive Plan).
- b. Greater flexibility with regards to procedural changes in our zoning ordinance, such as establishing additional recommending committee/boards, expanding powers granted to those committees/boards and approval processes.

11) Can opt out of unfunded state mandates

- a. For years, the state was known for passing unfunded mandates down to lower levels of government. Fortunately, they have greatly reduced the frequency of that practice in the past few years; unfortunately, they have moved on to diverting local revenues to state purposes. The most recent unfunded state mandates are listed below. If we were home rule, we could simply ignore the mandate.
 - i. ADA Accessibility
 - ii. Adoption of the Illinois Energy Efficient Building Act. In part required building department to began res-check reviews of all new residential commercial plans. Needed staff education and training.
 - iii. Affordable Housing Act (discussed above).
 - iv. AED's at the concession stands and all recreation buildings

12) Broadly impose impact fees

- a. Non-home rule municipalities may enact impact fees as part of an annexation agreement, which is how the City's current impact fees have been legal. Home rule municipalities may require impact fees outside of annexation agreements above what is authorized under 65 ILCS 5/11-12-5, as long as the fees are reasonable, specific and unique, proportional and have a direct connection to the development and the imposition to the public general health, safety, morals and welfare. A common example of home rule impact fees being a benefit to a municipality is on old undeveloped lots. Because home rule impact fees are applied to every vacant property in the City (and in some cases on tear downs), a developer that annexed in 1950

(before impact fees existed) would still be required to pay impact fees authorized in 2012.

13) Enact recall elections by ordinance

- a. In the past few years, home rule authority has been used to set up a recall election procedure in Buffalo Grove. The recall election was the first of its kind in Illinois, and articles are attached. This type of authority would be a welcome authority for voters and a noted safeguard for elected officials when we are discussing the benefits of expanded home rule authority.

Issues to think about for residents concerned about home rule authority

As many of the articles attached to this memo explain, much of the new authority granted under home rule status deals with finances. While people may initially associate this with increased revenues (i.e. raising taxes), studies have shown that municipalities will use the new power to shift the tax burden among groups in the City, or more often to broaden the tax base that is coming from non-residents. For example, if the City were to pass a \$0.02 per gallon gasoline tax, some of that money would come from non-residents. If the annual total from that gas tax was \$100,000 per year, the City could reduce property taxes by \$100,000, reduce the garbage surcharge by \$100,000 in total, or could cut the water infrastructure improvement and maintenance fee. In the example of the water fee, this would result in a billing cycle reduction from \$16.50 to \$13.75. While residents would still be paying some of the tax burden through the gasoline tax, non-residents would be too – which is not the case for the water infrastructure and maintenance fee.

Other examples of revenue flexibility that may benefit Yorkville include the use of the hotel-motel tax for purposes other than tourism, and sales taxes on restaurant food and beverages. While restaurant owners may not initially like this tax, they may appreciate their property taxes being reduced a proportionate amount. With two large regional recreation attractions, we do expect our restaurants and taverns to serve many visitors from out-of-town.

1) Issue general obligation bonds without a referendum

- a. General obligation bonds are debts issued by a municipality that are on the full faith and credit of all property owners in the City. They may be paid off by any municipal revenue source, but typically they are accompanied by a tax increase. As a non-home rule municipality, general obligation bonds may only be issued by referendum. As a home rule municipality, general obligation bonds may be issued by ordinance. The only general obligation bond that the City has authorized is for the library, which was approved by referendum.

2) Increase property taxes beyond the PTELL limits

- a. One of the most frequent concerns of residents is the elimination of the property tax cap. Under home rule authority, a municipality does not have to follow a property tax cap. However, as stated in the NIU studies, most home rule municipalities still follow the property tax cap either by policy or by law. This can be followed by policy each year by calculating the tax levy amount as if the City was still subject to the tax cap. In this case, the City simply levies an amount less than the theoretical tax cap. A tax cap can also be followed by law. In other words, a municipality could approve an

ordinance saying that they will follow the tax cap every year, and then subject that law to a higher approval threshold to be over turned (i.e. $\frac{3}{4}$ majority). This ordinance would then be filed with the County Clerk, and they would continue to calculate the tax cap on our behalf each year. If home rule is ever approved for Yorkville, Mayor Golinski has stated that he intends to have an ordinance approved that implements the PTELL property tax cap.

3) Broad taxing authority

- a. As stated above, broad taxing authority is available to a municipality. Many will use this authority for hotel-motel taxes (that do not have to be spent on tourism), amusement taxes beyond 5%, gas taxes, food and beverage taxes (for dining out in restaurants), mandatory business licensing, real estate transfer taxes, wheel taxes, tobacco product taxes, and sales taxes in excess of the local 1% share. As a reminder, empirical evidence suggests that municipalities do not use this additional taxing authority to raise taxes – they usually try to shift the burden of taxation to non-residents.

Recommendation

Staff has attached a resolution for a November general election home rule question. Staff recommends approval of the resolution, but recognizes there will be major discussion on this matter. The deadline for the November ballot is mid-August, giving us four City Council meetings and two more Administration Committee meetings to discuss the matter.

Resolution No. 2016-____

**A RESOLUTION PROVIDING FOR THE SUBMISSION TO
THE ELECTORS OF THE UNITED CITY OF YORKVILLE, KENDALL
COUNTY, A REFERENDUM OF WHETHER THE CITY SHOULD BECOME A
HOME RULE MUNICIPALITY**

WHEREAS, the United City of Yorkville (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, Section 6(a) of the 1970 Constitution of the State of Illinois provides that municipalities may elect by referendum to become home rule units; and,

WHEREAS, Section 28-7 of the Election Code (10 ILCS 5/28-7) provides a method of submission of referendum which are authorized by Article VII of the Constitution and that such referendum may be initiated by the City Council by passage of a resolution requesting the submission of the referendum for consideration by the voters of the City; and,

WHEREAS, the City Council hereby finds that it is in the best interest of the City to submit the referendum of whether the City shall become a home rule municipality to the electors pursuant to the Election Code.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: The City Council finds that the recitals set forth above are true and correct and includes the recitals in this Resolution.

Section 2: The City Council finds and determines that it is in the best interests of the City to provide for a referendum concerning the adoption of home rule.

Section 3: The City Clerk is directed to immediately certify and submit the following public question to the Kendall County Clerk to be placed on the ballot for the general election to be held on November 8, 2016, in the following form:

Shall the United City of Yorkville become a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois?	Yes
	No

Section 4: This resolution shall be in full force and effect from and after its passage and approval as required by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this
____ day of _____, 2016.

CITY CLERK

CARLO COLOSIMO	_____	KEN KOCH	_____
JACKIE MILSCHEWSKI	_____	LARRY KOT	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
DIANE TEELING	_____	SEAVAR TARULIS	_____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this
____ day of _____, 2016.

MAYOR

CHAPTER 2

HOME RULE AND INTERGOVERNMENTAL COOPERATION

I. WHAT DOES “HOME RULE” MEAN?

“Home rule” gives local governments power to act autonomously. These grants are made either through state constitutions or state legislation. Most states have provisions for some form of home rule. Very simply stated, a non-home rule municipality must show a specific grant of legal authority in order to exercise a power while a home rule municipality may usually take an action unless it is specifically prohibited or “preempted.”

II. LIFE BEFORE HOME RULE POWERS

The 1870 Illinois Constitution made no provision for home rule. Thus, prior to the 1970 Illinois Constitution, municipalities could not exercise any powers except those granted by the General Assembly. This concept, known as “Dillon’s Rule,” was first expressed in an opinion by Iowa Supreme Court Judge John Forrest Dillon in 1868. Under the rule, local governmental bodies could exercise only those powers that were specifically granted to them by statute or necessarily implied from statutes or other grants of power. This was quite limiting since it rendered communities powerless to deal with new problems or regional concerns. Before municipalities could solve a particular problem, they needed to first decide whether they even had any authority to deal with the matter.

III. THE BEGINNING OF HOME RULE POWERS

Around 1900, as local governments became more complex, and as urbanization steadily transformed hamlets into metropolises, many states began giving “home rule” powers to their cities and villages. In Illinois, municipalities fought for home rule for more than 50 years before they succeeded. In the beginning of the struggle, smaller communities fought home rule because they



feared it would be used by larger municipalities to achieve even greater power. Eventually, both small towns and the largest municipalities began to realize that the legislature could not meet each of their individual needs. Thus, the concept of home rule powers was drafted into the 1970 Illinois Constitution.

On July 1, 1971, approximately 60 Illinois municipalities automatically achieved home rule. The 1970 Constitution freed home rule municipalities from having to hunt for authority for their each and every act. Instead, subject to certain limitations and restrictions, the municipal legislative body may act without relying on the General Assembly. This power pertaining to local affairs allows solutions to local problems to be fashioned by those closest to the problems rather than those sitting in Springfield. Hence, home rule may be thought of as the power to act without statutory authority.

Since 1971, many municipalities have become home rule units, either through population growth or referendum. There are currently more than 200 home rule municipalities in Illinois. Many municipalities with populations under 5,000 have even become home rule units, including some with populations under 500.

IV. HOW CAN A MUNICIPALITY OBTAIN HOME RULE STATUS?

Municipalities with a population of at least 25,000 automatically have home rule powers. Smaller municipalities can achieve home rule status by the majority vote of their citizens at a local referendum.¹ Cook County automatically achieved home rule upon the effective date of the constitution. No other county, to date, has by referendum voted to become a home rule unit. The referendum may be called or initiated either by a resolution of the governing body or by a petition signed by 10% of the number of registered voters in the governmental unit. If the referendum fails, a new vote may not be taken for 23 months.²

¹ ILL. CONST. 1970 ART. VII, §6(a); 10 ILCS 5/28-7.

² 10 ILCS 5/28-7.



V. DOES EACH MUNICIPALITY THAT AUTOMATICALLY BECOMES HOME RULE THROUGH POPULATION GROWTH HAVE TO ACCEPT IT?

Yes, but the municipality may still decide by referendum not to be a home rule municipality.³ An election to change from a home rule municipality to a non-home rule municipality may only be held once in every 47-month period.⁴ A municipality that becomes a home rule unit may decide to go very slowly on asserting its new powers or it may aggressively move to solve problems as they occur. Very few municipalities that have become home rule have rejected it.

VI. WHAT ARE THE SPECIFIC HOME RULE POWERS GRANTED BY THE 1970 CONSTITUTION?

Article VII, Section 6(a) provides, in part, that:

A home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt.

This provision unshackles home rule municipalities from being required to find legislative authorization for their every act. Further, every law that is enacted may not deny or limit home rule powers or functions unless there is specific language limiting or denying the power or function.⁵ If a home rule municipality is considering a matter involving its government and affairs, its officials will have the broadest power to deal with it, limited only by constitutional due process and equal protection requirements and preemption by the General Assembly. In addition, the General Assembly has provided that

³ ILL. CONST. 1970 ART. VII, §6(b).

⁴ 10 ILCS 5/28-7.

⁵ 5 ILCS 70/7.



this power may be exercised notwithstanding the effects on competition, which lessens the exposure of municipalities to antitrust suits.⁶

The issue, therefore, becomes whether, in any given situation, the exercise of the power or the performance of the function pertains to the individual municipality's government and affairs. Many powers and functions obviously relate to the government and affairs of the municipality alone. And, just as clearly, others do not. For instance, municipal actions that impact how other governmental entities are to function or attempt to modify the judicial system do not relate to that municipality alone. Thus, a home rule county could not pass an ordinance relating to the frequency of tax payments to all governments within the county⁷ and a city could not control the manner in which objections to the enforcement of its ordinances would be judicially reviewed,⁸ or affect the law on garnishments.⁹ A municipality could not pass an ordinance requiring courts to order a losing party in an ordinance enforcement case to pay the municipality's legal fees.¹⁰

For situations in the gray area at the edge, the courts have established criteria to be used to determine the proper assignment of the power between the municipality and the state. Specifically, courts look to: (1) the nature and extent of the concern being addressed; (2) which units of government have the most vital interest in the solution of the concern addressed; and (3) the role traditionally played by local and statewide authorities in dealing with the concern.¹¹

The court has applied these factors to uphold a municipality's regulation of handgun registration and possession within its boundaries.¹² On the other hand, a home rule unit may not

⁶ 65 ILCS 5/1-1-10.

⁷ *Bridgeman v. Korzen*, 54 Ill. 2d 74 (1972).

⁸ *Paper Supply Co. v. City of Chicago*, 57 Ill. 2d 553 (1974).

⁹ *McLorn v. East St. Louis*, 105 Ill. App. 3d 148 (5th Dist. 1982).

¹⁰ *Village of Glenview v. Zwick*, 356 Ill. App. 3d 630 (1st Dist. 2005).

¹¹ *Kalodimos v. Village of Morton Grove*, 103 Ill. 2d 483 (1984).

¹² *Id.*



disregard the Prevailing Wage Act in awarding a contract because it is considered a matter of statewide interest rather than local concern.¹³ In addition, branch banking is a matter of statewide, and not local, concern.¹⁴

A home rule unit may frequently exercise powers concurrently with the state.¹⁵ A home rule government's power to regulate for the protection of public safety includes the authority to enact ordinances which address matters already covered by state law as long as the legislature does not limit the power.¹⁶ Even comprehensive state regulation, when there is no express language of exclusive state control, will not be enough to deny home rule powers.¹⁷ An example of an area of concurrent authority is the area of liquor control, except that home rule municipalities may not lower the minimum drinking age.¹⁸ In the event of concurrent legislation, the court must enforce home rule ordinances, even if they are more stringent than state law.¹⁹

VII. IN WHICH AREAS MAY HOME RULE MUNICIPALITIES EXERCISE THEIR POWERS?

A. Public Health, Safety, Morals and Welfare

Unless specifically restricted by state law (for example, in the area of the age for consumption of alcoholic beverages)²⁰ or other provisions of the constitution, a home rule municipality may pass ordinances regulating the areas of building, zoning, sanitation, nuisance, civil disturbance and all other matters of

¹³ *People ex rel. Bernardi v. City of Highland Park*, 121 Ill. 2d 1 (1988).

¹⁴ *People ex rel. Lignoul v. City of Chicago*, 67 Ill. 2d 480 (1977).

¹⁵ *Carlson v. Briceland*, 61 Ill. App. 3d 247 (1st Dist. 1978).

¹⁶ *City of Chicago v. Powell*, 315 Ill. App. 3d 1136 (1st Dist. 2000).

¹⁷ *Village of Bolingbrook v. Citizens Utilities Co.*, 158 Ill. 2d 133 (1994).

¹⁸ 235 ILCS 5/6 18; *Sip and Save Liquors, Inc. v. Daley*, 275 Ill. App. 3d 1009 (1st Dist. 1995).

¹⁹ *People v. Jaudon*, 307 Ill. App. 3d 427 (1st Dist. 1999).

²⁰ 235 ILCS 5/6-18



public health, safety, morals and welfare.²¹ A home rule municipality may regulate the differential in price between self-service and full-service gasoline.²² A home rule unit may adopt regulations relating to contracts between landlord and tenant.²³ Even in areas where partial preemption has taken place, home rule communities still have the power to supplement state law so long as the local ordinance does not seek to reduce state minimum standards or provides for a lesser penalty than state law imposes.²⁴ Chicago was allowed to use its home rule powers to confiscate and destroy a firearm owned by a non-resident because this non-registered weapon had no protection under state law.²⁵

B. Zoning and Subdivision

In matters of zoning, subdivision control and planning, home rule municipalities may make procedural changes, as long as they meet the tests of due process, equal protection of the law and other constitutional guarantees.²⁶ Municipalities possess broad basic zoning authority, which is only expanded by home rule powers. Home rule units may zone landfill sites as long as standards similar to those in state environmental law are utilized.²⁷ Any extraterritorial jurisdiction for zoning still depends upon the grant of the powers contained in Division 13 of Article 11 of the Illinois Municipal Code. Extraterritorial subdivision control and planning is still subject to Division 12 of Article 11 of the Illinois Municipal Code.²⁸

²¹ ILL. CONST. 1970 ART. 7, §6(a)

²² *Midwest Petroleum Marketers Ass'n v. City of Chicago*, 82 Ill. App. 3d 494 (1st Dist. 1980).

²³ *City of Evanston v. Create*, 85 Ill. 2d 101 (1981).

²⁴ *City of Chicago v. Pollution Control Board*, 59 Ill. 2d 484 (1974); *Village of Park Forest v. Thomason*, 145 Ill. App. 3d 327 (1st Dist. 1986).

²⁵ *City of Chicago v. Taylor*, 332 Ill. App. 3d (1st Dist. 2002).

²⁶ *Cain v. American National Bank and Trust Co.*, 26 Ill. App. 3d 574 (1st Dist. 1975).

²⁷ *County of Cook v. Sexton*, 86 Ill. App. 3d 673 (1st Dist. 1980).

²⁸ *City of Carbondale v. Van Natta*, 61 Ill. 2d 483 (1975).



C. Personnel

A home rule municipality may extend the period of probation for employees to achieve full or limited tenure rights otherwise provided by the statute.²⁹ A home rule community may elect to combine its police and fire departments,³⁰ or to grant its police chief the power to discharge a probationary police officer,³¹ and may require its police officers to participate in the police pension fund as a condition of employment.³² It may also adopt procedures different from those established in the state statutes for the discipline, discharge or promotion of personnel.³³ It may, for example, pass an ordinance granting to the police chief, rather than the board of fire and police commissioners, the power to make temporary appointments.³⁴

D. Enforcement of Zoning, Building and Related Codes on Other Governmental Bodies

Other public bodies are not exempt from a home rule municipality's zoning ordinances or codes relating to subdivision drainage and parking requirements.³⁵ A governmental body, the territory of which is located within a municipality, must also comply with a home rule unit's applicable building codes.³⁶

²⁹ *Scott v. City of Rockford*, 66 Ill. App. 3d 338 (1978).

³⁰ *Village of Rosemont v. Mathias*, 109 Ill. App. 3d 894 (1st Dist. 1982).

³¹ *Cheek v. Dye*, 108 Ill. App. 3d 711 (4th Dist. 1982).

³² *Sanders v. City of Springfield*, 130 Ill. App. 3d 490 (4th Dist. 1985).

³³ *Messina v. City of Chicago*, 145 Ill. App. 3d 549 (1st Dist. 1986); *Mandarino v. Village of Lombard*, 92 Ill. App. 3d 78 (2d Dist. 1980); *Resman v. Personnel Board of the City of Chicago*, 96 Ill. App. 3d 919 (1st Dist. 1981); *Hoffman v. Board of Fire and Police Commissioners of the City of Peoria*, 86 Ill. App. 3d 505 (3d Dist. 1980); *Kadzielawski v. Board of Fire and Police Commissioners of Skokie*, 194 Ill. App. 3d 676 (1st Dist. 1990).

³⁴ *Kotte v. Normal Board of Fire and Police Commissioners*, 269 Ill. App. 3d 517 (4th Dist. 1995).

³⁵ *Wilmette Park District v. Village of Wilmette*, 112 Ill. 2d 6 (1986).

³⁶ *Village of Swansea v. County of St. Clair*, 45 Ill. App. 3d 184 (5th Dist. 1977); *Lake County Public Building Commission v. City of Waukegan*, 273 Ill. App. 3d 15 (2d Dist. 1995).



Thus, building and related codes would apply to park districts, sanitary districts, counties and other public bodies. These public bodies (except for school districts which are covered by a statewide code) would be required to obtain building permits at the established fees and to build in compliance with the codes. However, it is unclear as to whether a home rule municipality may use its ordinances to prevent construction of facilities by a governmental body where the structure to be built is central to the operation of the task given by statute to the other governmental body. Home rule units may also not block the operation of the facilities of regional governments.³⁷ The appellate court held that a home rule unit may not subject the Board of Trustees of University of Illinois, an arm and instrumentality of the state, to its building, health and safety ordinances.³⁸

A home rule unit may exercise the power of eminent domain in an area not established by the legislature, but the enactment may be overturned if it is vague or overbroad.³⁹

E. Taxation

Home rule municipalities have a broad general power to tax. Except where restricted by statute (to date, the tax cap does not apply to the tax levy of home rule communities), a home rule municipality may impose any kind of taxes it wishes—property taxes, certain sales and use taxes, inheritance taxes, motor vehicle taxes, tobacco products taxes, hotel/motel taxes, per capita head taxes, leasing taxes, admission taxes, wheel taxes, gasoline taxes and amusement taxes, provided that such taxes are not based on or measured by income, earnings, or occupations, or pre-empted by state legislation. The Illinois Constitution, at Article VII, Section 6, gives to home rule units of government the power to impose taxes measured by income or earnings or upon occupations only as granted by state statute.

³⁷ *City of Evanston v. Regional Transportation Authority*, 202 Ill. App. 3d 265 (1st Dist. 1990).

³⁸ *Board of Trustees of University of Illinois, v. City of Chicago*, 317 Ill. App. 3d 569 (1st Dist. 2000).

³⁹ *City of Wheaton v. Sandberg*, 215 Ill. App. 3d 220 (2d Dist. 1991).



However, the Chicago service tax ordinance was declared invalid.⁴⁰ In addition, a home rule tax on utility services was an improper tax on services rather than a tax on tangible goods.⁴¹ Moreover, successful home rule taxes will place the incident of the tax on the purchaser, but require the seller-business owner to account for the collection and turnover of the tax proceeds to the municipality.⁴² However, when a court finds that too many legal responsibilities and obligations have been placed on a person providing a service, a home rule tax ordinance may be found unconstitutional even if it contains a declaration that the tax is on the purchaser of the service.⁴³

If taxes are levied carefully and precisely on the incidence of the activity or transaction rather than on the seller, they will likely be declared valid. A motel tax, for example, is proper if it is paid by the guest on the privilege or incidence of renting the room rather than on the gross receipts or activity of the motel owner.⁴⁴ The Illinois Supreme Court also upheld a tax on the sale of packaged alcoholic beverages by a home rule county,⁴⁵ a municipal employee head tax payable by the employer,⁴⁶ a municipal admissions tax as applied to horse racing events,⁴⁷ and a municipal amusement tax even when collected against a park district.⁴⁸ Similarly, the Court upheld a City of Chicago tax on boats moored in harbors operated by the Chicago Park District.⁴⁹

⁴⁰ *Commercial National Bank of Chicago v. Chicago*, 89 Ill. 2d 45 (1983).

⁴¹ *Waukegan Community Unit School District No. 60 v. City of Waukegan*, 95 Ill. 2d 244 (1982).

⁴² *Bloom v. Korshak*, 52 Ill. 2d 56 (1972).

⁴³ *Commercial National Bank v. City of Chicago*, 89 Ill. 2d 45 (1981).

⁴⁴ *Marcus Corp. v. Village of South Holland*, 120 Ill. App. 3d 300 (1st Dist. 1983).

⁴⁵ *Mulligan v. Dunne*, 61 Ill. 2d 544 (1975).

⁴⁶ *Paper Supply Co. v. City of Chicago*, 57 Ill. 2d 553 (1974).

⁴⁷ *Town of Cicero v. Fox Valley Trotting Club*, 65 Ill. 2d 10 (1976).

⁴⁸ *Board of Education, School District 150 v. City of Peoria*, 76 Ill. 2d 469 (1979).

⁴⁹ *Chicago Park District v. City of Chicago*, 111 Ill. 2d 7 (1986).



This broad taxing power may be limited or denied only by a three-fifths vote of each House of the General Assembly.⁵⁰ An example of this expanded power is that home rule municipalities may levy a tax for library purposes different in amount from that recommended by the library board or in an amount greater than permitted by statute.⁵¹ The courts will not review whether the tax levy of a home rule municipality is justified because the power to limit such taxes resides in the General Assembly, which in this case had not acted to limit the taxing power. The cases which limited the power of a government to tax when it had a surplus of funds do not apply in home rule units. The issue is political, not legal.⁵²

The power to impose an income tax is treated separately in the local government article of the Illinois Constitution, which makes it clear that the General Assembly may authorize a municipal income tax.⁵³ However, until the General Assembly authorizes such a tax, home rule municipalities have no power to levy an income tax.

Even with broad home rule tax powers, a community may take an action which requires other governments to carry out its goal. The courts may find this to be overreaching. So, the courts found an attempt by a home rule community to extend the time for the passage of the annual appropriation ordinance to be invalid because this act could cause serious problems for the county clerk in the timely determination of rates and for the county collector in the orderly collection of taxes.⁵⁴

Home rule cities and counties may each tax the same event or transaction. The Illinois Supreme Court has held that a Cook County tax upon the sale of motor vehicles was valid within a

⁵⁰ ILL. CONST. 1970 ART. VII, §6(g).

⁵¹ *City of Rockford v. Gill*, 75 Ill. 2d 334 (1979).

⁵² *Trust No. 1105 v. People ex rel. Little*, 328 Ill. App. 3d (4th Dist. 2002).

⁵³ ILL. CONST. 1970 ART. VII, §6(e)(2).

⁵⁴ *In re Application of Anderson*, 194 Ill. App. 3d 414 (2d Dist. 1990).



home rule municipality which imposed its own tax on such a sale.⁵⁵

F. Elections

Court decisions have indicated that home rule communities may have certain powers regarding elections governing purely local issues. For example, a home rule municipality may choose, by referendum, to have nonpartisan elections,⁵⁶ to change the clerk from an appointive to elective office or to change the number of trustees and terms of office.⁵⁷ A home rule municipality may enact an ordinance providing for the recall of elected officials, but neither home rule nor non-home rule units may use referenda to adopt recall procedures under Article VII of the Illinois Constitution.⁵⁸ A home rule unit may also hold a referendum to provide for runoff elections, but the proposition must clarify the procedure and include the dates for the runoffs and the number of candidates to participate.⁵⁹ In 2005, the Attorney General opined that a home rule municipality may by referendum choose to elect its officers via cumulative voting or by instant run-off voting.⁶⁰

G. Finance

In financial matters relating to the expenditure of its funds, a home rule municipality need not be bound by state law requiring prior appropriation.⁶¹

⁵⁵ *City of Evanston v. County of Cook*, 53 Ill. 2d 312 (1972).

⁵⁶ *Boytor v. City of Aurora*, 81 Ill. 2d 308 (1980).

⁵⁷ *Clarke v. Village of Arlington Heights*, 57 Ill. 2d 50 (1974); *Brown v. Perkins*, 706 F.Supp. 633 (N.D. Ill. 1989).

⁵⁸ *Williamson v. Doyle*, 103 Ill. App. 3d 770 (1st Dist. 1981).

⁵⁹ *Leck v. Michaelson*, 111 Ill. 2d 523 (1986).

⁶⁰ ILL. ATT'Y GEN. OP. NO. 05-007.

⁶¹ *City of Burbank v. Illinois State Labor Relations Bd.*, 185 Ill. App. 3d 997 (1st Dist. 1989).



H. Special Assessments

Home rule municipalities have full power to levy special assessments in order to make local improvements. The General Assembly never may take away this power, except by constitutional amendment.⁶² Under the 1870 Constitution, a municipality could levy special assessments only as authorized by the General Assembly. Moreover, under the 1970 Constitution, home rule municipalities may exercise their special assessment power jointly with other local governments.

I. Special Service Area Tax

The 1970 Constitution grants all municipalities, home rule and non-home rule, the power to levy or impose additional taxes and to incur debt to finance special services, such as street lights, paving and sewers, in certain areas within the municipality.⁶³ In the past, by reason of the tax uniformity requirement, all the taxpayers of a municipality were required to pay for a new project financed by general taxation, even if it served only a limited area of the municipality. The Illinois Supreme Court has held, however, that no property taxes may be levied to support such projects without specific enabling legislation.⁶⁴ Such legislation was then passed and is in effect.⁶⁵ A home rule community may also elect to exempt certain property within a special service area from tax otherwise payable.⁶⁶ A home rule unit may extend a special service area tax based on a standard other than assessed value but it may not force a county to collect this tax and must do so itself.⁶⁷

⁶² ILL. CONST. 1970 ART. VII, §6(1).

⁶³ *Coryn v. City of Moline*, 71 Ill. 2d 194 (1978); *Sweis v. City of Chicago*, 142 Ill. App. 3d 643 (1st Dist. 1986).

⁶⁴ *Oak Park Federal Sav. and Loan Ass'n v. Village of Oak Park*, 54 Ill.2d 200 (1973); *See also*, ILL. ATT'Y GEN. OP. NO. S-951 (1975).

⁶⁵ 35 ILCS 200/27-5, *et seq.*

⁶⁶ *Elgin National Bank v. Rowcliff*, 109 Ill. App. 3d 719 (2d Dist. 1982).

⁶⁷ *County of Will v. Village of Rockdale*, 226 Ill. App. 3d 634 (3d Dist. 1992).



J. Debt

The 1970 Constitution vastly liberalized local debt provisions. The 1870 Constitution had a rigid debt incurring limit of 5% of the assessed valuation of local property. Revenue bonds were not subject to that limit.

The constitution establishes separate rules for debt payable from property taxes and debt payable from other sources, such as revenue from a utility, corporate funds, and taxes other than property taxes. A home rule municipality begins with the unlimited power to incur debt payable from property taxes. The General Assembly may limit this power by establishing statutory debt limits and referendum requirements for bonded debt payable from *ad valorem* (imposed at a percentage rate against the value of the item taxed) property taxes. However, the General Assembly may never set limits lower than:

- (1) 3% of the assessed property valuation if the municipality has 500,000 people or more;
- (2) 1% of the assessed property valuation if the municipality has more than 25,000 people but less than 500,000;
- (3) ½% of the assessed property valuation if the municipality has 25,000 people or fewer.⁶⁸

The sale of such non-referendum debt may be authorized by the passage of an ordinance enacted by the corporate authorities. Since the passage of the constitution, no statutory limits have been imposed upon the debt incurring powers of home rule units. Laws presently in force which allow the establishment of tax caps throughout the state do not limit home rule debt.

The Illinois Supreme Court has approved the sale of general obligation bonds payable from property taxes by a home rule

⁶⁸ ILL. CONST. 1970 ART. VII, §6(k).



unit without the necessity of referendum approval.⁶⁹ The court also has authorized the use of general obligation bonds to fund land acquisition and other costs in a municipally created commercial urban development program.⁷⁰

The only restriction on home rule debt is the requirement that debt payable from property taxes must mature within 40 years.⁷¹ This is a distinct improvement over the 20-year limit contained in the 1870 Constitution.

At the same time, a home rule municipality possesses the unlimited power to incur debt payable from sources other than property taxes. This means that, if a home rule municipality wants to secure its debt by sales tax receipts, revenue bond receipts, corporate fund payments, or from any source other than property tax receipts, there is no constitutional limit on the amount of debt the municipality may incur. The General Assembly, by three-fifths vote of each House, may limit the amount of such debt. This special majority requirement for preemption gives to home rule municipalities substantial protection against interference by the General Assembly. On the other hand, the General Assembly intended this as a check against possible abuse of power by municipalities. Of course, the ability to sell bonds in an unlimited amount is not the same thing as having the money in hand. Market forces will determine whether a municipality will be able to raise money through the sale of bonds.

K. Internal Organization

All municipalities have the power, subject to approval by a referendum, to adopt, alter or repeal those forms of government provided by law. All municipalities, by referendum approval or as established by statute, may provide for their officers, their manner of selection, and their terms.⁷² This later provision will

⁶⁹ *Kanellos v. County of Cook*, 53 Ill. 2d 161 (1972).

⁷⁰ *People ex rel. City of Urbana v. Paley*, 68 Ill. 2d 62 (1977).

⁷¹ ILL. CONST. 1970 ART. VII, §6(d).

⁷² ILL. CONST. 1970 ART. VII, §6(f).



allow experimentation, with voter approval, in the basic rules by which elective officers are chosen.

In the case of *Clarke v. Village of Arlington Heights*,⁷³ the Illinois Supreme Court upheld the actions taken by Arlington Heights in increasing the size of its legislative body and providing for the office of the clerk to be appointive.⁷⁴ The village took these actions only after a proposition authorizing such changes had been approved by the electors. While, in the *Clarke* case, a referendum was required, it is now clear that, with regard to all officers whose positions are not an integral part of the form or structure of government, a home rule municipality may alter such positions merely by ordinance.⁷⁵

In the absence of a successful referendum, home rule powers may not be used to diminish the power of elected officials in such a direct manner as to shift the checks and balances written into each form of government authorized by statute. Thus, the legislative body in a home rule municipality may not take the power of appointing officers away from the mayor by seeking to convert these offices into employments which would be filled by the legislative body.⁷⁶ A commission form municipality, though home rule, may not deprive a commissioner of the power to hire and fire departmental employees and transfer that power to others without referendum approval.⁷⁷ For the same reasons, an attempt to adopt an ordinance to change the vote necessary to override a veto by the president of the county board in a home rule county was found to be an attempt to alter the form of government without the required referendum.⁷⁸ The court also

⁷³ *Clarke v. Village of Arlington Heights*, 57 Ill. 2d 50 (1974).

⁷⁴ *See also, Brown v. Perkins*, 706 F.Supp. 633 (N.D. Ill. 1989) (reduced terms of Trustees by referendum).

⁷⁵ *See e.g., Paglini v. Police Board of City of Chicago*, 61 Ill. 2d 233 (1975) (change in disciplinary hearing procedures for police); *Peters v. City of Springfield*, 57 Ill. 2d 142 (1974) (changing mandatory retirement age); *Stryker v. Oak Park*, 62 Ill. 2d 523 (1976) (changes in composition of board of fire and police commissioners).

⁷⁶ *Pechous v. Slawko*, 64 Ill. 2d 576 (1976).

⁷⁷ *Marshall v. City of Chicago Heights*, 59 Ill. App. 3d 986 (1st Dist. 1978).

⁷⁸ *Dunne v. County of Cook*, 123 Ill. App. 3d 468 (1st Dist. 1984).



found that an ordinance which attempted to add a third commissioner to the county board of tax appeals, stagger terms, and change the manner of election was an illegal attempt to alter the board without the required referendum.⁷⁹ However, a home rule municipality may change its rules of order to require a different vote to pass a particular matter than that required by state law.⁸⁰

VIII. HOME RULE REFERENDA

Home rule referenda generally succeed when: (1) the officials can point to some specific reason why the increased powers would be beneficial to the community; (2) the public trusts its government; and (3) the residents have been educated and informed about the reasons why their leaders seek home rule powers. In one municipality which achieved home rule by referendum, the issue was the ability to sell long-term bonds in order to buy a large park site. In other communities, the issue has been the ability to regulate and tax a local amusement. Where the community has no central goal in mind, critics have often convinced voters that home rule is synonymous with higher taxes. Actually, real estate taxes tend to decrease or grow at a slower pace in home rule communities because home rule communities can tap other sources of governmental funding besides real estate taxation. Often the funding source is one which directs new taxes to businesses or industries which are major users of municipal services.

IX. HOW DO MUNICIPALITIES EXERCISE THEIR HOME RULE POWERS?

Home rule municipalities retain the powers subject to the limitations of existing Illinois law. To exercise home rule powers, a municipality must take some affirmative action. Thus, while a home rule municipality may license general contractors, that power will only spring to life if it passes a local ordinance so

⁷⁹ *Chicago Bar Association v. County of Cook*, 124 Ill. App. 3d 355 (1st Dist. 1984).

⁸⁰ *Allen v. County of Cook*, 65 Ill. 2d 281 (1976).



providing. On the other hand, even if a home rule municipality took no new action, its licensing of restaurants authorized by existing state law would still be valid.

An ordinance need not specify that it is enacted pursuant to home rule powers. Any time a home rule municipality adopts an ordinance that is contrary to a non-preempted substantive statute or to a non-preempted statutory procedural rule, the action itself will be considered an exercise of home rule powers.⁸¹ Thus, the passage of ordinances which did not receive the number of votes required by state statutes or which would have been defective for another technical reason, was still held valid.⁸² Interestingly, if a home rule unit repeals an ordinance which conflicts with state law, the state law automatically and once again applies to the matter.⁸³

While a home rule unit may exercise its expanded powers by actions other than ordinances,⁸⁴ it has not yet been determined whether the community must specifically pass an ordinance to override a state law which would otherwise bar the validity of its acts. In one case, a county awarded health care contracts without competitive bidding, and the court allowed the practice without any apparent local ordinance modifying the provisions of the state statutes.⁸⁵ In another case, the court found a home rule community's contract was invalid because the city had failed to pass any ordinance reversing the statutory requirement of a prior appropriation.⁸⁶ For that reason, it may be wise, though not required, to indicate that an effort is being made to change state law. Some communities do this by indicating in ordinances that

⁸¹ *Messina v. City of Chicago*, 145 Ill. App. 3d 549 (1st Dist. 1986).

⁸² *Scandrol v. City of Rockford*, 86 Ill. App. 3d 999 (2d Dist. 1980); *Thompson v. Cook County*, 96 Ill. App. 3d 561 (1st Dist. 1981); *City of Rockford v. Suski*, 90 Ill. App. 3d 681 (2d Dist. 1980).

⁸³ *Provenzano v. City of Des Plaines*, 256 Ill. App. 3d 458 (1st Dist. 1993).

⁸⁴ *Beneficial Development Corporation v. City of Highland Park*, 161 Ill. 2d 321 (1994).

⁸⁵ *American Health Care Providers v. County of Cook*, 265 Ill. App. 3d 919 (1st Dist. 1994).

⁸⁶ *Nielsen Massey Vanillas, Inc. v. Waukegan*, 276 Ill. App. 3d 146 (2d Dist. 1995).



the enactment is being passed by the municipality “in the exercise of its home rule powers.”

Home rule municipalities may also impose fines greater than the state statutory limit. Home rule municipalities may imprison offenders for up to six months. If a municipality, however, enacts ordinances that have imprisonment as one of the penalties, the police and prosecutor will be held to higher levels of proof and constitutional safeguards than would be the case if a fine alone were involved.

X. HOW DOES THE LEGISLATURE LIMIT OR REMOVE POWERS FROM HOME RULE UNITS?

The state may limit or remove some powers by preempting them. If the state does not exercise a power which is exercised by a home rule municipality, the General Assembly may limit or eliminate (preempt) such power only by a vote of three-fifths of each House. The General Assembly may limit or deny the taxing power only by a three-fifths vote of each House.⁸⁷ In addition, the General Assembly may provide for the exclusive exercise by the state of any power of a home rule unit other than a taxing power or special service tax by a simple majority vote of each House.⁸⁸

The state has preempted various home rule powers, including specified licensing powers, power over pensions and traffic regulations. It has made home rule units subject to the minimum standards of the Open Meetings Act and the law in relation to notices⁸⁹ and has made home rule units subject to the authority of the Regional Transit Authority, which operates in northern Illinois. Certain powers relating to human rights legislation may also have been preempted.⁹⁰ The General Assembly has further declared that the provisions of the Public Labor Relations Act⁹¹

⁸⁷ ILL. CONST. 1970 ART. VII, §6(g).

⁸⁸ ILL. CONST. 1970 ART. VII, §6(h).

⁸⁹ 5 ILCS 120/6; 715 ILCS 5/10.

⁹⁰ *Hutchcraft Van Service v. Urbana Human Relations Commission*, 104 Ill. App. 3d 817 (4th Dist. 1982).

⁹¹ 5 ILCS 315/1, *et seq.*



are the exclusive exercise by the state of powers and functions which might otherwise be exercised by home rule units.⁹² The Illinois Municipal League and other organizations continue to resist preemptive legislation because the concept of home rule is to allow local problems to be freely solved with local solutions.

XI. ARE THE POWERS OF A HOME RULE UNIT UNLIMITED IF THE LEGISLATURE DOES NOT PREEMPT THE POWER?

No. Home rule units are still subject to all of the restrictions contained in the federal constitution and the state constitution. In addition, in certain cases the courts have held that even without specific statutory preemption, the acts of home rule units fall outside of the “government and affairs” of a local governmental body or are areas of traditional state control. For example, the City of Chicago was not permitted to use its home rule powers to impose building, safety, and health ordinances on the Trustees of the University of Illinois.⁹³ But the North Shore Sanitary District was required to follow the City of Waukegan’s zoning ordinance because there was no statutory preemption.⁹⁴

XII. WHAT CAN A MUNICIPALITY DO IF IT NO LONGER WANTS TO BE A HOME RULE UNIT?

A municipality may cease to be a home rule unit through a referendum. If the municipality reverts to non-home rule status, it does not affect the validity of actions taken while it was a home rule unit. Bonds issued and contracts which were entered into under home rule remain valid for their terms and taxes may be levied to fund those obligations.⁹⁵

⁹² 5 ILCS 315/15(c).

⁹³ *Board of Trustees v. City of Chicago*, 317 Ill. App. 3d (1st Dist. 2000).

⁹⁴ *City of Waukegan v. Illinois Environmental Protection Agency*, 339 Ill. App. 3d (2d Dist. 2003).

⁹⁵ *Royal Liquor Mart, Inc. v. City of Rockford*, 133 Ill. App. 3d 868 (2d Dist. 1985).



XIII. WHAT HAPPENS IF A MUNICIPALITY'S POPULATION DECREASES BELOW 25,000?

If a municipality which is a home rule unit by reason of having a population of over 25,000 decreases in population to 25,000 or less, the municipality continues to be a home rule unit until it elects by referendum not to be one. Unless a referendum on the question has been held within two calendar years preceding the determination of the population loss, the clerk must certify the question for submission to the voters at the next general election following such a determination.⁹⁶

XIV. LIBERAL CONSTRUCTION OF HOME RULE POWERS

Courts must construe grants of home rule powers liberally.⁹⁷ Previously, where a municipality had only those powers which were specifically granted to it by statute, such powers were narrowly construed by the courts (Dillon's Rule). Thus, if a statute allowed a municipality to license dogs, the municipality could license dogs, but could not necessarily license all other animals based only on this one statutory grant of authority. Now, home rule municipalities may license dogs, cats, monkeys, and anything else within its "government and affairs" unless the state specifically preempts or restricts this power.

XV. WHAT HAPPENS IF THERE IS A CONFLICT BETWEEN A HOME RULE COUNTY ORDINANCE AND A MUNICIPAL ORDINANCE?

If a conflict exists, the municipal ordinance prevails within its jurisdiction. In a case involving a tax imposed on the sale of motor vehicles, the Illinois Supreme Court has held that no conflict exists and that both taxes are valid.⁹⁸ While double

⁹⁶ 65 ILCS 5/1-1-9.

⁹⁷ ILL. CONST. 1970 ART. VII, §6(m).

⁹⁸ *City of Evanston v. County of Cook*, 53 Ill. 2d 312 (1972).



taxation does not cause a conflict, a true impasse (height of a fence, number of liquor licenses, etc.) would be resolved in favor of the municipality.

XVI. WHAT POWERS DO NON-HOME RULE MUNICIPALITIES HAVE?

Non-home rule municipalities will continue to be governed by authority they are given in the state statutes. Some of those powers include:

- (1) The power to make local improvements by special assessment, which may be exercised jointly with other municipalities, counties and special districts authorized to make local improvements by statute. The power to enter into joint assessments may not be removed by the General Assembly.
- (2) The power to adopt, alter or repeal their forms of government from among those forms provided by statute, if their citizens approve the change by referendum. Since this language is identical to that accorded to home rule communities, there are now substantial changes which could be considered by non-home rule communities. For example, such a community could approve an appointed clerk and modifications in the composition of its legislative body.⁹⁹
- (3) The power to conduct a referendum regarding officers who are central to its form of government, to set the salaries of its officers and to determine the manner of their selection and terms. A referendum may also be held to provide for nonpartisan elections.¹⁰⁰ The General Assembly may not remove this power.

⁹⁹ *Clarke v. Village of Arlington Heights*, 57 Ill. 2d 50 (1974).

¹⁰⁰ Ill. Att’y Gen. Op. No. 85-017.



- (4) The power to incur debt in any amount and in any manner allowed by the legislature. However, debt limits for non-home rule municipalities are subject to statutory enactment and may be changed more easily as conditions demand. The non-home rule debt limit is 8.625% of the municipality's assessed valuation.¹⁰¹
- (5) Municipalities also are able to extend debt payments for debts payable from property taxes over a 40-year period.¹⁰²

XVII. INTERGOVERNMENTAL COOPERATION

The Illinois Constitution grants very broad powers to all local governments, including school districts, to cooperate with each other, with the State of Illinois, other states, the federal government, and private parties to provide public services.¹⁰³ Intergovernmental cooperation permits one entity, which may not possess the legal authority to do something, to exercise the powers of another public entity to accomplish the task. For example, if a non-home rule city desired to cooperate with another entity to provide services for children with special needs (special schools, teachers, buses, etc.), it could cooperate with a home rule city, another non-home rule municipality, any county, any school district, the State of Illinois or the federal government. It also could enter into an agreement with another state to share facilities and it could cooperate with a private institution for children with special needs in the area. Intergovernmental agreements may be for multi-year terms.

Public entities in Illinois are generally responsible for developing, promoting, and maintaining services and benefits for residents and the general public without adequate financial sources. Illinois municipalities have recognized that by banding together to supply essential governmental services they may

¹⁰¹ 65 ILCS 5/8-5-1.

¹⁰² ILL. CONST. 1970 ART. VII, §6(d).

¹⁰³ ILL. CONST. 1970 ART. VII, §10.



retain a high level of performance while controlling ever escalating costs. Intergovernmental cooperation is both a constitutional and statutory grant of authority and is available to all units of local government. The Illinois Constitution Article VII, Section 10 allows that:

Units of local government and school districts may contract or otherwise associate among themselves, with the state, with other states and their units of local government and school districts and with the United States to obtain or share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or by ordinance. Units of local government and school districts may contract as otherwise associated with individuals, associations and corporations in any manner not prohibited by law or by ordinance.¹⁰⁴

The Intergovernmental Cooperation Act¹⁰⁵ supplements the provisions of Section 10 of Article VII. For example, while the Illinois Constitution does not authorize state agencies to engage in intergovernmental activities, the Act clearly authorizes intergovernmental activity by “any agency of the state government.”¹⁰⁶ The Act also makes clear that it “is not a prohibition on the contractual and associational powers granted by Section 10 of Article VII of the Constitution.”¹⁰⁷

Sections 3 and 5 of the Intergovernmental Cooperation Act¹⁰⁸ allow for agreement between public agencies to perform any governmental service or activity that they are authorized to conduct. This power to enter into intergovernmental agreements endures unless it is withdrawn by statute or local ordinance.

¹⁰⁴ ILL. CONST. 1970 ART. VII, §10.

¹⁰⁵ 5 ILCS 220/1, *et seq.*

¹⁰⁶ 5 ILCS 220/2.

¹⁰⁷ 5 ILCS 220/7.

¹⁰⁸ 5 ILCS 220/3, 5 ILCS 220/5.



Intergovernmental cooperation may and should take many forms of cooperative efforts such as sharing facilities, sharing costs of equipment and forming self-insurance pools. Intergovernmental cooperation is limited only by the municipality's creativity and leadership. When used effectively, intergovernmental cooperation enables local governments to function more efficiently. It is noteworthy to emphasize that governmental agreements are not exclusively limited to engagements between local governmental units. Cooperative agreements may include, as previously noted, private individuals, associations and even for-profit entities. Many lawyers believe, however, that to bring in private partners there must be more than one government involved in the agreement. Other examples include police and fire mutual aid agreements, agreements for the joint use of recreational areas, the serving of special populations for recreational services, street maintenance agreements, intergovernmental land use plans, solid waste water and disposal, as well as the provision of Lake Michigan water to various communities locally south and west of Chicago.

Both home rule and non-home rule municipalities have used the intergovernmental cooperation section of the 1970 Constitution to overcome a lack of available and affordable insurance. Ancel Glink has worked with municipalities and other governmental bodies to produce many intergovernmental self-insurance pools. The Illinois Supreme Court commented on the efficiency of the use of this form of constitutionally authorized intergovernmental cooperation in the case of *Antiporek v. Village of Hillside*.¹⁰⁹ Other examples of the productive use of intergovernmental cooperation include police and fire mutual aid agreements, agreements for the joint use of recreational areas, street maintenance agreements, intergovernmental land use plans and agreements in the area of solid waste treatment and disposal.

A. Nature of Cooperation

Intergovernmental cooperation should begin with extensive discussions and negotiations among all participating parties.

¹⁰⁹ *Antiporek v. Village of Hillside*, 114 Ill. 2d 246 (1986).



Typically, these discussions emanate from problem areas or lack of funds to accomplish either mandated or targeted services to residents. If used effectively, intergovernmental cooperation enables municipalities to function even more efficiently and provide those services which they could not otherwise afford. The beginning of the process should include an identification of the problem that needs to be solved, as well as a review of those governmental entities which may assist your government or share the same types of problems or issues. Before any such agreement may go into effect, it must be approved in identical form by each participating party and is usually committed to written form.

A unit of local government generally approves the agreement or contract by passing an ordinance or resolution. The ordinance or resolution should cite that it is being passed pursuant to the constitution and statutory authority to participate in intergovernmental cooperation. The language may include the source of the government's power to participate in the cooperative agreement. Where the cooperative effort is intended to be of long standing duration and governed by a separate permanent board of directors, the participating parties should strongly consider establishing permanent governing bylaws to facilitate the effective operation of the intergovernmental agency. To minimize potential liability or future litigation costs, the contracting parties should consult with an attorney before entering into any formal written agreement or contract.

B. Examples of Intergovernmental Agreements

Examples of some intergovernmental agreements are the following:

- (1) **Recreation:** Establishing joint recreational services for the disabled.
- (2) **Financing:** General obligation bonds by a home rule municipality for use by a school district to purchase an obsolete library building. The library used the money to help a new library at another location which enhanced the village's plan for its downtown



area. The remaining dollars of the bond issues were used to remodel the old library as a new headquarters for the school district. The school district entered into a long-term lease under which the rent would pay all the principal and interest on the bonds. Without the help of the home rule power and the Intergovernmental Cooperation Act, neither the municipality, the library, nor the school district could have financed these improvements alone.

- (3) **Property Purchases:** Various school districts, park districts and villages have cooperated in the purchase of derelict buildings or public buildings which are no longer of use or have asbestos or other environmental problems associated with the structures. The sharing of the purchase of the property may ensure additional open space for a community as well as cooperative and utilitarian use of parcels of property or structures for general purposes.
- (4) **Shared Facilities:** Construction of buildings for joint or shared governmental use. Intergovernmental agreements may also be used to create cooperative construction financing and long-term maintenance and sharing of facilities. Shared facilities between park districts and school districts, and between park districts and villages, are common.
- (5) **Infrastructure Need:** There are several multi-jurisdictional agreements to provide Lake Michigan water to communities to the west and north of Chicago. The Central Lake County Joint Action Water Agency, the DuPage Water Commission and the Northwest Suburban Joint Action Water Agency are examples of these types of multi-jurisdictional cooperative agreements.
- (6) **Revenue Sharing:** The sharing of revenue from casino profits. Additionally, a recent appellate court opinion upheld an intergovernmental agreement where the revenues from a municipality's real estate



transfer tax were forwarded to the school district to supplement its operating revenue.¹¹⁰

- (7) **Economic Development:** Joint public and private partnership in the creation of residential and commercial development in blighted areas. Many communities suffering from a lack of revenue from their downtown areas are turning to private developers to partner with their city or village and other governments to develop an economic plan for a downtown area or blighted area. For example, a city may, by its eminent domain powers, take property, raze buildings and make condemned land available to private developers for residential and commercial use. Such a project allows a larger tax base and additional taxes over the long-term for the city or village and benefits to other participating governments.
- (8) **Transportation:** The Mid-American Intermodal Authority Port District is a cooperative effort of 11 Illinois counties that want to increase economic development in shipping along the Illinois and Missouri rivers.

There are virtually hundreds of intergovernmental agreements currently in effect serving the constituents and residents of the State of Illinois.

Some court decisions have addressed issues related to intergovernmental agreements. In *County of Wabash v. Partee*,¹¹¹ there was a suit brought against a county, city and various officials, which involved a case where the sewage treatment was allegedly blocked from plaintiff's land development. The city and county had the authority to enter into an intergovernmental agreement whereby the city and county exchanged jurisdiction of certain property in order that the county could proceed to complete a county highway and thus the county had authority to

¹¹⁰ *Rajterowski v. City of Sycamore*, 2010 WL 4380288 (2d Dist. 2010).

¹¹¹ *County of Wabash v. Partee*, 241 Ill. App. 3d 59 (5th Dist. 1993).



proceed with condemnation. In *Village of Oak Lawn v. Commonwealth Edison Company*,¹¹² the court stated that the village could pass an ordinance requiring the utility to bear the necessary expense of temporary relocation of its electric transmission lines to permit construction of the relief sewer designed to prevent flooding in that village and neighboring communities. It was found that such an agreement clearly benefited the health and welfare of the citizenry.¹¹³

Although a majority of intergovernmental cooperation agreements have been successful, there are exceptions. In *E&E Heating, Inc. v. Pollution Control Board*,¹¹⁴ the court found that the county board may not transfer its obligations to decide on landfill applications to a unit of local government pursuant to the state constitution provision nor could such a transfer be made under the Intergovernmental Cooperation Act, which appeared to limit it to joint exercises or activities and not outright transfers of power.

In *Village of Elmwood Park v. Forest Preserve Dist. Of Cook County*,¹¹⁵ the court held that the Intergovernmental Cooperation Act “was intended to encourage rather than enforce cooperation....” The court reviewed legislative history and found that while the Act allowed “intergovernmental cooperation in certain circumstances,” it did not compel cooperation.¹¹⁶ The cooperation of governmental entities was voluntary and not obligatory.¹¹⁷

¹¹² *Village of Oak Lawn v. Commonwealth Edison Company*, 163 Ill. App. 3d 457 (1st Dist. 1987).

¹¹³ *Id.*

¹¹⁴ *E&E Heating, Inc. v. Pollution Control Board*, 116 Ill. App. 3d 586 (2nd Dist. 1983), *aff’d* 107 Ill. 2d 33 (1985).

¹¹⁵ *Village of Elmwood Park v. Forest Preserve Dist. Of Cook County*, 21 Ill. App. 3d 597 (1st Dist. 1974).

¹¹⁶ *Id.* 21 Ill. App. 3d at 600.

¹¹⁷ *Id.*



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VOL. 2, No. 3 AUGUST 2002

CENTER FOR GOVERNMENTAL STUDIES

Northern Illinois University

The Debate:

- *Home rule gives cities the power to solve local problems. (Supporters)*
- *Home rule gives cities too much power, especially too much power to tax. (Opponents)*

The Findings:

- *Home rule taxes reduce cities' reliance on the property tax*
- *Cities use home rule to respond to quality of life concerns.*
- *Little voter opposition to home rule was reported in home rule cities.*

issue: *The Uses of Home Rule With Special Emphasis on Taxation*

James M. Banovetz and Thomas W. Kelty

Public debate continues in Illinois over what was probably the single most significant change in Illinois law made when the state's present constitution went into effect in 1971. At issue is whether or not the constitution's home rule provisions gave individual cities too much power, especially too much power to tax.

A just completed survey, sponsored jointly by the Illinois Municipal League and the Illinois City/County Management Association, offers new insight into the way home rule governments use their home rule powers. All Illinois' home rule municipalities were asked how they were using home rule powers. Table 1 divides home rule communities into six groups based on population size and geographic location, shows how many home rule communities are in each group, and the number and percentage of respondents from each of the six categories.

tableone

Home Rule Survey Participation, 2002

Location & Size of Municipality	# Home Rule*	# Responding	% Responding
Cook Co. over 25,000 pop.	31	21	68
Cook Co. under 25,000 pop.	32	15	47
Collar Co. over 25,000 pop.	25	15	60
Collar Co. under 25,000 pop.	15	8	53
Outstate Co. over 25,000 pop.	19	13	68
Outstate Co. under 25,000 pop.	23	11	48
Total	145	83	57

** As of November 1, 2000, excluding Cook County and the City of Chicago.*

The overall response rate for the largest communities, those over 25,000 population, was 65 per cent; the response rate for the 70 home rule communities under 25,000, each of which adopted home rule by referendum, was 49 percent.

Larger communities make the most intensive use of home rule powers; these are the same communities that had the highest participation rate in the survey.

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What did the survey find?

The survey found that the frequency and breadth of home rule use increased significantly in some important categories and changed little in other categories during the years since similar surveys were conducted in 1983 and 1986. (See J. Banovetz and T. Kelty, *Home Rule in Illinois: Image and Reality* (Sangamon State University: *Illinois Issues*, 1987.) Table 2 summarizes the findings from the 2002 survey and compares them to the 1983-86 surveys.

Several significant changes occurred between 1986 and 2002. First and foremost, of course, is a very significant increase in the use of home rule taxing powers. Of equal significance is an even sharper decline in the use of home rule powers to borrow money. While the first will suggest to some observers that home rule governments are misusing financial powers, the second directly countermands that conclusion.

Other significant changes are found in the increased use of home rule powers to buy, sell, or lease property and to levy higher sales taxes. But there was little significant change in the frequency with which home rule powers were used to engage in regulatory activities, to utilize intergovernmental agreements, to change the structure of government, or to extend property taxes beyond statutory limits.

Economic development uses were not categorized as such in 1983-86, but the survey results did report that the variety of uses lumped into this category made it one of the most frequent uses of home rule powers at that time and it, along with home rule taxation, remains one of the most frequent uses of home powers.

tabletwo

Uses of Home Rule Powers

Function	1983-86 105 or 95%	2002* 83 or 57%
(Columns show percentage of respondents using home rule powers for the function)		
Economic Development	**	83
Levy taxes based on home rule powers	57	83
Regulation	72	78
Reduce the cost of borrowed money	90	74
Buy, sell, or lease property	43	73
Regulatory Licensing	61	55
Intergovernmental Agreements	58	52
Change structure of government	30	29
Exceed Tax Caps	NA***	22
Extend property tax beyond statutory limits	16	18

* Listed in order of frequency of use

** Not tabulated, but incidence of use was second only to incurring debt

*** There were no tax caps in 1983-86.

Note: The lower survey participation in 2002 will cause some inflation in the percentages for that year since the majority of the non-participants were small communities which, in general, make much less use of home rule powers.

Doesn't the survey justify opponents' fears about home rule and higher taxation?

The survey found that home rule cities and villages are clearly making significant use of their power to levy taxes not available to non-home rule governments. Table 3 (on page 3) reports the survey's findings regarding the home rule taxes currently being levied.

Clearly, taxation has become a major use of home rule powers during the past 20 years. This finding raises the question of whether home rule tax powers are being abused or used excessively. Three other issues must be considered to answer that question: (1) on whom is the burden of this additional taxation falling (i.e., are the taxes being

paid by the same or different people), (2) are these new taxes being used to reduce, hold down, or replace other, more onerous taxes, and (3) is the total tax burden in home rule communities heavier, more oppressive, and repugnant to local taxpayers?

The third question is the hardest of the three to answer. Different cities and villages provide different services. Most provide basic police, fire, roads, and zoning services, but there are great variations in the provision of such services as ambulance, park, water, sewer, solid waste disposal, storm water collection and disposal, planning, economic development, and other services. Even in the common services, there is great variation: while all communities provide roads, for ex-

ample, not all provide and maintain curbs, gutters, and sidewalks. Further, voters in some communities want higher service levels than do voters in other communities. Because of such measurement problems, the survey did not attempt to compare either total tax levies or costs of government in home rule and non-home rule cities.

The survey did, however, gather data to answer the first two questions and it did gather information on voter response to local use of home rule powers. This information is provided in the rest of this report.

Don't local residents have to pay all the home rule taxes?

Local residents pay all the home rule taxes levied on activities in which they engage. To the extent that they shop in

their home community, they pay the added sales taxes that may be imposed by their community. If they rent hotel and motel rooms in their home community, they will also pay those taxes. But non-residents also pay a significant percentage of such taxes.

A closer look at the taxes listed in Table 3 will reveal that, of the nine taxes (excluding "other") listed there, only two, the wheel tax and the tax on the use of natural gas, are levied entirely upon residents or businesses in the community. The other seven taxes fall on non-residents as well as residents. *By using these taxes, home rule governments reduce the percentage of the local tax burden being paid by local taxpayers.*

The City of Mount Vernon offers a case in point. When the city was faced with the need to expand its sewage plant, the city's

leadership offered voters a choice. Without home rule powers, the city would have to levy higher property taxes or a new tax on utilities to pay for the sewage plant expansion. Either tax would have been paid exclusively by local taxpayers, but if the voters gave the city home rule powers, the officials promised to levy a higher sales tax to pay for the plant's expansion. Since the city had a large shopping mall which drew customers from a 50-mile radius outside the community, the use of sales taxes to pay for the expansion would mean that shoppers from outside the city would pay a portion of the cost. Faced with that choice, the voters, by a 3-2 margin, gave Mount Vernon home rule authority.

Some of the "other" taxes also fall on non-residents. The Village of Bedford Park, for example, has a large stone quarry inside its corporate limits. The village uses its home rule powers to levy a tax on the mining and removal of the stone. Enough revenues are produced from the tax so that the village does not have to levy a property tax to finance village operations and services.

The principal taxes levied by non-home rule communities (taxes on property, utility bills, and auto ownership) fall exclusively on residents. Perhaps for this reason, only one of these home rule taxes — the real estate transfer tax — has been strongly opposed by local residents. That opposition resulted in the passage of a new state law requiring local voter approval in a referendum before any new real estate transfer tax could be imposed by a home rule community.

Thus, survey data suggest that home rule tax powers have predominantly

tablethree

Use of Home Rule Taxing Power, 2002

Kind of Tax	No. of Municipalities	
	Using It	% of Total
Additional retail sales taxes*	53	60.9
Hotel-motel tax	52	59.7
Real estate transfer tax	31	35.6
Sales tax on restaurant food & beverages	22	25.3
Gasoline tax	15	17.2
Amusement tax	12	13.8
Wheel tax	7	8.0
Retail sale of new motor vehicles tax	2	2.3
Use of Natural Gas	2	2.3
Other	4	4.6
Number reporting not using any home rule tax	14	16.1

* See the discussion of sales taxes for further explanation of this item.

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been used to shift a portion of the local tax burden to non-residents. To the extent that this is so, their use lessens the percentage of the local tax burden borne by residents.

Does home rule result in excessive imposition of sales taxes?

As Table 3 reports, 61 percent of home rule communities levy sales taxes over and above the one percent rate allowed by law to all municipal and county governments in the state. The 1983-86 survey found that only five percent of home rule communities levied home rule sales taxes at that time. Thus, the single biggest change in the use of home rule powers between the 1983-86 surveys and the 2002 survey was in the much more frequent use of sales taxation to finance local government operations.

Interestingly, this increased use of sales taxes came in large part as a result of a law passed by the Illinois legislature in 1992 prohibiting home rule retail sales taxes. To replace such taxes, the state gave home rule communities authority to increase the local option component of the state retail sales tax (technically called a retail occupation tax) from the one percent authorized for all cities and counties to as much as 2.5 percent. Because this new arrangement gave home rule governments the freedom to levy higher sales taxes without having to incur any collection costs, the use of home rule sales taxes increased rapidly thereafter.

In part, too, home rule governments turned to the use of sales taxes because there is little evidence of significant voter opposition to higher sales tax

levies. What evidence is available suggests that voters support home rule in part *because* of the home rule sales tax option. The business community in Sycamore, Illinois, for example, urged the city council to ask voters for home rule approval so the city could levy higher sales taxes rather than increase property taxes to finance needed municipal improvements.

Sales taxes also provide a way of funding local services that is viewed as less painful than higher property taxes. This was the case in Mount Vernon. Other communities do this in different fashions. Carbondale, for example, dedicated a part of its home rule sales tax revenues to paying for the construction of a new high school. Eighty-three percent of Bloomingdale voters, in an advisory referendum, approved the village's plan to use higher sales taxes to purchase and preserve open space in the community.

Despite such evidence, however, if sales and other home rule taxes are accompanied by large increases in property taxes, then they could fairly be challenged as abusive. If not, such a charge would be hard to sustain.

More to the point, it is not sales and home rule taxes, but rather the potential misuse or abuse of the property tax, that has concerned home rule opponents.

So do home rule communities levy higher property taxes?

The survey evidence relating to this question is mixed. Some evidence (see Table 2) indicates that some home rule communities do use home rule powers to levy higher property taxes: 18 percent

of home rule communities levy property taxes in excess of the statutory limits that would apply to them if they did not have home rule powers, and 22 percent of the communities reported that they have, in one or more years, levied property tax increases that exceeded the tax cap limitations which applied to non-home rule communities in those years.

But there is also evidence that home rule communities, as a group, rely less on property taxes for local revenues than do non-home rule cities and villages. *In other words, the survey found support for the contention that home rule non-property taxes are widely used to hold down or reduce property tax levies.*

Table 4, for example, provides survey data which suggests that home rule communities, as a group and when divided by population size and location, rely less heavily on property taxes for their revenue than do non-home rule communities. This is true even for communities which levy taxes in excess of applicable tax caps. The data in the table compares the percentage of total municipal revenues derived from property taxes by home rule communities with the percentage for all Illinois cities, villages, and incorporated towns.

Two qualifications must be made when interpreting the data in Table 4 (on page 5):

- While only 44% of the home rule communities responded to this part of the survey, making any *definitive* conclusions difficult to reach, the data collected offers *no support* for the notion that home rule communities, on average or in

general, are imposing property tax burdens higher than those imposed in non-home rule communities (which make up the greatest part of the statewide average of all municipalities).

- All else being equal, home rule communities should show a higher than average level of dependence on property taxation. Normally, the cost of government, on a total and per capita basis, will be higher in larger communities. Since all but one of Illinois' cities over 25,000 population have home rule powers and higher costs, and since the smallest Illinois cities and villages are predominantly non-home rule with lower costs, home rule communities should show higher dependence on property taxes. This survey provides evidence which suggests that they do not.

That Illinois home rule cities appear to rely less on property taxes is not because such cities cost less to govern and serve, but more likely because they are able to use other kinds of taxes — especially taxes paid in part by non-residents — to reduce their dependence on property taxes. It is most likely, for example, that the relatively low percentage of total revenues derived by home rule communities from property taxes is related to the widespread use of the sales tax as an alternate revenue source in those communities.

Given these considerations, the most reasonable conclusion is that (1) home rule governments, on average, do not finance a higher percentage of their costs using property taxes, but rather that (2) they do a better job of spreading their tax burdens among a variety of taxes less onerous to local taxpayers.

tablefour

Municipal Reliance on Property Taxes: Percentage of Total Municipal Revenues Derived from Property Taxes

Category	All Home Rule	Taxing Property Over Statutory Limits
Cook County <25,000	18%	23%
Cook County >25,000	18%	*
Collar Counties <25,000	13%	11%
Collar Counties >25,000	15%	*
Outstate <25,000	15%	16%
Outstate >25,000	10%	*
Statewide Average**	26%	

* Too few cases for valid statistical comparison

** Source: *Statewide Summary of Municipal Finances, 1998, Report of the Comptroller General of Illinois*

Note: Data from survey are for year 2000; statewide data are for most recent year available, 1998.

tablefive

Average Annual Growth Rates of Property Taxes

Communities	Number	Growth Rate W/O Cap	Growth Rate W/ Cap
Non-Home Rule	104	14.57	7.14
Home Rule	134	9.03	7.55

Source: R.F. Dye & T.J. McGuire, *Journal of Public Economics* 66 (1997)

Are the survey findings consistent with other published research?

Only one other study, published in the *Journal of Public Economics*, has analyzed the effect of home rule on property tax increases. In that study, summarized in Table 5, R. F. Dye and T. J. McGuire found that municipal property taxes in Illinois have increased more rapidly in non-home rule communities than in home rule communities. Even when the effects of

the tax cap are taken into consideration, Dye and McGuire did not find the rate of increase in property taxes between home rule and non-home rule communities to be significantly different.

What then can be said about the relationship between home rule and taxes?

Whatever else home rule has accomplished for Illinois cities and villages, it has managed to spread tax

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burdens among a larger number of different taxes and, thereby, it has reduced local reliance on property taxes.

Since property taxes are widely regarded, nationally as well as in Illinois, as the least fair form of taxation, home rule's impact can be said to have transferred the burdens of municipal finance toward taxes that enjoy, if not greater voter support, then certainly less voter animosity and opposition.

What other changes have resulted from the use of home rule powers?

The survey shows that home rule's other major impacts have occurred in the fields of economic development, regulation, and changes in the organization and structure of local governments.

Aging and declining communities use home rule to attract new business development; rapidly growing communities use home rule both to control development and to make developers pay more of the increase in public services costs attributable to their developments. Home rule communities use their expanded powers to broaden zoning regulations, negotiate tax concessions, develop special planning and subdivision control regulations, and design programs to limit and eradicate neighborhood blight and deterioration.

Illinois home rule communities, for example, have established a broad use of impact fees to help finance community development. Impact fees are fees charged developers to recover increases in governmental costs associated with real estate developments; they are a device used to protect local residents from

having to bear a high portion of the cost of expanding certain government services, such as education and parks, needed to serve residents in new subdivisions.

Home rule communities use home rule powers to impose a broad and flexible array of impact fees on developers. Non-home rule communities may require that residential developers donate land, or cash in lieu of land, to help defray the cost of school and park expansion, but the scope of their authority is much narrower than the powers being used by Illinois' home rule communities.

Initially, home rule governments used their home rule powers to impose impact fees to transfer more of the burden of expanding education and park facilities from old to new residents. More recently, home rule communities have enlarged the list of government service expansions being expanded with the help of impact fees. The first expansion was for transportation impact fees, used to enlarge and expand major arterial streets to accommodate the increased traffic that follows new development. Some communities are now adding impact fees to help cover the cost of expanding library, fire protection, and, in some cases, even general municipal service costs.

Other examples of the use of home rule powers to promote economic and community development include: establishing special economic development districts within the community with special zoning and development goals (Skokie), providing homeowner loans to improve blighted properties (Evergreen Park), authorizing city purchase of properties in blighted commercial districts (Elk Grove

Village), and providing affordable senior citizen housing sites (Wilmette).

How is home rule being used for regulatory purposes?

Table 6 (on page 7) summarizes the most common regulatory uses of home rule powers.

Examples of the use of home rule powers in the regulatory area include: increasing the frequency of building inspections of rented housing units (Northbrook, Addison, Hanover Park), requiring permits for fiber optic trenching permits (Granite City), controlling handgun ownership and use (Morton Grove, Niles), and requiring hazardous materials cleanup (Morton Grove).

How much political opposition is there to the use of home rule powers?

Respondents to the survey reported very little voter opposition to the use of home rule powers. Two questions were asked regarding voter opposition. The questions and their answers are set forth in Table 7 (on page 7). Because of the frequent turnover in local officials, and the limitations on memory, such data must be considered valid for a limited period of time, such as the last decade.

This data is also supported by the frequency of referenda called by local voters to rescind home rule powers. There were 21 such referenda between 1971 and 1981; three were successful. There were only eight such referenda between 1982 and 1992; only one was successful. There have been no such referenda in Illinois since 1992.

table*six*

The Regulatory Use of Home Rule Powers

Question	# Responses	%	Question	# Responses	%
Do you use home rule to:					
1. Develop regulations on:			2. Engage in licensing or franchising:		
Curfew	18	20	Liquor sales	15	17
Environment	11	13	Towing truck operators	13	15
Liquor sales or use	35	40	Cable TV	16	18
Zoning	42	48	Utilities	13	15
Other juvenile concerns	13	15	Mobile Homes	9	10
Land use planning/subdivision control	34	39	Nursing homes/ retirement communities	7	8

table*seven*

Measures of Voter Discontent with Home Rule

Question	Response	Number	Percent
Has there been an effort to submit a referendum to abandon home rule in your community?	Yes	3	3.4
	No	79	90.8
Have there been any periodic, significant criticism or attacks on home rule in your municipality?	Yes	1	1.1
	No	81	93.1

What does this record show?

The record would seem to indicate that there has been growing voter acceptance of home rule in the communities which are using home rule powers. While taxation is a major use of home rule powers, the home rule taxes employed spread the cost of local government to non-residents as well as to residents and appear to be easing municipal reliance on property taxes. Finally, home rule communities are employing home rule powers for purposes other than taxation, principally to promote economic development and enhance governments' ability to address a wide range of local problems using regulatory and other measures.

Home rule, in short, appears to have proven itself an important weapon in empowering local governments to respond constructively to voter and quality of life concerns.

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Home Rule In Illinois

A Resource Guide for the City of Geneva

June 3, 2005



City of Geneva
Administrative Services Department Memorandum

To: Mayor Burns and City Council

From: Kim Warren, Administrative Services Assistant

CC: Phil Page, City Administrator
Mary McKittrick, Assistant City Administrator

Date: June 3, 2005

Re: Home Rule Resource Booklet

The goal of this booklet is to provide an overview of Illinois home rule information for the Geneva City Council. This booklet will help answer and address some common questions and concerns that Elected Officials, City staff, and citizens often have about home rule.

The first section of this booklet is in a frequently asked questions format and answers are provided through excerpts from articles written on home rule. The second section contains full text articles about home rule, including all articles referred to in the FAQ's section.

Please look over the provided booklet and feel free to share the information with citizens. If you have any questions please contact Kim Warren at 232-8171 or Mary McKittrick at 262-8495.

Frequently Asked Questions

About Home Rule

What is Home Rule?

Black's Law Dictionary defines "home rule" as: State Constitutional provision or type of legislative action which results in apportioning power between state and local government by providing local cities and towns with a measure of self-government if such local government accepts terms of the state legislation.

From the above-cited definition, one can clearly identify what the goal of home rule is -- "self-government." Home rule is a term which was given to a concept created to provide units of local government with an increased means of local control. The theory behind home rule was that some problems are inherently local in nature and, thus, are better dealt with at the local level since a "one-size fits all" state legislative solution couldn't possibly foresee problems which are uniquely local in nature. The creation of home rule was triggered by the increasing urbanization and complexity of society. As municipalities became larger and less rural, they desired governmental independence and the ability to deal with local problems at the local level. What home rule does is to reverse what is commonly known as "Dillon's Rule."² "Dillon's Rule" stands for the proposition that in order for a municipality to be able to act or legislate in a given area, it must point to statutory authority to act or its actions must be necessarily implied from a given statute. Thus, prior to home rule, municipalities had to point to a specific statute in order to act.

*Excerpt from: Illinois Municipal League, Municipal Review Magazine Legal Q & A
(Published June 1997) By Beth Anne Janicki and Lore Ann Verkuilen

What is the History of Home Rule in Illinois?

Home rule powers were granted to municipalities through the 1970 Illinois Constitution, rather than the legislature. One should begin with the 1970 constitution in describing Illinois' particular brand of home rule. The specific grant of home rule authority is found in Article VII, Section 6 of the constitution. The array of powers which are given the collective title "home rule" is provided in the following language: "Except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt." The significant limitations of "this Section" itself are:

a) *Home rule units have constitutional limits on their taxing power.* No ad valorem property tax receipts may have a maturity period longer than forty years. Home rule units may not "license for revenue or impose taxes upon or measured by income or earnings or upon occupations."

b) *Home rule units have constitutional debt limits.* The General Assembly may, by a three-fifths vote, limit debt incurred which is payable through any funds other than ad valorem property tax receipts. When debt is secured through property taxes, the General Assembly may set limits and require referenda for any amounts over the following limits:

- (1) if its population is 500,000 or more, an aggregate of three percent [of the assessed value of its taxable property].
- (2) if its population is more than 25,000 and less than 500,000 an aggregate of one percent [of the assessed value of its taxable property].
- (3) if its population is 25,000 or less, an aggregate of one half percent [of the assessed value of its taxable property].

c) *Home rule units have constitutional limits on their power to punish.* No home rule unit may “define or provide for felonies,” nor can any home rule unit define or provide for any Class A misdemeanors without specific statutory authority from the General Assembly.

In addition to the constitutional limits on home rule authority, legislative restrictions are also allowed. The General Assembly’s authority to limit home rule legislatively is divided into two classes, each with a different voting threshold. The state legislature may preempt home rule authority by simple majority when it is willing to reserve for itself the exercise of a specific power. In these cases, the state must be willing to shoulder the burden in order to deny a particular power to home rule units. The second class involves situations in which the state does not wish to take control of the issue but still wishes to restrict the municipalities from doing so. In such cases, the standard Illinois supermajority vote, three-fifths, is required. Through either of these mechanisms, the state must be willing to put a certain degree of extra effort into attempts to restrict home rule powers.

*Excerpt from: The Journal of Regional Analysis and Policy Local Government Revenue Structure:
Does Home Rule Matter? By Tom Rooney

Do Home Rule Communities Levy More Property Taxes?

Does adopting home rule mean that property taxes will increase? The opponents of home rule – the optional system for empowering city and village governments to act – assert that property tax increases are the inevitable consequence when home rule is adopted.

An examination of the record *does not* support opponents’ claims. Several scholarly studies have been made of the use of property taxes in home rule cities and villages during the 32 years since home rule first became available to Illinois cities and villages. This article summarizes the results of those studies. A study of 134 home rule and 104 comparable nonhome rule communities recently published in the *Journal of Public Economics* reported that property tax rates levied by non-home rule communities prior to the adoption of tax caps rose 61 per cent faster than rates levied in the home rule communities over the same period of time. Further, the study found that the rate of increase in property taxes in the two communities were comparable despite the fact home rule home rule communities were not subject to tax cap limits.

An earlier study by Professor Robert Albritton reached similar conclusions. It found that population size and geographic location had a greater effect on the rate of increases in property tax levies than home rule status, and that, when controlled for these variables, the average property tax levy for home rule communities was the same as the average property tax levy for non-home rule communities during the first ten years of Illinois’ some rule experience.

A just completed survey of Illinois home rule communities found that home rule communities are less dependent on property taxes for their revenues than are non-home rule communities. On average, according to annual surveys published by the Office of the Illinois Comptroller, cities and villages derive 25-30 percent of the revenues from property taxes. The 2002 survey of Illinois home rule communities found that, on average, home rule communities derived 10 to 20 percent of their revenue from property taxes, depending upon their population and geographic location.

To be sure, there are some – fewer than one in five home rule communities at last count – that do levy property taxes at rates higher than would be allowed by statute for non-home rule communities. But not even these

communities use all the taxing powers given to non-home rule communities by law. Rather, in these communities, elected officials have determined that local residents would rather pay higher property taxes than some of the other taxes, like utility taxes, which non-home rule cities can levy to finance the services they provide.

In short, there is no economic data that supports the contention that property taxes necessarily or even usually increase faster in home rule communities than in non-home rule communities.

Available evidence also suggests that voters in Illinois home rule communities do not believe that home rule has led to undesirable rates of taxation. Voters in all home rule communities have the option to stop home rule tax levies by voting home rule out. And, indeed, in the last 32 years, home rule opponents have succeeded 29 times in placing the elimination of home rule on the ballot in a home rule community. Most of the resulting election campaigns were fought on the issue of whether taxes, and especially property taxes, were being mis-used. Voters approved the retention of home rule powers in 25 of these 29 elections, or 83 per cent. In the aggregate, they voted by a margin of more than 3-2 to retain their community's home rule powers.

*Excerpt from: Illinois Municipal Review, April 2003, The Status of Illinois Home Rule, Part III:
Do Home Rule Communities Levy More Property Taxes? By James M. Banovetz and Thomas W. Kelty

How Have Illinois Home Rule Municipalities Used Their Authority?

A recently completed survey (2002), sponsored jointly by the Illinois Municipal League and the Illinois City/County Management Association, offers new insight into the way home rule governments use their home rule powers. All Illinois' home rule municipalities were asked how they were using home rule powers.

tablethree

Use of Home Rule Taxing Power, 2002

Kind of Tax	No. of Municipalities Using It	% of Total
Additional retail sales taxes*	53	60.9
Hotel-motel tax	52	59.7
Real estate transfer tax	31	35.6
Sales tax on restaurant food & beverages	22	25.3
Gasoline tax	15	17.2
Amusement tax	12	13.8
Wheel tax	7	8.0
Retail sale of new motor vehicles tax	2	2.3
Use of Natural Gas	2	2.3
Other	4	4.6
Number reporting not using any home rule tax	14	16.1

* See the discussion of sales taxes for further explanation of this item.

table^{six}

The Regulatory Use of Home Rule Powers

Question	# Responses	%	Question	# Responses	%
Do you use home rule to:					
1. Develop regulations on:			2. Engage in licensing or franchising:		
Curfew	18	20	Liquor sales	15	17
Environment	11	13	Towing truck operators	13	15
Liquor sales or use	35	40	Cable TV	16	18
Zoning	42	48	Utilities	13	15
Other juvenile concerns	13	15	Mobile Homes	9	10
Land use planning/subdivision control	34	39	Nursing homes/ retirement communities	7	8

*Excerpt from: Policy Profiles Vol. 2, No. 3 August 2002. Center for Governmental Studies, Northern Illinois University.
Issue: The Uses of Home Rule with Special Emphasis of Taxation.

How Do Voters Feel About Home Rule?

Voter attitudes toward home rule

Voters' attitudes toward home rule appear to have become more positive in recent years. In home rule's early years, 1971-75, referenda approving home rule outnumbered those disapproving by a 3-1 margin. That margin slipped to less than 1.5 to 1 in the 1976-85 period, then fell further to 1-1.3 against in 1986-99 period. But since the turn of the century, voter approval has turned positive, if just barely. There were 13 referenda on home rule in the first three years of the 21st century; home rule was approved in seven of these elections. But this record combines two very different kinds of elections: adoption referenda and retention referenda.

Adoption referenda

There have been 158 referenda since 1971 in which municipal voters have had the opportunity to adopt home rule. They did so in 77 of these elections, or 49 per cent. That means voters turned down home rule in 81 elections. In five communities, voters rejected home rule in more than one election. In five others, voters rejected home rule when it was first put on the ballot, then adopted home rule in a later election. In Lincolnwood and Oakbrook Terrace, voters rejected home rule twice before finally adopting it in a third election. From another perspective, of the 153 communities which have had referenda to adopt home rule, 77, or 50 percent, ultimately did so. Of these 77, 75 communities, or 97 per cent, still operate under home rule powers. The two who do not are National City, which was dissolved as a municipal corporation when its last residents moved away, and Lisle, which later abandoned home rule by referendum. In addition to Lisle, three other communities which gained home rule by referendum also had a subsequent referendum on the retention of home rule powers. In all of these cases, Berkeley, Lincolnshire and Rolling Meadows, voters opted to retain home rule.

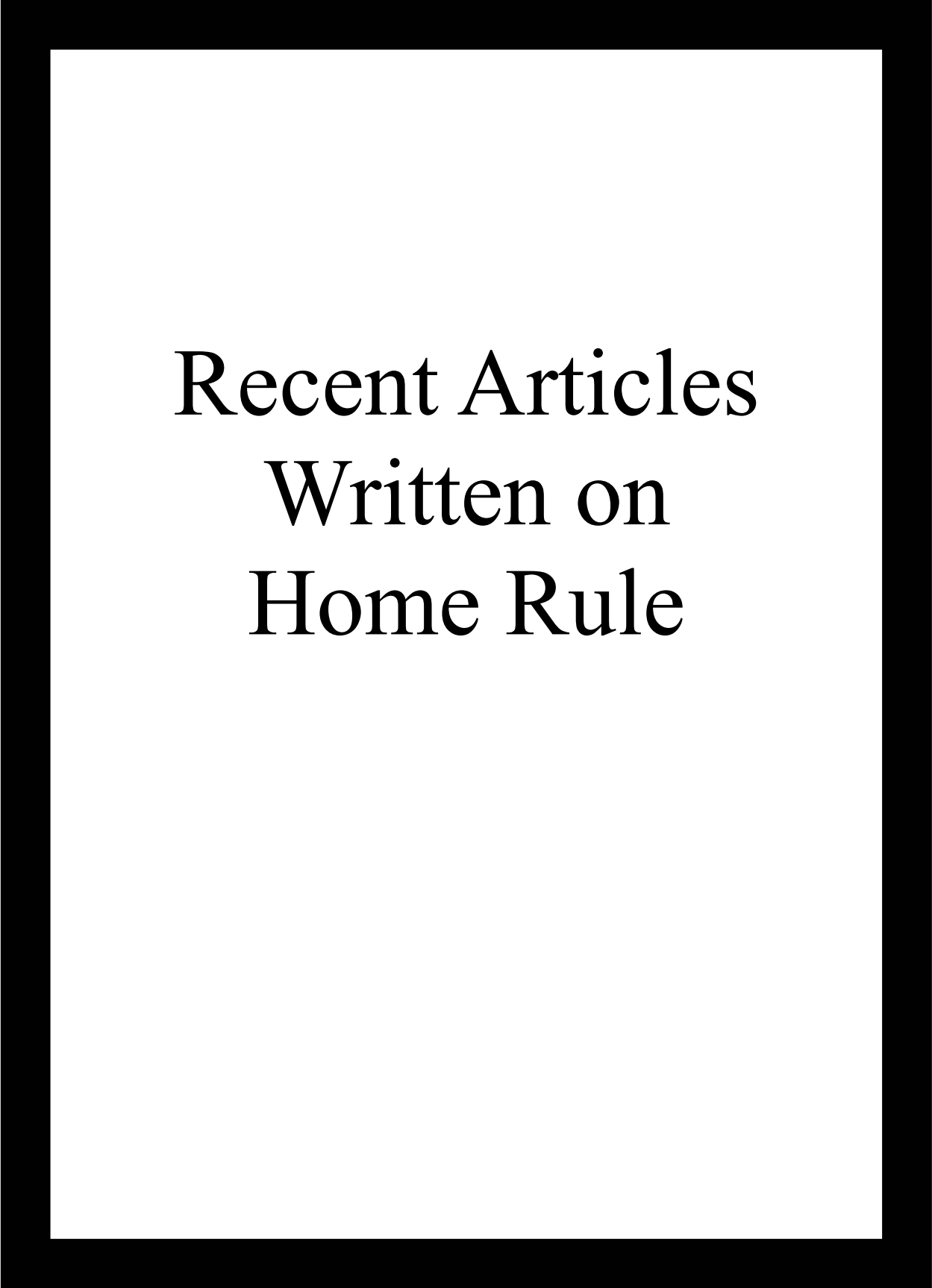
Home rule retention elections

There have been 31 elections in which voters were asked whether or not they wished to keep the home rule powers already provided to their community. Voters chose in 27 of these elections, or 87 per cent, to retain their home rule powers. Retention elections occur for either of two reasons: (1) voters dissatisfied with their community's use of home rule powers may petition the court for a retention election — this has happened 25 times; or (2) a community which gains home rule powers by population is required by law to hold a retention election if its population later falls under the 25,000 ceiling — this has happened six times. Of the 25 retention elections held in response to voter petitions, home rule was retained in 21, or 84 per cent of the elections. Home rule was retained in all six of the retention elections held because a community's population had fallen under 25,000. In the aggregate, voters in retention elections chose, by a margin of greater than 2-1, to retain home rule powers.

Is home rule an issue with voters?

In a survey of all home rule communities undertaken jointly by the Illinois Municipal League and the Illinois City-County Management Association in 2001-02, communities were asked whether: (1) there had been a recent effort to submit a petition to call for a retention election to abandon home rule, and (2) there had been any periodic, significant criticism or attacks on home rule in the community. Of the 83 communities responding to the survey, 91 per cent answered “no” to both questions. These findings suggest that the use of home rule powers is not generating significant opposition among voters in communities which already have home rule. This conclusion also finds support among the referenda record on home rule. Understandably, and appropriately, the mixed results of home rule adoption referenda indicate that voters considering the adoption of home rule are very skeptical about giving a broad grant of power, including tax power, to their municipal government. On the other hand, the support shown for home rule in retention elections indicates that a substantial majority of voters in home rule communities trust their local officials with home rule powers. Indeed, in one of the most recent retention elections, held at the request of a voters' petition in Rolling Meadows in 1999, voters supported home rule by a margin of more than 9-1.

*Excerpted from: Illinois Municipal Review, December 2002, The Status of Illinois Home Rule, Part I: Home Rule Cities And The Voters, By James M. Banovetz



Recent Articles Written on Home Rule

Legal Q & A
(Published March 1997)

By BETH ANNE JANICKI, Chief Legal Counsel, IML and
LORI ANN VERKUILEN, Paralegal, IML

This monthly column examines issues of general concern to municipal officials. It is not meant to provide legal advice and is not a substitute for consulting with your municipal attorney. As always, when confronted with a legal question, contact your municipal attorney as certain unique circumstances may alter any conclusions reached herein.

Q: How does an abstention from voting by a council or board member count?

A: For various reasons, city council and village board members frequently find themselves abstaining from voting on a particular matter or matters. The question then arises as to how that vote should be treated. The Illinois Municipal Code is silent regarding how a vote in abstention should be counted. Thus, we are left to look elsewhere to determine whether an abstention counts as a "yea" or a "nay" vote.

The Illinois Supreme Court case of Prosser v. Village of Fox Lake is the prevailing authority on this issue.¹ In Prosser, a village trustee sought to have the operation of two village ordinances enjoined because the trustee claimed that three "aye" votes (of a six member board) did not constitute a "concurrence of the majority" of the board members.² In Prosser, three board members voted "yea," one voted "nay" and one abstained. The court was faced with the issue of whether the abstention counted as a "yea" or a "nay" vote. The court held that where a concurrence of a majority is required by statute for the passage of a measure, when a member abstains from voting it would be assumed that he or she concurred with the majority.³ The Prosser court reasoned that:

If a quorum is present, municipal legislators cannot avoid their voting responsibilities by refusing to vote when present at a meeting. (see Launtz v. People ex. rel. Sullivan (1985), 113 Ill 137, see also People ex. rel. Anderson v. Chicago and Northwestern Ry. Co. (1997) 396 Ill 466.) A legal significance or effect must be given to each failure to vote by a municipal legislator who is present at a board meeting in order to prevent frustration or abuse of the legislature process (State ex.

rel. Young v. Yates (1897) 19 Mont. 239, 47 p. 1004) He should not be allowed to have his physical presence counted toward the constitution of a quorum and at the same time be allowed to deny in effect, his official presence by a failure to vote.⁴

The Prosser court distinguished between situations where a statute requires an "affirmative vote" and where a "concurrence of the majority" is required holding, that in the first instance any abstention would have the effect of a "nay" vote and in the second instance it would constitute an acquiescence with the majority.⁵ Thus, the general rule is that if a statute requires a "concurrence of the majority," the abstention is counted with the majority vote. The situation, however, may be different if a council member abstains because of a personal or pecuniary interest in the matter being voted upon. This situation was discussed in an ISBA Local Government Law newsletter:

Where a member either has been disqualified or abstained because of interest in the subject matter under consideration, his vote in abstention does not seem to fall within the general rule of acquiescence, although some courts have applied that rule. 63 A.L.R. 3d 1072, 1080. While the corporate authorities of a city or village have the power under state statutes as well as the Illinois Constitution to adopt their own rules of order to govern proceedings and voting procedures - and usually have done so - those rules may not be inconsistent with state statutes. In the event the municipality possessed home rule powers, it could adopt the better rule, treating an abstention in these circumstances as if a vacancy had occurred by reason of death, resignation or disqualification; i.e.: the total number of members of the corporate authority would be regarded as having been reduced by the number of members abstaining because of conflict of interest.⁶

Thus, if a member abstains because of prohibited conflict of interest as defined in 65 ILCS 5/3.1-55-10 or 50 ILCS 105/3 and 105/4, a question arises as to the effect of that abstention. There is no case law in Illinois which directly addresses this point. However, a public officer can violate these provisions without actually voting since the prohibition is against any interest in a "contract or the performance of any work in the making or letting of which such officer may be called upon to act or vote."⁷ An officer cannot escape from being called upon to act or vote. Therefore, any officer having such an interest must effectively resign from office, since he cannot avoid the prohibition by abstaining from voting.⁸ Any conviction of the conflict provisions constitutes a class IV felony and,

among other penalties, results in removal from office. Thus, a close examination must be made to determine whether an actual conflict of interest exists since in the event he or she has an actual conflict, such an official must resign or risk prosecution from committing a Class IV felony. In the event of such resignation, obviously the total membership of the board or council would be reduced accordingly, very likely changing the total needed for a majority or extraordinary majority vote, as the case may be.⁹ Further, the conflict of interest provisions provide several exceptions wherein the member is permitted to abstain from voting. In these situations and also in situations involving common law conflicts, the abstention would most likely be treated as an abstention for any other reason within the reasoning set forth in Prosser.

In conclusion, whenever a statute requires the concurrence of a majority of a public body, an abstention vote is counted as acquiescence with the majority vote. If an affirmative vote is required, then nothing more than an actual "aye" or "nay" vote will count, and any attempt to abstain from voting or failing to vote will have the effect of a "nay" vote. In some situations, however, the statutes will require something different, such as a "favorable vote" of the aldermen or trustees or a conflict will prevent a member from voting. The best advice to follow under those circumstances is that of your city or village attorney.

NOTES

¹. 91 Ill. 2d 389 (1982).

². Section 3.1-40-40 of the Illinois Municipal Code requires that all ordinances be passed by a concurrence of a majority of all members holding office, unless otherwise provided. (65 ILCS 5/3.1-40-40).

³. Prosser, 91 Ill. 2d at 395.

⁴. *Id.* at 394

⁵. *Id.* at 395. *See also* Lake County Forest Preserve District v. Northern Trust Bank, 207 Ill. App. 3d 290, 265 N.E. 2d 715 (2d Dist. 1990).

[6.](#) John T. Zimmerman, The Effect of Abstention Voting by Municipal Officials 25 ISBA Local Government Law, Vol. 6 (March 1989).

[7.](#) 50 ILCS 105/3.

[8.](#) Peabody v. Sanitary District of Chicago, 330 Ill. 250 (1928).

[9.](#) *See supra*, note 6.



February 2001

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Center for Governmental Studies

Northern Illinois University

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Issue: *Illinois Home Rule: A Thirty Year Assessment*

The home rule provisions in Illinois' 1970 constitution represent a unique innovation in the way states bestow power and authority on their city and county governments. Through its home rule system, Illinois gives the broadest and most liberal authority to cities and counties of any state in the nation. With Illinois now completing thirty years of home rule experience, the time is appropriate to undertake a comprehensive assessment of Illinois' experience with home rule. Such is the task of the following paragraphs.

Who uses home rule?

At the time of the November 2000 elections, Illinois had 147 cities and villages and one county (Cook) with home rule powers. Of the home rule cities, 77 had gained home rule by virtue of their size (all cities over 25,000 are granted home rule automatically unless it is rescinded in a city referendum) and 70 had gained home rule by referendum (the constitution gives cities under 25,000 this option). A list of current home rule users is provided in Table 1 on the next page.

Ironically, although a minority of municipalities and counties have home rule, over seven million Illinois residents live in a home rule community — and most have done so for more than a quarter of a century. Thus it is safe to conclude that Illinois voters have had widespread experience with home rule.

How do voters feel about home rule?

Because having a referendum on home rule is relatively easy, there have been 191 such referenda — an average of more than 6 per year — in Illinois home rule's thirty year history. As might be expected, the aggregate of those referenda present a mixed voter reaction to home rule. Voters supported home rule in 97 of those referenda and rejected it in 94 others.

As Table 2 (on page 3) shows, however, there are three different kinds of home rule referenda and each reflects a different picture of voter attitudes toward home rule.

The mission of the Center for Governmental Studies includes education of the public on important public policy issues. This article is one in a series of policy briefs designed to provide an objective view of an issue.

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tableone Home Rule Units in Illinois *as of November 2000*

Cities and villages adopting home rule by referendum have the date of the referendum indicated. Those with no date gained home rule automatically because of population size.

I. Counties

Cook

II. Cities and Villages

Addison	Des Plaines	Mascoutah, 1979	Rock Island
Alton	Dolton	Maywood	Rolling Meadows, 1985
Alsip, 1990	Downers Grove	McCook, 1971	Rosemont, 1972
Arlington Heights	East Hazel Crest, 1989	Mettawa, 1990	St. Charles
Aurora	East St. Louis	Moline	Sauget, 1976
Barrington Hills, 1990	Elgin	Monee, 1996	Schaumburg
Bartlett	Elk Grove Village	Monmouth, 1999	Schiller Park, 1994
Bedford Park, 1971	Elmhurst	Morton Grove	Sesser, 1989
Belleville	Elmwood Park	Mound City, 1973	Skokie
Bellwood, 1994	Elwood, 1997	Mount Prospect	South Barrington, 1975
Berkeley, 1994	Evanston	Mt. Vernon, 1986	South Holland
Berwyn	Evergreen Park, 1982	Muddy, 1981	Springfield
Bloomingtondale, 1996	Fairview Heights, 1993	Mundelein	Standard, 1975
Bloomington	Flora, 1975	Murphysboro, 1994	Stickney, 1974
Bolingbrook	Freeport	Naperville	Stone Park, 1972
Bryant, 1974	Galesburg	Naples, 1982	Streamwood
Buffalo Grove, 1980	Glendale Heights	Niles	Sycamore, 1996
Burbank	Glen Ellyn	Normal	Thornton, 1980
Burnham, 1980	Glenview	Norridge, 1973	Tinley Park
Cahokia, 1997	Glenwood, 1986	Northbrook	University Park, 1975
Calumet City	Golf, 1976	North Chicago	Urbana
Calumet Park, 1976	Granite City	Northlake, 1994	Valmeyer, 1994
Carbondale	Gurnee	Oak Forest	Washington, 1998
Carol Stream	Hanover Park	Oak Lawn	Watseka
Carpentersville, 1993	Harvey	Oak Park	Waukegan
Champaign	Harwood Heights, 1995	Old Mill Creek, 1993	West Dundee, 1990
Channahon, 1982	Highland Park	Orland Park	Wheaton
Chicago	Hillside, 1995	Palatine	Wheeling, 1977
Chicago Heights	Hodgkins, 1996	Park City, 1973	Wilmette
Chicago Ridge, 1994	Hoffman Estates	Park Forest	Woodridge, 1975
Cicero	Inverness, 2000	Park Ridge	
Country Club Hills, 1993	Joliet	Pekin	
Countryside, 1972	Kankakee	Peoria	
Crystal Lake	Lake Barrington, 1991	Peoria Heights, 1986	
Danville	Lansing	Peru, 1981	
Darien	Lincolnshire, 1975	Quincy	
Decatur	Lincolnwood, 1997	Rantoul, 1982	
Deerfield, 1975	Manhattan, 1996	Robbins, 1998	
DeKalb	Marion, 1994	Rockdale, 1982	

tabletwo Home Rule Referenda Record

Years	Total Number of Referenda	Total Referenda For + or Against - Home Rule			Municipal Adoption Referenda		Municipal Retention Referenda		County Adoption Referenda	
		+	-	% +	+	-	+	-	+	-
1971-75	36	20	16	56	19	7	1	0	0	9
1976-80	42	21	21	50	8	17	13	2	0	2
1981-85	23	16	7	70	9	5	7	2		
1986-90	27	11	16	41	9	16	2	0		
1991-95	36	17	19	46	15	19	2	0		
1996-2000	27	12	15	44	12	15				
Totals	191	97	94	51	72	79	25	4	0	11

Note: Table summarizes all home rule referenda held prior to November 2000. November 2000 data not available when this report was prepared.

Do county voters support home rule?

No. Nine counties held a total of eleven referenda between 1972-76 to adopt home rule. All failed by substantial margins. In the aggregate, county voters rejected home rule by a margin of 3-1. No county has attempted such a referendum since 1976.

But the picture is more complex. The framers of Illinois' 1970 constitution wanted to strengthen county govern-

ment by encouraging the use of elected county executive officers — an office previously used only in Cook County. The framers used home rule as an inducement to the voters to adopt such a change. Instead, by combining two separate issues in one referendum, the framers effectively blocked the adoption of either an elected county executive or home rule.

But the legislature later gave voters another option: a county executive plan without home rule. Voters in several counties (e.g. Kane, Will,

Madison) adopted this plan. Many other counties have passed ordinances creating the office of county administrator to strengthen the executive function in county government.

The fact that these structural changes have taken place but county home rule has still not been adopted by referendum further emphasizes county voters' rejection of home rule for counties other than Cook. Voters in Cook County have never attempted to rescind county home rule.

Are city and village voters more supportive of home rule?

Yes. In home rule adoption referenda, home rule support and opposition have been much more evenly divided. There have been 151 municipal adoption referenda: voters in 74 referenda voted to adopt home rule; voters in the remaining 79 referenda voted not to adopt home rule.

But some communities have had more than one referendum. Alsip, Bloomingdale, Lincolnshire, Sesser, and Stickney voters first voted to reject home rule and later voted to adopt it. Lincolnwood voters twice voted to reject home rule and then adopted it in the third referendum. Long Grove voters have rejected home rule in three different referenda. Lisle voters first adopted home rule and two years later voted it out. Correcting for these multiple referenda, the final figures emerge: 141 communities have had one or more referenda on whether to use home rule. Of these, 72 adopted home rule and 70 continue to use it. (Besides Lisle, National City also once had home rule, but the community ceased to exist when the last of its 45 residents moved away).

tablethree Home Rule Retention Referenda

Year	Community	Outcome	Year	Community	Outcome
1972	Danville	Retain	1981	Dolton	Retain
1976	Aurora	Retain		Calumet City	Retain
	Park Ridge	Retain		Lombard	Abolish
1977	Elgin	Retain		Maywood	Retain
	Lisle	Abolish		South Holland	Retain
1978	Rockford	Retain	1982	Evergreen Park	Retain
	Rock Island	Retain		Rantoul	Retain
1979	Decatur	Retain	1983	Rockford	Abolish
	Glenview	Retain	1985	Berwyn	Retain
1980	Elmwood Park	Retain	1987	Pekin	Retain
	Highland Park	Retain	1990	Decatur	Retain
	Lincolnshire	Retain	1992	Berwyn	Retain
	Morton Grove	Retain		Park Forest	Retain
	Peoria	Retain			
	Villa Park	Abolish			
	Wilmette	Retain			

Referenda Retaining Home Rule:	25
Referenda Abolishing Home Rule:	4
Total Retention Referenda:	29

Do voters in communities with home rule support the home rule system?

Home rule’s greatest voter support, by far, has come in referenda held to decide whether or not a community’s existing home rule system should be retained. There have been a total of 29

such referenda; voters have opted to retain home rule in 25 or 86 per cent (see Table 3 above). In the aggregate, voters living in home rule communities have opted, by a margin of 3-2, to retain their community’s home rule powers.

Of the four communities which had and then abandoned home rule, the voters in two — Lisle and Rockford — reacted negatively to actual or proposed home rule use. In two others — Lombard and Villa Park — voters rejected home rule in the mistaken assumption that it would lower their taxes (mistaken because their home rule powers had not been used to levy any taxes).

The experience of these four communities demonstrated that voters can, when motivated to do so, abolish an operating home rule system.

So, how do voters feel about home rule?

In the 152 Illinois local governments that have tried home rule in the last thirty years, 147, or 97 per cent, still have it. Voters in only 26 of these communities, or 17 per cent, have even challenged the system with a retention election. In short, *where home rule has been tried in Illinois, voters have been supportive of it.*

What issues have concerned voters?

Supporters of home rule have pointed to the value of local authority and flexibility to address local problems, lessened dependence upon the state legislature, and more freedom from

legislative mandates. They stress the greater flexibility home rule gives local governments to deal with issues of community development, to prevent community blight, and to shift local tax burdens to non-residents, primarily through sales and use taxes.

Opponents of home rule focus upon the threat of unwanted and excessive taxation under home rule governments. Sometimes, too, opponents argue that home rule gives local governments the power to suppress individual rights.

What does the record show on these issues?

There is a diverse body of evidence that indicates that home rule communities have used their more flexible powers in innovative ways to address local problems. The most commonly cited uses of home rule powers have involved economic development, control of community development, reduced borrowing costs, and local tax burdens shifted to non-residents.

Opponents argue that home rule brings much heavier tax burdens for local residents. Their claims rely on anecdotal, not empirical evidence. Surprisingly, they do not cite their most compelling case — the City of Rockford — where voters abolished home rule after the city council enacted a series of property tax increases.

In contending that home rule powers are used to suppress individual rights, opponents of home rule cite the

Morton Grove home rule ordinance prohibiting hand gun ownership. However, the Illinois Supreme Court ruled in 1984 that the ordinance did not violate any constitutional rights under either the Illinois or U.S. constitutions. (*Kalodimos v Morton Grove*, 1984).

Anticipating the potential for abusive use of home rule powers, the framers of the 1970 Illinois constitution established constitutional safeguards to prevent such abuses. There are three kinds of such safeguards: electoral recision discussed above, legislative preemption, and judicial review. The latter two are discussed in the following paragraphs.

What is legislative preemption and how has it worked?

Recognizing that there would be overlaps between state and local governments in the exercise of power, the Illinois constitution gave the Illinois General Assembly the authority to *preempt* or take away home rule powers by a 3/5ths vote of both houses or to provide for the exclusive state exercise of a power by a simple majority vote of both houses. These provisions give the legislature broad leeway to reduce home rule powers. But, while the Assembly has used its preemption powers to deal with specific issues, it has not seriously eroded the home rule authority set forth in the constitution.

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In some respects, the legislature has been supportive of home rule power. It has, for example, stipulated by law that no legislative enactment shall be construed as restricting home rule power unless that enactment has “specific language limiting or denying” the home rule power.

Except for a series of bills restricting home rule authority to license or regulate specific occupations, the General Assembly did little in home rule’s first 15 years to limit home rule powers, but such limitations have become more common in the last 15 years.

Legislative limitations can be grouped into several categories. In one category are laws like the Open Meetings Act and statutes containing state-wide rules governing public labor relations. These apply state-wide principles of good government to home rule units. A second category has clarified the state’s exclusive role in regulating certain businesses and activities. For instance, to reduce drunk driving accidents, the legislature took away home rule powers to set minimum ages for the purchase of alcoholic beverages, but it also eliminated particular drinking age problems which had faced communities with college campuses.

Third, the legislature has established exclusive state authority over certain personnel policies in local government. Again, the legislature has protected the obvious benefits that stem from uniform state-wide practices, such as state-wide municipal employee retirement programs, in this field.

Has the legislature preempted any home rule tax powers?

The final category is legislative action taken to limit home rule tax powers. The legislature imposed a referendum requirement on the use of a real estate transfer tax, effectively limiting further use of the tax. It also eliminated home rule authority to impose local sales taxes. In the latter instance, however, it authorized home rule units to raise the rate of the local portion of the state sales tax levy. Thus, while limiting home rule power and flexibility, the legislature protected home rule access to additional revenues from the use of the sales tax (called the retail occupation tax in Illinois law).

Perhaps most important is what the legislature has *not* done. It *has not* authorized local use of an income tax; it *has not* imposed a limit on real estate taxes levied with home rule powers; and it *has not* imposed limits on borrowing and indebtedness by home rule units. Furthermore, the legislature *has* exempted home rule units from complying with tax caps recently imposed on the annual rate of increase in local property taxes.

In the last ten years, the legislature also initiated the practice of “partial exemptions” — imposing obligations or denying powers to some but not all home rule units. To date, partial exemption laws have treated Chicago differently than other home rule units. This practice weakens home rule by splitting the block of legislators who represent the interests of home rule governments in the legislature. The result has been preemptions of home rule powers that local governments have been unable to prevent.

How has judicial review affected home rule powers?

Specific uses of home rule powers have often been challenged in the courts which, in turn, have frequently but not always upheld a liberal interpretation of home rule powers. For example, besides the Morton Grove handgun ordinance, the courts have upheld: the sale of general obligation bonds without a referendum (Kanellos v County of Cook, 1972); a home rule ordinance that authorizes actions contrary to state statutes (Rozner v Korshak, 1973), and a home rule ordinance that legislates concurrently with the state on environmental matters (Chicago v Pollution Control Board, 1974).

But the courts have also been willing to constrain home rule uses it views as excessive. It refused, for example, to enforce a Des Plaines noise pollution ordinance against a railroad, holding that noise pollution was a matter requiring regional or state-wide rather than local regulation (*Des Plaines v Chicago & Northwestern Ry.*, 1976). It struck down ordinances altering the statutory appointment powers of municipal officials, (*Pechous v Slawko*, 1976), and an ordinance imposing a local fee on filing cases in civil court (*Ampersand v Finley*, 1975).

The courts have treated the use of home rule taxing powers in a similar manner. They have: upheld home rule wheel taxes (*Gilligan v Korzen*, 1974), upheld Chicago's employers' expense tax (*Paper Supply v Chicago*, 1974), and approved a home rule admissions tax (*Cicero v Fox Valley Trotting Club*, 1976; *Kerasotes Rialto Theatre v Peoria*, 1979), but they struck down home rule utility tax levies which exceeded statutory rate limits (*Waukegan Community Unit School District v Waukegan*, 1983).

The courts thus have demonstrated that they will constrain home rule actions they deem to be beyond the scope of constitutional and statutory restrictions.

As the body of case law regarding home rule has grown, the courts have tended to reaffirm the precedents set in the early years. For instance, the courts reaffirmed, in 1998, that, despite ordinances to the contrary, home rule municipalities have a duty to bargain collectively with employee unions (*Public Labor Council v Cicero*, 1998); and they reaffirmed the principle that implied preemption is not sufficient to deny home rule communities the power to regulate matters of local affairs (*Bolingbrook v Citizens Utility Co*, 1994; *Barrington Police Pension Fund v Barrington Ethics Board*, 1997). The Supreme Court has also upheld partial preemption (*Nevitt v Langfelder*, 1993).

So what does all of this mean for Illinois' home rule system?

All of this means that the home rule system adopted in Illinois as part of the state's 1970 constitution has demonstrated after thirty years, that it is a workable system for empowering local governments. Illinois home rule has served, and continues to serve over seven million people in 148 local governments. It gives residents in non-home rule counties, cities, and villages additional options when searching for new ways to solve community problems.

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Design: Trittenhaus Design

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Local Government Revenue Structure: Does Home Rule Matter?

Tom Rooney*

Abstract. This paper focuses on the question of whether home rule authority as granted under the Illinois Constitution results in changes in municipal tax structure and tax effort. Analysis of the data collected for this paper shows that home rule authority is not a significant factor in the level of taxation imposed by a municipality. Home rule authority appears to be more valuable for regulatory purposes than for its taxation powers.

1. Introduction

On December 29, 1998, a group of citizens in the city of Rolling Meadows submitted petitions containing over fourteen hundred signatures to the City Clerk's office. The petitioning citizens were concerned that the city's economic development projects were becoming extravagant. The city council, according to the petitioners, had broken its self-imposed property tax caps to finance a few large economic development projects. Rolling Meadows is a city with home rule authority; accordingly, it is not subject to the State of Illinois' property tax legislation. The council wrote its own tax cap legislation in 1992, but it amended this legislation in 1997 "to issue bonds for the \$2.8 million in public improvements the city is funding as part of the 3Com deal [an incentive package to bring 3Com Corporation to Rolling Meadows]." (Wandling 2001) The petitioners felt that the city council needed to be restrained through some mechanism that the council had no authority to alter on its own. The petitioners chose to attempt to limit the city council through the following referendum question:

"Shall the City of Rolling Meadows, presently a Home Rule municipality, elect to become a Non-Home Rule Municipality?"

Passage of this referendum would repeal the city's home rule authority in its entirety.

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While approximately 10% of the municipalities in Illinois possess home rule authority² and many have had home rule for decades, the example of Rolling Meadows shows that home rule authority cannot be taken for granted. The referendum in Rolling Meadows also illustrated a more complex issue. During the discussion and debate on the referendum, some significant issues were without clear answers. Citizens on both sides of the referendum hypothesized about the possible impact of the loss of home rule in the areas of revenue, regulation, etc. Hypothesizing was necessary for the simple reason that many significant points have no clear precedents for guidance.

Perhaps the most significant issues without clear answers were those regarding taxation. The proponents of the referendum argued that revoking the city's home rule status would decrease the taxes paid by the citizens of Rolling Meadows. Numerous petition signers reported that they had signed the petition because the petition circulator told them that the main benefit of becoming a non-home rule municipality was tax reduction. Referendum supporters asserted that if Rolling Meadows were without home rule authority, the tax burden of Rolling Meadows residents would decrease. On the opposite side of the argument, the opponents of the referendum argued that taxes would actually increase if the city lost its home rule authority. Their reasoning was that the city could be forced to stop collecting certain taxes and would be forced to cover the shortfall with increases in the taxes that remained.

Since the city council's self-imposed tax cap was at issue, referendum proponents argued that one implication of the referendum would be a tighter cap on property taxes. The loss of home rule status would make Rolling Meadows subject to the state's tax caps. In Illinois, non-home rule units are subject to the state Property Tax Extension Limitation Law, or PTELL. PTELL is a state mandate that limits annual increases in property taxes to the inflation rate or five percent, whichever is smaller. If a non-home rule unit wishes to increase its rate of taxation beyond these levels, it must receive approval for the increased rate directly from the voters. Home rule units are not subject to the provisions of PTELL. While a home rule unit, the council could ignore its own tax cap; as a non-home rule unit, the council could not ignore the state's tax cap. The opponents of the referendum responded that this position would lead to an inevitable contradiction. They asserted that a drastic increase in the property tax (among others) would be necessary to compensate for any lost forms of taxation, and the increase would break the very tax cap that the referendum supporters were trying to protect.

Another direct implication of the proponents of the referendum was that non-home rule units had lower overall tax burdens than home rule units. This line of argument is also common when municipalities have referenda to

² Rolling Meadows Review, editorial, March 25, 1999.

establish home rule authority. The assertion is that certain taxes are not available to non-home rule units and that these governments are therefore strictly limited in their ability to tax. Some other taxes, like the property tax, would be limited in growth and subject to other restrictions. Other taxes would have to be scaled back. Some would even have to be revoked. All in all, the argument went, the citizens of Rolling Meadows would get significant tax relief if the city lost its home rule authority.

The story of the referendum itself ended on April 13, 1999, when the voters of Rolling Meadows overwhelmingly rejected it with a 93% to 7% margin. However, the story of the actual substance of the debates over taxation remains unfinished. The loose ends from the electoral provided the genesis for this research project. The arguments involving taxation were discussed hypothetically by making assumptions about individual taxes, but no one really knew what the overall revenue picture of non-home rule units looked like compared to that of home rule units. This project is an effort to make such a comparison.

2. A Review of the History of Rule

The concept of home rule turns around the relationship that usually exists between states and municipalities. As the usual relationship is described in Dillon's Rule, municipalities exist only as creatures of the state. Accordingly, it follows that municipalities may only exercise powers that have been expressly given to them by the state. Under home rule, that presumption is turned around. A home rule municipality may exercise any powers that have not been denied to it by the state.

The home rule concept was first put into practice in the state of Missouri in 1875 (Small 1970). In that year, Missouri adopted its third state constitution "with the Southern element back in power" after ten years under a Radical Republican, Reconstruction constitution (Encyclopedia Americana 1992). The Missouri Constitution of 1875 is often cited as the beginning of home rule authority and readers can be left with the impression that the home rule gates were thrown wide open, at least in Missouri. In reality, the Missouri constitutional provision only provided home rule to two cities, St. Louis and Kansas City, in seventy years. Parallel to provisions in Illinois statutes designed to single out Chicago, home rule in Missouri was only granted to cities with a population of more than 100,000 persons (Cole 1973). (Illinois' practice of classification singles out Chicago through a 500,000 person threshold.) St. Louis was therefore the only home rule city in Missouri for nearly the first quarter century of home rule. Kansas City did not reach the population threshold for home rule until 1899, almost 25 years after the famous Missouri home rule provision was written. No other Missouri cities attained home rule status until the population threshold was lowered to only 10,000 inhabitants in 1947 (Cole 1973).

In the century and a quarter history of home rule, it has expanded to the point where “home rule, in one of its variants, is the practice in forty-five states.” (Wandling 2001 p. 14)

At the turn of the 20th century, only Missouri, California, Washington, and Minnesota had provisions for municipal home rule (Wandling 2001, p. 11). By 1912, the number of states granting home rule authority had grown to 13, and by 1937 only 21 states provided for home rule (Wandling 2001, P 11-13). In 1970, when Illinois granted home rule authority to its municipalities, it was the thirty-sixth state to do so (Small 1970, p. 235-36). Since 1970, nine more states have brought the total to 45.

3. A Review of Home Rule in Illinois

The creation of municipal home rule in 1875 came five years too late to benefit Illinois’ municipalities. The Illinois Constitution written in 1870, Illinois’ third constitution, would remain in effect for an entire century. It is certainly true that Illinois could have taken the legislative route to establishing municipal home rule, and that Illinois could have taken the constitutional route through a simple amendment. In fact, the Land of Lincoln did dabble in both procedures during the hundred year period of the third constitution. For example, a 1904 amendment to the constitution “provide[d] some home rule powers for the city [of Chicago].” (Cole 1973, p. 13) While these limited powers were of use to Chicago, they were not a grant of true home rule authority. In Alice Ebel’s review of the 1870 Constitution for the 1970 Convention, Ms. Ebel used the phrase “so-called ‘home rule’ for Chicago” (Ebel 1970, p. 235) to clarify that the powers granted through this amendment which were commonly called home rule powers were not a true grant of home rule.

As home rule powers were granted to municipalities through the 1970 Illinois Constitution, rather than the legislature, one should begin with the 1970 constitution in describing Illinois’ particular brand of home rule. The specific grant of home rule authority is found in Article VII, Section 6 of the constitution.³ The array of powers which are given the collective title “home rule” are given in the following language: “Except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt.”⁴ The significant limitations of “this Section” itself are:

- a) *Home rule units have constitutional limits on their taxing power.* No ad valorem property tax receipts may have a maturity period longer than

³ All citations of the Illinois Constitution come from *1970 Illinois Constitution Annotated*, David R. Miller, Illinois Legislative Council, 1980.

⁴ Article VII, Section 6, Subsection (a)

forty years. Home rule units may not “license for revenue or impose taxes upon or measured by income or earnings or upon occupations.”⁵

- b) *Home rule units have constitutional debt limits.* The General Assembly may, by a three-fifths vote, limit debt incurred which is payable through any funds other than ad valorem property tax receipts. When debt is secured through property taxes, the General Assembly may set limits and require referenda for any amounts over the following limits:

- “(1) if its population is 500,000 or more, an aggregate of three percent [of the assessed value of its taxable property].
- (2) if its population is more than 25,000 and less than 500,000 an aggregate of one percent [of the assessed value of its taxable property].
- (3) if its population is 25,000 or less, an aggregate of one-half percent [of the assessed value of its taxable property].”⁶

- c) *Home rule units have constitutional limits on their power to punish.* No home rule unit may “define or provide for felonies,”⁷ nor can any home rule unit define or provide for any Class A misdemeanors without specific statutory authority from the General Assembly.

In addition to the constitutional limits on home rule authority, legislative restrictions are also allowed. The General Assembly’s authority to limit home rule legislatively is divided into two classes, each with a different voting threshold. The state legislature may preempt home rule authority by simple majority when it is willing to reserve for itself the exercise of a specific power. In these cases, the state must be willing to shoulder the burden in order to deny a particular power to home rule units. The second class involves situations in which the state does not wish to take control of the issue but still wishes to restrict the municipalities from doing so. In such cases, the standard Illinois supermajority vote, three-fifths, is required. Through either of these mechanisms, the state must be willing to put a certain degree of extra effort into attempts to restrict home rule powers.

While the Illinois Constitution constrains home rule municipalities in the ways described above, it provides some important protections for them as well. For example, Cook County is constitutionally a home rule county, and other counties could choose to meet the constitutional criteria to become

⁵ Article VII, Section 6, Subsection (e)(2)

⁶ Article VII, Section 6, Subsection (k)

⁷ Article VII, Section 6, Subsection (d)(2)

home rule counties. The 1970 Constitutional Convention rejected a proposal which would have made county home rule dependent upon a population threshold of 100,000. Instead, the Convention decided that county home rule needed a county executive to be effective, so the presence of such an executive officer is the constitutional requirement for county home rule (Cole 1973, p. 17). Jurisdictional disputes between a county and its home rule municipalities could be very problematic without some standard for decision. The framers of the Illinois Constitution provided such a standard, and the standard is favorable to the municipalities: “If a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.”⁸ Further, the General Assembly is prohibited by the Constitution from interfering with home rule municipalities in the area of special services assessments. Finally, the last subsection of Section 6 states that “Powers and functions of home rule units shall be construed liberally.”⁹ These provisions form a solid basis that gives home rule authority real substance in Illinois.

4. Project Design

Database

To test the hypothesis that home rule authority increases the tax burden placed upon residents and businesses of a city, a database was created to support various statistical analyses. The two hundred and sixty-seven municipalities in Cook County and the “collar counties” of DuPage, Kane, Lake, McHenry, and Will Counties were chosen for this study. Mr. Allan Mayer of the Illinois Comptroller’s office completed a basic study of all Illinois municipalities in the Comptroller’s *FY 1999 Fiscal Report Card*. For this project, however, Cook and the collar counties were chosen:

- a) to limit the scope of the study, and
- b) to recognize the reality that this area, comprising almost two-thirds of the population of Illinois¹⁰, is qualitatively different from “down-state”

Additionally, according to Mr. Mayer’s report, there are 110 home rule municipalities in Illinois. Of those municipalities, 103 are in the six counties studied here.

Information from these cities was coded to allow basic analysis of revenue structure. The database itself contains the following general fields:

⁸ Article VII, Section 6, Subsection (c)

⁹ Article VII, Section 6, Subsection (m)

¹⁰ *Ibid.*

- County of the municipality
- Name of the municipality
- Presence of home rule authority
- Population
- Equalized Assessed Value
- Per capita EAV
- Total revenue
- Per capita revenue
- Per capita revenue
- Own source revenue
- Per capita own source revenue
- Own source as a % of revenue
- Property tax rate
- Property tax revenue
- Property tax as a % of revenue
- Property tax as a % of own source
- Sales tax as a % of revenue
- Sales tax/property tax ratio
- Municipal library
- Municipal fire department

In addition to these basic fields, a larger version of this database contains additional fields to note the presence or absence of various specific assessments in the total property tax levy.

Data Collection

The information for this project came from various places. A list of municipalities in the six counties was obtained from the Illinois Municipal League(IML). The IML's list indicated the home rule status of the municipality, and it provided a method for coding municipalities that happen to cross county boundaries.

The information regarding municipalities with multiple county jurisdictions was further refined with documents from the Illinois Department of Revenue(IDOR). The Department's "Sales Tax Receipts Reported by Standard Industrial Classification" contains a front section listing cities with multiple jurisdictions. Where the IML list and IDOR list differed, the IDOR list was given precedence.

The IDOR document was also the source of the sales tax information in the database created for this project. Both the fields for state sales tax receipts and home rule sales tax receipts were completed with information from this document. For these variables, the numbers in this sheet were given precedence over other information, such as the financial database from the Illinois Comptroller's office. The comptroller's sales tax data often varies from that of the IDOR document, although the variations are within reason. It is the author's assumption that the IDOR document contains more stable data because of its status as the primary source. The comptroller's data is a compilation of data supplied by the municipalities through their annual financial reports. Additionally, the differing fiscal years of the municipalities could, in theory at least, alter the data, as could the distinction between the liability periods and the collection periods of the taxes. The IDOR document identifies its data as "for the liability period(s) of January 1, 1999 thru [sic] December 31, 1999, collected in February 1, 1999 thru [sic] January 31, 2000." This data is therefore reliably uniform, in addition to being the primary source of such information.

The comptroller's database is the main source used in this project for each of the variables concerning the revenue ratios. In each of the fields that have a total revenue figure as part of the calculation, the total revenue amount was taken from the comptroller's database. The different fields separating own source revenue from intergovernmental revenue were also compiled using information from the comptroller's database. The term "own source revenue" was operationally defined to include the following categories from the comptroller's data:

- Property Tax
- Sales Tax (HR or referendum ROT)
- Utility Tax
- Other local taxes
- State sales tax
- All licenses and permits
- Fines and forfeitures
- Charges for service
- Interest
- Miscellaneous

Another large portion of the data in the fields for this project came from the individual municipalities' tax extension records on file in each county clerk's office. Records were obtained from the clerk's offices in the counties of Cook, DuPage, Kane, Lake, McHenry, and Will. These records contained the Equalized Assessed Values (EAV) of the communities, the total property tax rates, and the separate property tax rates for each fund. There were cases in which one county's EAV figures were different (within reason) from those of another county with jurisdiction over the same municipality. In these cases, the figure of the county that controlled a greater portion of EAV was used.

5. Data Analysis

Ms. Carol Reckamp of the Comptroller's Chicago office estimated a 95% compliance rate for municipalities submitting proper Annual Financial Report (AFR) data.¹¹ This compliance rate is accurate in the sample of six counties used for this project. Of the 267 municipalities examined in the six counties, 13 did not appear in the comptroller's AFR data. These municipalities are: Blue Island, Dixmoor, Dolton, Greenwood, Lily Lake, Lyons, Markham, Melrose Park, Minooka, Monee, Prospect Heights, Robbins, and Trout Valley. Other municipalities either provided insufficient information to the comptroller's office or the Comptroller's database contained errors which could not be rectified by the author and which resulted in incomplete information. Municipalities with incomplete information were: Elburn, Riverwoods, Union, and Westchester. These municipalities were removed from statistical analysis for any variable calculated with incomplete information.

¹¹ Phone interview between Ms. Reckamp and the author, February 2001.

Dummy variables used to control for the presence of municipal libraries and municipal fire departments turned out to be critical to the data analysis. These controls were not in place when some of the preliminary regressions were run. In these preliminary regressions, some very fundamental relationships that must be true for home rule communities did not appear to be supported by the data. Once the data accounted for the presence of municipal libraries and municipal fire departments, the values produced by the regressions changed.

Hypothesis #1: Property tax revenue will be a smaller proportion of own source revenue in home rule units.

The reasoning behind the hypothesis seems intuitive. Home rule units have the ability to generate revenue from sources that are unavailable to non-home rule units. It seems logical to assume that home rule units would avail themselves of their additional tax authority and be less dependent upon property tax. However, the data do not support this hypothesis. The proportion of revenue that is derived from property tax seems to be slightly lower than non-home rule units, but the finding is not statistically significant. The factors of:

- a) the proportion of total revenue derived from sales tax, and
- b) the presence of a municipal fire department were statistically significant indicators.

A larger proportion of sales tax is directly related to a smaller proportion of property tax revenue, as might be logically deduced. However, this connection is not directly affected by home rule. One would be tempted to think that home rule communities would be likely to have a greater proportion of revenue derived from sales tax; after all, they have the authority to assess an additional sales tax in 0.25% increments. Non-home rule units did not possess this ability during the time period studied in this project. This assumption turns out to be false. The correlation between proportion of sales tax revenue and home rule authority is not statistically significant. Indeed, one need only take a cursory look at the communities that obtain one-third or more of their revenue from sales tax. More than half of these communities are non-home rule units. Of the home rule units in this category, the majority of them do not assess an additional home rule sales tax. The proportion of revenue comprised of sales tax does not have a significant connection with home rule.

Similarly, the presence of a municipal fire department is also not directly related to home rule authority. Many cities without home rule authority have municipal fire departments, and some home rule communities are served by fire protection districts rather than municipal departments.

Home rule does not have a significant impact on the property tax percentage of own source revenue, and the significant impact of the proportion of sales tax revenue is not related to home rule.

Hypothesis #2: Own source revenue will be a higher proportion of total revenue in home rule units.

Again, this hypothesis seems intuitive. With additional own source tax possibilities available to home rule units, one would think that home rule units would generate more own source revenue. Nevertheless, the data do not support this hypothesis. When tested with some variables, home rule only increases this proportion slightly; when tested with other variables, home rule only decreases this proportion slightly. More importantly, in all tests, home rule authority is not a statistically significant factor. Of the variables tested, per capita EAV is directly correlated at a significant level (with a very minor positive effect) and proportion of sales tax is directly correlated at a significant level (with a more pronounced positive effect). There is no hidden home rule impact in either variable.

Hypothesis #3. Per capita revenue will be higher in home rule units.

To come full circle, a form of the hypothesis of the Rolling Meadows petitioners was tested. The petitioners argued that the taxes of home rule communities were higher than those of non-home rule units. Their reasoning also seemed intuitive; home rule units can tax more, so they will. Per capita revenue seemed to be a good choice as a measurement of the level of taxation. Regressions with per capita revenue as the dependent variable do not support the petitioners' hypothesis. To give the petitioners their due, home rule units do seem to have higher per capita revenue, but the data show that the connection is spurious. Home rule authority is not statistically significant as a determinant.

6. Conclusions

The data show that home rule authority is not significant determinant of a community's taxation level, even when considering the level of taxation under different operational definitions. These findings confirm the findings of Allan Mayer of the Illinois Comptroller's Office. In a study of the data of all municipalities in Illinois, Mr. Mayer found that "other factors [than home rule authority] are more likely to determine a municipality's dependence on property taxes (Mayer ND)." On the basis of the data for this report, the same conclusion can be made regarding the proportion of own source revenue and the general level of taxation. Home rule is not a key factor. For the questions regarding general level of taxation, further study must be done; the data in this report do not point to any critical factors.

The question remains, then: Why does home rule authority not have the effect on taxation that either side in the Rolling Meadows home rule debate expected it to have?

A plausible explanation would seem to be that home rule authority is really more about regulation and other municipal powers that are not related to taxation. Some anecdotal evidence supports this conclusion. In a previous phase of this project, information was obtained from the four cities in Illinois whose home rule authority was revoked: Lisle, Lombard, Rockford, and Villa Park.

Interviews with various officials in these cities showed a common pattern. All the officials stated that their towns were not particularly interested in trying to regain home rule authority. Mr. Bill Lichter, Village Manager of Lombard, stated that if his village were to become interested in regaining home rule, the taxation issues would not be the driving force. From his perspective, the only revenue issue of any concern was the restriction of non-home rule units in their use of revenue raised by the hotel/motel tax. The rest of the discussion involved regulation issues, not financial issues. Mr. Ron Schultz, Legal Director of the City of Rockford, also said that his city would, hypothetically, be more interested in the regulatory powers of home rule than the taxation powers. As an example, he cited the fact that the City of Rockford used to be able to license electricians according to their own standards. With the loss of home rule, Rockford no longer has the authority to set these standards. Home rule seems to affect the regulatory operations of a municipality much more than it affects a municipality's revenue structure.

Analysis of the data collected for this paper shows that home rule authority is not a significant factor in the level of taxation imposed by a municipality. Home rule authority does not manifest itself in a higher level of taxation, as the proponents of the Rolling Meadows referendum argued. Neither does home rule manifest itself in a lower level of taxation, as the opponents of the Rolling Meadows referendum argued. None of the taxation factors tested in this project point directly to home rule as a contributing factor. Home rule authority is more valuable to municipality for regulatory powers than for tax purposes.

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Illinois Home Rule: A Case Study in Fiscal Responsibility

James M. Banovetz*

Abstract. This article examines the popular notion that elected officials, particularly at the local level, can not be trusted with broad powers of taxation; that they are likely to use and perhaps abuse all of the powers of taxation they possess. The study looks at the use of tax powers, made over a 30 year period, by Illinois' home rule municipalities which have one of the broadest grants of tax powers given by any state to its local government officials. This study found only seven reasonably verifiable examples of unwarranted uses of home rule powers, only three of which represent unequivocal instances in which the voters, the courts, or the legislature voided uses of home rule powers. Available evidence produced neither a rational nor an empirical basis to support a reasonable probability that, given the opportunity, local elected officials will enact new or higher taxes without regard for the wishes of the voters. Indeed, the Illinois experience suggests that, with adequate safeguards, local officials can be trusted with broad based local tax powers.

1. Introduction

Perhaps one of the most common attitudes about American local governments is that their legislators are prone to abusing their power to tax. This attitude has its roots in the era of municipal corruption in the last decades of the nineteenth century, chronicled so well by Lincoln Stephens in his classic *The Shame of the Cities*, and attacked by the municipal reform movement of the last century launched by Richard S. Childs and the National Municipal League.

The attitude persists despite the fact that reforms produced by that movement (including the Australian ballot, nonpartisanship in local elec-

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tions, the council-manager form of government, and, most importantly, the professionalization of local government workforces) has cleaned most corruption out of city and village governments, especially from the growing majority of mid-sized cities using professional city managers, and including most large city governments (e.g., Cincinnati and Kansas City).

This attitude continues to provide popular support for manifold constraints on the powers of local governments, especially their tax powers. Constraints range from the judicial standard of strict constructionism in the interpretation of grants of authority to local governments (Dillon's Rule), through statutory limits on taxing powers, to the more contemporary imposition of tax caps. All of these constraints are rooted in the presumed truism of Lord Acton's thesis that power corrupts and absolute power corrupts absolutely.

The persistence of this attitude has been demonstrated by the force of the so-called "Taxpayers' Revolt" of the last several decades. The growing use of property tax caps in Illinois attests to the attitude's continuing strength - strength that endures despite a dearth of empirical or other scholarly evidence examining it.

Illinois' experience with home rule offers a unique and interesting opportunity to test the proposition that it is inevitable, or indeed even probable, that municipal officials will abuse the authority to impose more and higher taxes on local taxpayers. This paper will exploit this opportunity; it will examine Illinois' experience with home rule tax powers, looking for evidence suggesting irresponsibility in their use. To do so, it will draw upon the limited available research on Illinois home rule and on the author's own 38 years of experience working with, and studying, Illinois' local government system. First, however, it will summarize the extraordinary home rule powers granted to Illinois cities and villages.

2. The History of Illinois Home Rule

With Chicago and Cook County's long histories of machine politics and political corruption, Illinois has provided fertile ground for popular scepticism about the fiscal responsibility of local municipal officials. The public's reaction to late 19th and early 20th century municipal corruption was an intense and continuing pattern of adding ever more restrictions and limitations on municipal taxing powers. Property tax limitations eventually reached a point at which they were so overlapping and confusing that they were barely capable of judicial interpretation, sometimes leading to implementation in an arbitrary and capricious fashion (Fisher and Fairbanks 1968). Indeed, Illinois students of local government routinely attribute Illinois' unusually large number of local governments to the need to evade statutory restrictions on municipal taxing powers so that services demanded by the public could be

provided.² Illinois has also had a history of strict and rigid application of Dillon's Rule to the interpretation of statutory grants of power. In effect, Dillon's rule holds that municipal corporations have only those powers specifically granted to them by statute and those *necessarily implied* from the granted power.³ Indeed, statutory grants of authority to cities were so restricted in their application that Chicago attempted, frequently and unsuccessfully starting in 1904, to secure some form of home rule (Banovetz and Kelty 1987a).

Despite the state's history of local government distrust, Chicago's home rule efforts ultimately proved successful in 1971 when voters approved the State Constitution drafted in 1970. That Constitution provided Illinois cities and villages with an optional home rule system that William N. Cassella of the National Civic League has called "the most advanced form (of government) as far as a flexible power system is concerned." (Banovetz and Kelty 1987b)

3. Illinois Home Rule Powers Defined

The 1970 Illinois Constitution provides a very broad definition of home rule powers:

"Except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt." (Art. VII; Sec. 6a)

Except for prohibiting home rule units from levying taxes upon "income, earnings, or occupations" without legislative authorization, the constitutional constraints upon home rule units are relatively few and have not proven to be significant.

The constitution permits the General Assembly to put specific limits on the use of home rule powers, but with restrictions: (1) it can provide for the exclusive exercise of a power or function by the state by a vote of a simple

² Depending upon the information source, Illinois has between 6,800 and 7,200 units of local government. It has more units of local government than any other state in the nation, leading the second ranked state, Pennsylvania, by nearly 50 percent. A large portion of these governments are fire protection, park, and library districts formed in part to get new access to property tax revenues to support these popular services.

³ Italics added to emphasize the interpretive practices of the Illinois courts. Dillon's rule is a legal concept first articulated by the Iowa courts and later applied by the courts in each state. The classic application of the rule was in *Trenton v. New Jersey*, 262 U.S. 182 (1923). Further clarification is found in Kennedy (1971) and Braden and Cohn (1969).

majority of both houses, or (2) it can prohibit the use of a home rule power, but only by a vote of a three-fifths majority of the membership of both houses.

The constitution further stipulates that:

“Powers and functions of home rule units shall be construed liberally.” (Art. VII, Sec. 6m)

The Illinois Supreme Court demonstrated its general willingness to construe the grant of home rule powers liberally in three early, landmark cases. In 1972 and again in 1980, the Court ruled that legislation passed before the effective date of the 1970 constitution did not limit home rule powers unless such legislation complied with constitutional requirements (the three-fifths majority vote) needed to impose a limit on home rule powers.⁴ In 1973, the Court held that statutes restricting the exercise of local government power did not apply to home rule units unless the statute explicitly indicated such an intent.⁵

In short, Illinois’ grant of home rule powers to its cities and villages is, indeed, very broad.

4. Illinois Use of Municipal Home Rule⁶

When the 1970 Illinois Constitution took effect on July 1, 1971, a total of 67 cities and villages automatically gained home rule authority by virtue of meeting the constitution’s standard of having a population of 25,000 or more persons.⁷ By the time of the November 2000 elections, that number had grown to 147 municipalities. In the intervening years, twelve more cities gained home rule by population growth, 72 had adopted home rule by referendum, and four lost home rule status by referendum.

Since the Constitution and its home rule system took effect thirty years ago, over seven million Illinois residents—well over half of the state’s population C have lived in a local government exercising home rule powers. “Thus

⁴ *Kanellos v Cook County*, 53 Ill. 2d 161, 290 N.E.2d 240 (1972); *Sommer v. Village of Glenview*, 79 Ill 2d 383, 403 N.E.2d 258 (1980).

⁵ *Rozner v Korshak*, 55 Ill. 2d 430; 303 N.E.2d 389 (1973)

⁶ The discussion in this section is based upon “Illinois Home Rule: A Thirty Year Assessment,” *Policy Profiles*, Northern Illinois University Center for Governmental Studies, February 2001.

⁷ Home rule was also made available to counties in which a chief executive officer is elected by the voters at large. This structural requirement has resulted in a county experience with home rule very different from the municipal experience, but not necessarily in terms of financial powers, practices, or behaviors. Chiefly, this requirement has effectively limited home rule to just one county, Cook County. As a result, this paper does not deal with county home rule in Illinois.

it is safe to conclude that Illinois and its residents have had widespread experience with municipal home rule.”⁸

5. Home Rule Tax Powers

With significant exceptions, the broad scope of Illinois’ home rule power also extends to the power to levy taxes. Home rule freed municipalities from all legislative limitations on the levy and use of property taxes, and gave municipalities wide discretion to design new tax levies.

The principal exception is income taxes: the Constitution’s sole stated tax limitation prohibits home rule taxes levied on “income, earnings, or occupations” unless such taxes are specifically authorized by the Illinois General Assembly. No such authorization has ever been given or even seriously considered. A second major exception occurred in 1991 when the Illinois General Assembly preempted the power to impose retail sales taxes. Illinois had operated well before 1971 with a 5 percent state sales tax which went into the state’s general fund and an additional 1 percent tax, if locally authorized,⁹ which was rebated to the city or county in which the retail sale occurred. Functionally, the system produced a state-wide 6 percent sales tax.¹⁰ The state collected the entire sales tax and rebated to each local government its portion of the tax.

After home rule became effective in 1971, a number of cities and villages enacted their own sales taxes, applied over and above the 6 percent state tax. These local sales taxes sometimes were levied on different bases, usually designed to protect local merchants from out-of-town competition. Thus, for instance, some communities with significant farm service businesses exempted farm implement sales from the local, home rule sales tax; others limited the local tax to the first \$500 of price on any given item; still others used other tax definitions to raise money without harming the local economy. Tax rates, too, were set locally and the collection of these additional local sales taxes was the responsibility of the levying municipality.

The result was a pattern of local sales taxes that provoked opposition from statewide merchants who had to program cash registers differently in many communities they served. To assist the merchants, the General Assembly reserved to the state exclusive authority to enact sales taxes, thereby establishing a single, statewide retail sales tax base.¹¹ Simultaneously, the General Assembly protected home rule communities by authorizing them

⁸ *Policy Profiles, op. cit.*, p. 1.

⁹ And nearly all Illinois cities and counties have authorized the use of this local portion of the levy.

¹⁰ The tax was later modified so that the 5 percent state portion was not levied on the sale of food (except food served on the premises) and drugs.

¹¹ The sales tax in Illinois is technically known in law as the retail occupation tax.

individually to levy an additional sales tax, on the state's tax base, in amounts of .25 up to a total additional levy of 1.5 percent.

A third constraint upon home rule taxing power was also added by the General Assembly. One of the first¹² taxes levied by home rule municipalities was a real estate transfer tax. In the decades of the 70's and the 80's, which saw rapid escalation of real estate values, the real estate transfer tax produced a large windfall in revenues from taxpayers whose properties had become so inflated that sellers, who paid the tax, hardly noticed the amount. When the escalation in property values leveled off, however, the tax generated opposition. Thus, the General Assembly enacted legislation which allowed existing real estate transfer taxes to continue, but imposed a referendum requirement on any future levy of such a tax by a home rule municipality.

6. Hypothesis and Methodology

Given:

- Illinois' local government history,
- The extraordinary breadth of Illinois home rule powers,
- The broad scope home rule gives to municipal taxing powers, and
- The number of Illinois cities that have used Illinois home rule,

the Illinois experience might well be said to represent the most severe test possible of the hypothesis that, given sufficient discretion, local government officials will impose unwarranted taxation on their residents. This paper will examine this hypothesis by (1) examining the extent to which the authority has been used; (2) comparing home rule with non-home rule communities' uses of property taxes as a revenue producing measure; (3) reviewing home rule constraints on the misuse of home rule taxing powers to determine if, indeed, such constraints have been, and can be, used successfully; and (4) examining the nature of voters' reaction to the use of home rule powers. Since the term "unwarranted powers" is subjective, this paper will view only those uses as "unwarranted" which were subsequently constrained or voided by oversight agencies-the General Assembly, the courts, or the voters through a referendum.

Ultimately, in a society ruled by democratic principles, the reaction of the voters is the most nearly infallible test of the acceptability and utility of public policy, including the appropriateness of tax policies. Fortunately, for the purposes of testing this hypothesis, voter reaction is also the test with the best available information.

¹²New at least to Illinois.

1. Municipal use of home rule taxing powers

Two comprehensive surveys of the uses of home rule powers have been made. The first was undertaken in 1983 (with 95 communities responding) and updated in 1986 (with 60 communities responding; taken together in the two surveys, 105 communities responded to at least one survey) (Banovetz and Kelty). The second has just been completed (in spring, 2002), with 83 communities responding.

The most common uses of home rule powers in the two surveys are shown in Table 1. Three relevant conclusions can be drawn from this table. First, home rule is widely used for governmental functions other than taxation. While the use of home rule taxes is one of the two most common uses of home rule powers, home rule is used almost as frequently to promote economic development, strengthen regulatory authority, reduce debt costs,¹³ and facilitate the purchase, sale, and lease of real estate. Home rule, in short, is not used by government officials primarily as a method of raising more tax revenues.

Second, the use of home rule as a means of raising tax revenues from sources other than property taxes is clearly increasing and is widely employed for that purpose, although the frequency of such use is probably overstated by the survey. Well over half of the survey's non-respondents were small communities which make less use of tax and other home rule powers. Nonetheless, this significant increase in use makes the analysis in this study (a) more important, and (b) more likely to support the hypothesis.

Third, few home rule communities use their home rule power to levy higher property taxes. Fewer than one-fourth of home rule communities use home rule to increase property tax levies above the levels allowed by statute or to increase such levies above statutory tax caps.

¹³ Home rule is widely used to lower the interest costs of government borrowing. Because they are not limited in their borrowing to kinds of debt authorized by statute, home rule communities can negotiate better interest rates. Further, home rule communities can issue general obligation bonds (GO bonds which are secured with the government's property tax powers) without the need to secure voter approval through a referendum. The use of GO bonds lowers the interest costs of the borrowing. And, indeed, the shift in borrowing from revenue to GO bonds by home rule communities has been significant; it is used even when other revenue sources (e.g., utility bills) are used to raise the funds to repay the debt. Because debt secured with property tax powers can, if used unwisely, lead to substantial increases in property taxes, its indiscriminate use could have serious adverse effects on the property tax levies and credit ratings of home rule communities. Thus this home rule use has a direct relationship to the use of home rule tax powers.

Table 1. Uses of Home Rule Powers

Function	1983-86 in %	2002 in %*
Communities Reporting	105 or 95%	83 or 57%
Economic Development	**	83
Levy Taxes Based on Home Rule Powers	57	83
Regulation	72	78
Reduce the Cost of Borrowed Money	90	74
Buy, Sell, or Lease Property	43	73
Levy Sales Tax	5	61***
Regulatory Licensing	61	55
Intergovernmental Agreements	58	52
Change Structure of Government	30	29
Exceed Tax Caps	NA	24
Extend Property Tax Beyond Statutory Limits	16	18

*Listed in order of frequency.

** Not tabulated, but incidence of use was second only to incurring debt.

*** Sales taxes reported in the first survey were based on home rule powers; in the second survey, they were levied based on special statutory authority.

Note: The lower survey participation in 2002 will cause some inflation in the percentages since the majority of the non-participants were small communities which, in general, make much less use of home rule powers. Two-thirds of communities over 25,000 responded while less than half of those under 25,000 responded.

Further insight into the kinds of taxes being levied by home rule communities in both the 1983-86 and 2002 surveys is found in table 2. It clearly shows that the years between 1986 and 2002 have witnessed a major expansion in the use of taxes levied with home rule powers. This can be attributed to a number of possible factors. Certainly the chronic need of local governments - like all governments - for more money to meet public service demands is a factor. So, too, was the loss of federal revenue sharing dollars which occurred during this period. Local governments typically reacted to this loss by maintaining services at or near existing levels and making up the revenue shortfall by some combination of greater operating efficiency and increased use of other revenue sources.

Two other factors also played a role. The first is the influence of the Home Rule Attorney's Association, a group sponsored by the Illinois Municipal League, which has met monthly since first being formed in 1971, to monitor home rule uses with the intent of discouraging uses that would be disapproved in court tests. As case law has developed, and the legality of more uses has been established, many powers have been more frequently used. The second has been the success of home rule itself: experimental uses of home rule powers that subsequently prove successful in achieving their purpose also tended to be copied. The hotel-motel tax is a good example of the latter phenomena.

Table 2. Home Rule Taxes, 1983-86 and 2002

Tax Levied	1983-86% use	2002 % use
Communities Reporting	105 or 95%	83 or 57%
Retail Sales *	5	61
Hotel / Motel*	35	60
Real Estate Transfer*	11	36
Restaurant food & Beverage Sales*	8	25
Exceed Property Tax Caps	NA	24
Property Tax Beyond Statutory Limits	15	18
Gasoline*	9	17
Amusement*	14	14
Wheel Tax (on auto ownership)	4	8
Other	3	7
Sale of New Automobiles	7	2

*Taxes which broaden the tax base to include non-residents of the community.

Note: The lower survey participation in 2002 will cause some inflation in the percentages since the majority of the non-participants were small communities that, in general, make much less use of home rule powers. Two-thirds of communities over 25, 000 responded while less than half of those under 25,000 responded.

The single most notable change in tax patterns has been the increase in the use of home rule retail sales taxes which became much more common after the Illinois General Assembly prohibited the use of home rule powers to levy sales taxes and permitted home rule communities to impose larger local sales tax levies on the state sales tax base. Historically, Illinois has imposed a 5% state sales tax and permitted local communities (e.g. cities, villages, counties) to add an additional 1% levy within their jurisdictions, which the state collects and remits to them. Now, home rule communities can levy up to an additional 1.5%, to a total of 2.5%, on the state sales tax base which the state will collect and remit to them. By eliminating the need to collect the home rule portion of their local sales tax, this change made the use of home rule sales taxes much more attractive to home rule governments.

Two additional points must be added to this. First and foremost, only seven, or 13%, of the fifty-three communities reporting the use of this tax levied the whole 1.5%. Of these, six were located in Cook County and one in a Chicago suburban county. Because of additional levies for metropolitan purposes, total sales tax rates in Chicago and suburbs are higher than in the rest of the state, making local tax additions a smaller percentage of the total levy. Second, non -home rule communities are restricted to the 1% local share. These differences produce total sales tax rates which vary widely throughout the state. No evidence has ever been offered that suggests that such differences have produced a detectable impact on consumers' shopping patterns in either the state or in the Chicago metropolitan area.

A second trend evident from a careful reading of the data is that the taxes levied with home rule power are predominantly those that spread the tax burden to non-residents of the community: retail sales tax, hotel / motel tax, real estate transfer tax, restaurant food and beverage tax, gasoline tax,

and amusement tax. The four most frequently used home rule taxes, and six of the top eight home rule tax uses, are taxes which spread tax burdens more broadly. In fact, some communities adopted home rule specifically to secure the authority to levy retail sales taxes so that community cost burdens could be transferred to non-residents.¹⁴

In short, then, taxation has been an increasingly common use of home rule powers, but it has been most frequently used to transfer local tax burdens from residents to non-residents of the community.

2. Comparison of home rule and non-home rule uses of tax powers

Home rule governments clearly levy a wider array of taxes than their non-home rule peers since, with one exception, non-home rule units are not authorized to levy any of the taxes listed in Figure 3. That exception is the hotel/motel tax.¹⁵ Indeed, only one of the taxes listed in Figure 3 has been challenged by opponents of home rule: the use of home rule to extend property taxes beyond the statutory limits imposed on non-home rule governments.¹⁶ Because this has been the focal point of home rule opposition, it also will be the focal point of this analysis of the hypothesis that, given sufficient discretion (as Illinois home rule surely provides), local government officials will impose unwarranted taxation on their residents.

Opponents of home rule regularly contend that the adoption of home rule will lead to rapid, and by implication unwarranted, increases in municipal property taxes. Two studies have been conducted over the years which compare home rule and non-home rule use of property tax powers; both have relevance for this opponents' contention.

The first, undertaken by J. Banovetz and R. Albritton, compared the changes which occurred in all Illinois cities and villages over 10,000 population during the first ten years of home rule, 1971-81 (Banovetz and Keltly 1987). They found that both population size and geographic location (located inside or outside of Cook County) accounted for more of the variance

¹⁴ These tend to be communities with regional shopping malls - Oakbrook and Mt. Vernon are examples. Communities with large college student populations, such as DeKalb, or with busy hotel/motel industries, such as Rosemont, also utilize such taxes heavily.

¹⁵ That exception, however, is significant. The City of Rosemont, located adjacent to O'Hare Airport and with a night-time population several times its daytime population, first adopted home rule in 1972 for the express purpose of imposing a hotel/motel tax on the many large hotels within its boundaries. The tax proved so successful and devoid of local opposition, that it was widely copied by other home rule governments. The state legislature finally authorized the tax for use by non-home rule governments, but with a crucial difference: the statutory authorization permits home rule tax proceeds to be used only to promote tourism to the community. Home rule governments can use the tax proceeds for any public purpose.

¹⁶ Presumably, home rule opponents will also object to home rule governments' exemption from statutory property tax caps, but, in the author's experience monitoring home rule referenda, this consideration has not yet emerged as a major issue.

in property tax rates and the rate of increase in such rates than did home rule status. While home rule units showed a higher rate of increase in property tax levy amounts during the ten year period, the total amount of their tax levies, shown in Table 3, was not significantly different in 1981, the final year for which data for the study were available. Leaving aside the debate about whether the higher rate of increase was attributable to home rule status or simply a process of “catch-up,” and remembering that only 13.7 per cent of all home rule units (of whatever population size) were even levying higher property tax rates than they could have levied without home rule powers in 1983, only one conclusion from that study could be said to be relevant to this inquiry: *when controlling for population and location, the average property tax levy for home rule communities was the same as the average property tax levy for non-home rule communities after ten years of Illinois home rule experience.*

Table 3. Comparison of Property Tax Levy Rates of Home Rule and Non-Home Rule Communities After Ten Years of Illinois Experience with Home Rule

Category of Municipality	Ave. Rate 1970	Ave. Rate 1981
I. Municipalities Over 25,000		
In Cook County (N=27)	.794	1.612
Outside Cook County (N=35)	1.114	1.612
II. Cook County Municipalities 10,000-25,000		
With home rule (N=8)	.543	1.325
Without home rule (N=38)	.812	1.303
III. Non-Cook County Municipalities 10,000-25,000		
With home rule (N=6)	.659	1.002
Without home rule (N=52)	.842	1.176

The second, much more contemporary study, by R. Dye and T. McGuire (1997) looked at the effect of property tax limitation measures in general, and specifically on the effect of tax caps on local government fiscal behavior. In studying such effects on Illinois cities and villages located in the six county Chicago metropolitan region, Dye and McGuire specifically evaluated the impact that the state’s tax caps, enacted in 1991, had upon the property tax rates of non-home rule communities (which are subject to the caps) when compared to home rule communities (which are not). This is shown in Table 4. They found that:

Table 4. Average Annual Growth Rates of Property Taxes

Communities	Number	Growth Rate W/O Cap	Growth Rate W/Cap
Non-Home Rule	104	14.57	7.14
Home Rule	134	9.03	7.55

Source: R.F. Dye & T.J. McGuire (1997).

1. The 104 non-home rule communities had been experiencing a much faster rate of growth in property tax rates before the imposition of the tax caps than the 134 home rule communities.
2. The rate of increase in property tax levies decreased in both the home rule and the non-home rule communities after the imposition of the tax caps upon the non-home rule communities, but the rate of decline was less in home rule communities.¹⁷
3. The rate of increase in property tax levies for non-home rule and for home rule communities was comparable¹⁸ after the imposition of tax caps.

Nothing in the Dye and McGuire study would lead to the conclusion that home rule status results in significantly higher levels of property taxation. *In short, nothing in either study comparing home rule and non-home rule uses of the property tax supports the hypothesis that local government leaders, given the freedom from constraint that home rule provides, will impose significantly higher rates of property taxation.* In fact, Dye and McGuire's data on the rates of property tax increases prior to the imposition of the tax caps suggests exactly the opposite: that property taxes have increased more slowly in home rule communities.

Data in the 2000 survey adds further evidence that home rule communities rely less on property taxes than do their non-home rule peers. It asked communities what proportion of their total revenues in 2000 was derived from property taxes. The results are presented in Table 5 together with a comparison with the statewide average for municipal revenues from property taxes.

Table 5 indicates that (1) the use of home rule powers to levy property taxes in excess of non-home rule statutory limits is very rare in communities smaller than 25,000, and (2) the percentage of total municipal revenues derived from property taxes by home rule units, even those home rule units levying property taxes in excess of what would be their statutory limits without home rule powers, is considerably less in communities larger than 25,000 population than the statewide averages. Since property tax levies tend to be higher in larger communities, all else being equal, the averages for large home rule communities should be considerably higher than the statewide average. That it is not suggests that home rule powers, at worst, have not driven up property taxes and, at best, have been a factor in keeping such

¹⁷ *Ibid.*, p. 8. Dye and McGuire did not control for differences in population size, but they did find evidence that location in Cook County or the collar counties did have an independent effect (p. 14).

¹⁸ The rate of increase was 7.14 % for non-home rule and 7.55% for home rule communities. The use of a percentage rate of increase, however, does not control for the impact on the percentage of the much higher rate of initial increase by the non-home rule group.

taxes down.¹⁹ Such data hardly support the hypothesis that, given the authority to do so, local government officials will increase property taxes in unjustifiable amounts.

Table 5. Municipal Reliance on Property Taxes: Percentage of Total Municipal Revenues Derived from Property Taxes

Category	Average All Home Rule	Average All Home Rule Over Statutory Limits
Cook County <25,000	18%	23%
Cook County >25,000	18%	*
Collar Counties <25,000	13%	11%
Collar Counties >25,000	15%	*
Outside <25,000	15%	16%
Outside >25,000	10%	*
Statewide Average**	26%	***

* Too few cases for valid statistical comparison

** Source: *Statewide Summary of Municipal Finances*, Report of the Comptroller General of Illinois

*** Data not available

Note: Data from survey is for year 2000; statewide data is for most recent year available, 1998.

In short, there is no research-based evidence in the public domain which supports claims that, given either the authority or the opportunity, Illinois city officials will drive up property taxes.

3. The impact of constraints on the misuse of home rule authority

The 1971 Illinois Constitution establishes legislative, judicial, and electoral constraints on the use, and misuse, of home rule power. This section will deal with the first two; electoral constraints will be discussed in the next section.

Legislative constraints derive from the constitutional grant of authority to the General Assembly either to preempt home rule powers for exclusive use by the state or to deny certain powers to home rule units. The legislature has used both constraints, but in a way not necessarily intended to show disapproval of specific uses of home rule tax powers.

While the General Assembly seemed to disapprove of a home rule tax when it imposed a referendum requirement on new adoptions of property

¹⁹ The example of the City of Rockford, the state's only city above 25,000 population without home rule powers, adds further support for this possibility. When Rockford lost its home rule powers, it quickly sought and received both state legislative and local voter approval for a number of property tax increases which brought the city's property tax rate considerably above its former, non-home rule, statutory limit.

transfer taxes, its action was not as negative as it might seem since it neither denied home rule units the authority to levy such taxes in the future nor did it order that existing property transfer taxes either be repealed or submitted to the voters for approval. Its action, then, appeared to be more of a response to anti-tax pressures than disapproval of this use of home rule taxing power.

The legislature's 1991 action terminating local home rule powers to levy retail sales taxes was not intended ultimately to restrict home rule powers. The bill's sponsor, Senator Dawn Clark Netsch, was and remains a home rule supporter. Rather, her intent, articulated publicly, was to eliminate the problems for retail merchants caused by the varying, locally defined tax bases on which the local taxes were levied.²⁰ By including in the bill a provision allowing only home rule governments to impose an additional sales tax on the state's base, Senator Netsch and the General Assembly preserved home rule units' access to retail sales taxes as an alternative approach for raising revenues to support their service commitments.

Similarly, the General Assembly passed up other opportunities to restrict home rule taxing powers in 1991 and again in 1995 when it passed laws imposing caps on annual increases in local government property tax levies.²¹ The caps were made mandatory for local governments in the six county Chicago metropolitan area and in other counties when approved by a county wide referendum. In all cases, however, the General Assembly explicitly exempted home rule units from the tax caps. The tax cap legislation responded to statewide, anti-property tax sentiment and it is reasonable to assume that home rule units would not have escaped the limitations if the General Assembly had significant evidence that their tax increases were unwarranted.

The Illinois courts, acting in their capacity as the final arbiters of the meaning of constitutional language, including the language of the home rule provisions, also has not hesitated to use its powers to restrict abusive or excessive uses of home rule taxing powers. The Illinois Supreme Court, has heard 20 cases challenging the use of home rule tax powers; it supported home rule taxing power in 17, or 85 percent, of these cases.

²⁰ Senator Netsch, in conversations with the author, expressed her view that her action in sponsoring the bill was actually supportive of home rule taxing powers. Further, there have been other similar situations in which the General Assembly has exercised preemptive powers because the aggregate of otherwise reasonable local decisions created problems for the state as a whole. An excellent example was the action of the 81st General Assembly denying home rule governments the power to regulate minimum ages for the purchase and consumption of alcoholic beverages. In this instance, variations in local laws, all enacted for locally supported reasons, led to too many traffic accidents as young drivers drove to communities with more lenient regulations.

²¹ The tax cap program limited a local government's property tax increase in any year to a maximum of five percent or the increase in the cost of living, whichever was less.

The cases in which it did not support home rule taxing authority are particularly significant for the use of home rule authority and for this analysis. In the first, the court struck down a Chicago ordinance imposing a retail sales tax on sellers of services.²² Drawing on the ruling in this case, the court ruled a year later that home rule utility taxes, levied in amounts that exceeded the statutory maximums on such levies for non-home rule units, were a tax on occupations and thus in violation of the constitution.²³ Finally, the court ruled that a Chicago tax on memberships in health clubs was an impermissible occupation tax.²⁴

These examples demonstrate that the legislature and the courts have the power and the inclination to restrict or constrain the use of home rule tax powers if they feel a need to do so. That there are so few such examples, and none in the use of home rule's unlimited power to levy property taxes, suggest that they have not felt such a need; that they have not found significant patterns of misuse or excessive use that require imposing constraints on such tax powers. Of perhaps particular significance, the legislature did find, in 1991 and again in 1995, excessive use of property taxing powers by non-home rule units of government and did impose constraints on those governments, but did not impose similar constraints on home rule governments.

4. Voter reaction to home rule: electoral constraints

From the standpoint of democratic theory, the reaction of the voters is the ultimate test of whether Illinois' broad home rule taxing authority, including seemingly unlimited property taxing authority, has led to unwarranted tax increases.

This reaction can be measured by the referenda held on the question of whether or not a city, village, or county should have home rule powers. As of November, 2000, there had been 191 such referenda in Illinois.²⁵ As might be expected, these referenda convey a mixed message. In 97 cases, the voters approved the use of home rule; in the other 94 cases they did not. But these 191 referenda can be divided into three distinct categories—county adoption referenda, municipal adoption referenda, and municipal retention referenda—and each produces a different picture of voter support. These referenda results are reported in Table 6.

²²*Commercial National Bank of Chicago v City of Chicago* 89 Ill. 2d 45, 432 N.E.2d 227 (1982).

²³ *Waukegan Community School District 60 v City of Waukegan* 95 Ill. 2d 244, 447 N.E.2d at 233-35 (1983). This case also over-ruled a 1974 court ruling favorable to home rule.

²⁴ *Chicago Health Clubs, Inc. v Picur* 124 Ill.2d 1, 528 N.E.2d 978 (1988).

²⁵ "Illinois Home Rule: A Thirty Year Assessment," *Policy Profiles, op.cit.*, pp. 1-5.

Table 6. Home Rule Referenda Record 1971-2000

Kind of Referenda	Voted for Home Rule	Voted Against Home Rule
County Adoption of Home Rule	0	11
Municipal Adoption of Home Rule	72	79
Municipal Retention of Home Rule	25	4
Total	97	94

All referenda to adopt home rule by county governments were held after Cook County used its home rule powers to levy several new taxes; all failed, on average by a margin of 3-1. However, these referenda results are somewhat murky because they contained two separate issues, adopting home rule and restructuring county government.²⁶

On the question of whether or not a city or village should be a home rule unit, the results are mixed—an understandable outcome in a society founded on a legitimate concern for the misuse of government powers. Most of these are referenda in which voters who have not lived in a home rule government are deciding whether to adopt home rule. Given Illinois' history, the only surprise is that so many referenda supported home rule.

Of greatest interest for this analysis are the outcomes in elections in which voters currently living in a home rule city are deciding whether or not home rule should be retained. These are voters who have experienced home rule powers, including home rule taxing powers, and who have an opportunity to abolish those powers. In these elections, voters opted to retain home rule in 25 out of 29 elections, or in 86 percent of the cases. Equally interesting, the average electoral outcome in these elections was a 3-2 margin in favor of home rule.²⁷ *"In short, where home rule has been tried in Illinois, voters have been supportive of it."*²⁸

Further support for this conclusion can be gleaned from the municipal adoption referenda. The county with the highest percentage of home rule adoptions is Cook County which has home rule powers and whose voters had, by the time they voted on adoption of home rule for their own city or village, experienced county home rule and paid Cook County's home rule taxes.

However, no analysis of these voting data and the hypothesis that elected officials with broad taxing power can and will misuse those powers

²⁶ See footnote 6. These referenda can be interpreted as voter rejection of Cook County's new taxes, but Cook County's own voters have never voted on home rule retention.

²⁷ There is a body of opinion among political scientists who specialize in analyzing election outcomes which holds that any outcome in which the margin of victory is 55 percent or more can qualify as a landslide victory.

²⁸ "Illinois Home Rule: A Thirty Year Assessment," *Policy Profiles*, op. cit., p. 5.

can be complete without an examination of the instances in which voters chose to abolish home rule powers. There were four: Lisle in 1977, Villa Park in 1980, Lombard in 1981, and Rockford in 1983.

The Lisle abandonment represented an instance in which elected officials announced their intention to proceed with a plan to issue general obligation bonds to build a new city hall despite voter opposition to the plan expressed through an advisory referendum. Voters promptly petitioned for a referendum on the abolition of home rule; the referendum carried; home rule powers were lost; and the city hall was never built.

Villa Park and Lombard represented a different scenario altogether. In those communities, voters petitioned for an abandonment referendum and the issue was placed on the ballot. In each election campaign, supporters of abandonment asserted that abolition would reduce taxes by negating the taxes passed with home rule powers. The referendums passed, but tax reductions did not occur because neither community had used its home rule powers to levy or impose any taxes, including higher property taxes.

The Rockford case presented a still different scenario. In that city, after years of delayed maintenance of the city's infrastructure, officials instituted a series of sharp property tax increases to upgrade and repair public facilities. The council could have raised the needed money without resorting to home rule powers by imposing local utility taxes, but it chose not to do so.

Opponents of the property tax increases circulated a petition calling for a referendum on abandoning home rule. The referendum was held and home rule was abandoned. Shortly thereafter, a series of seven referenda were held to raise the city's property taxes above the statutory limit. Six of the seven referenda passed.

These cases demonstrate that concerned citizens can, when alarmed about local home rule uses, effectively prevent misuse by placing the fate of home rule powers in the hands of the voters.

Summation: Analysis of the Hypothesis

This paper seeks to validate the popular belief, expressed constantly in election campaigns concerning home rule in Illinois, that, given sufficient discretion, local government officials will impose unwarranted taxation on their residents. The strongest case that can be made in support of this view is with reference to specific instances of home rule powers being used in unwarranted ways, and subsequently being overturned by the Illinois General Assembly, by the Illinois courts, or by local voters.

The best case: examples of unwarranted use of home rule powers

The clearest example of an unwarranted home rule use was Lisle's attempt to issue bonds to build a new city hall after voters had expressed their

opposition to the plan in an advisory referendum. Rockford's use of home rule powers to levy large property tax increases can also be cited in this category. The abandonment of home rule in Lombard and Villa Park is not a relevant example since assertions made to the voters regarding home rule taxes subsequently turned out to be false.

A second example has been the rapid increase in the use of home rule taxes. This suggests that local officials make unwarranted use of their broader tax powers. The widespread use of these non-property taxes, have produced several instances of action to curb the use of home rule powers.

Three relevant examples of possible unwarranted home rule uses were those taxes constrained by court decisions voiding Chicago's retail sales tax on services, on Chicago's tax on health club memberships, and utility taxes levied by Waukegan and several other home rule communities in excess of statutory maximums. The two home rule taxes subsequently altered by legislative action-the retail sales tax and the real estate transfer tax - might also be considered in a best case scenario.

In this best case analysis, then, there have been seven examples of unwarranted use of home rule powers during Illinois' thirty year experience with very broad grants of taxing power.

Weaknesses in the best case

Even this best case, however, has obvious weaknesses. With the exception of the unwarranted uses by Lisle (bond issue over voter opposition) and Chicago (sales tax on services, health membership tax), each example has mitigating circumstances. Rockford's voters, by approving six of seven property tax increase referenda after home rule's abandonment, gave evidence that they were less opposed to the higher taxes (policy use) than to the home rule decision process (policy procedure). The specific utility taxes voided by the courts were subsequently reinstated by the General Assembly. In the real estate transfer tax case, existing taxes were permitted to continue unaffected by the legislation. In the sales tax case, the General Assembly gave home rule municipalities special statutory power to access the state sales tax base and home rule use of retail sales taxes has actually increased as a result.

Evidence disproving the hypothesis

The strongest evidence disproving the hypothesis comes from two disparate sources. One is the empirical research undertaken by Banovetz and Albritton, who failed to find evidence that home rule communities increased property taxes at a faster rate than non-home rule communities, and by Dye and McGuire, who found that non-home rule communities were raising property tax rates faster than home rule communities. Both findings undercut the central premise of the opposition to Illinois' home rule system: that

home rule's unlimited property taxing powers will lead to higher increases in property tax levies. The 2002 survey of home rule use added further data which undercuts the hypothesis.

The second, strongest source of evidence comes from Illinois voters. While county home rule voters have been clearly negative, and voter support for home rule adoption has been mixed, the voters who were asked if they wish to continue a home rule system already in use have been strong in their support for home rule. In other words, voters who have home rule want to retain it; they do not feel victimized by unwarranted use of home rule taxing powers.

The Anti-tax Hypothesis Evaluated

As noted earlier, the Illinois experience with municipal home rule might well be said to represent the most severe test possible of the anti-tax hypothesis that, given sufficient discretion, local government officials will impose unwarranted levels of taxation on their residents. This review of that experience finds inadequate support for the hypothesis.

Despite an extensive pattern of municipal use of home rule over the past thirty years, this study found only seven reasonably verifiable examples of unwarranted uses of home rule powers, only three of which represent unequivocal instances in which the voters, the courts, or the legislature voided uses of home rule powers. Further, given the paucity of such unwarranted uses, it might reasonably be concluded that these examples are more impressive as evidence that home rule abuses can be, and are, adequately constrained. Finally, the empirical and scholarly evidence against the hypothesis is compelling. Thus neither a rational nor an empirical basis could be found to establish a reasonable probability that, given the opportunity, local elected officials will enact new or higher taxes without regard for the wishes of the voters.

Indeed, the Illinois home rule experience suggests that city councils and village boards have demonstrated impressive, although not complete, responsibility in the use of local taxing powers.

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CENTER FOR GOVERNMENTAL STUDIES
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issue: *The Uses of Home Rule With Special Emphasis on Taxation*

James M. Banovetz and Thomas W. Kelty

The Debate:

- *Home rule gives cities the power to solve local problems. (Supporters)*
- *Home rule gives cities too much power, especially too much power to tax. (Opponents)*

The Findings:

- *Home rule taxes reduce cities' reliance on the property tax*
- *Cities use home rule to respond to quality of life concerns.*
- *Little voter opposition to home rule was reported in home rule cities.*



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Public debate continues in Illinois over what was probably the single most significant change in Illinois law made when the state's present constitution went into effect in 1971. At issue is whether or not the constitution's home rule provisions gave individual cities too much power, especially too much power to tax.

A just completed survey, sponsored jointly by the Illinois Municipal League and the Illinois City/County Management Association, offers new insight into the way home rule governments use their home rule powers. All Illinois' home rule municipalities were asked how they were using home rule powers. Table 1 divides home rule communities into six groups based on population size and geographic location, shows how many home rule communities are in each group, and the number and percentage of respondents from each of the six categories.

tableone
Home Rule Survey Participation, 2002

Location & Size of Municipality	# Home Rule*	# Responding	% Responding
Cook Co. over 25,000 pop.	31	21	68
Cook Co. under 25,000 pop.	32	15	47
Collar Co. over 25,000 pop.	25	15	60
Collar Co. under 25,000 pop.	15	8	53
Outstate Co. over 25,000 pop.	19	13	68
Outstate Co. under 25,000 pop.	23	11	48
Total	145	83	57

* As of November 1, 2000, excluding Cook County and the City of Chicago.

The overall response rate for the largest communities, those over 25,000 population, was 65 per cent; the response rate for the 70 home rule communities under 25,000, each of which adopted home rule by referendum, was 49 percent.

Larger communities make the most intensive use of home rule powers; these are the same communities that had the highest participation rate in the survey.

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What did the survey find?

The survey found that the frequency and breadth of home rule use increased significantly in some important categories and changed little in other categories during the years since similar surveys were conducted in 1983 and 1986. (See J. Banovetz and T. Kelty, *Home Rule in Illinois: Image and Reality* (Sangamon State University: *Illinois Issues*, 1987.) Table 2 summarizes the findings from the 2002 survey and compares them to the 1983-86 surveys.

Several significant changes occurred between 1986 and 2002. First and foremost, of course, is a very significant increase in the use of home rule taxing powers. Of equal significance is an even sharper decline in the use of home rule powers to borrow money. While the first will suggest to some observers that home rule governments are misusing financial powers, the second directly countermands that conclusion.

Other significant changes are found in the increased use of home rule powers to buy, sell, or lease property and to levy higher sales taxes. But there was little significant change in the frequency with which home rule powers were used to engage in regulatory activities, to utilize intergovernmental agreements, to change the structure of government, or to extend property taxes beyond statutory limits.

Economic development uses were not categorized as such in 1983-86, but the survey results did report that the variety of uses lumped into this category made it one of the most frequent uses of home rule powers at that time and it, along with home rule taxation, remains one of the most frequent uses of home powers.

tabletwo

Uses of Home Rule Powers

Function	1983-86	2002*
Communities reporting (Columns show percentage of respondents using home rule powers for the function)	105 or 95%	83 or 57%
Economic Development	**	83
Levy taxes based on home rule powers	57	83
Regulation	72	78
Reduce the cost of borrowed money	90	74
Buy, sell, or lease property	43	73
Regulatory Licensing	61	55
Intergovernmental Agreements	58	52
Change structure of government	30	29
Exceed Tax Caps	NA***	22
Extend property tax beyond statutory limits	16	18

* Listed in order of frequency of use

** Not tabulated, but incidence of use was second only to incurring debt

*** There were no tax caps in 1983-86.

Note: The lower survey participation in 2002 will cause some inflation in the percentages for that year since the majority of the non-participants were small communities which, in general, make much less use of home rule powers.

Doesn't the survey justify opponents' fears about home rule and higher taxation?

The survey found that home rule cities and villages are clearly making significant use of their power to levy taxes not available to non-home rule governments. Table 3 (on page 3) reports the survey's findings regarding the home rule taxes currently being levied.

Clearly, taxation has become a major use of home rule powers during the past 20 years. This finding raises the question of whether home rule tax powers are being abused or used excessively. Three other issues must be considered to answer that question: (1) on whom is the burden of this additional taxation falling (i.e., are the taxes being

paid by the same or different people), (2) are these new taxes being used to reduce, hold down, or replace other, more onerous taxes, and (3) is the total tax burden in home rule communities heavier, more oppressive, and repugnant to local taxpayers?

The third question is the hardest of the three to answer. Different cities and villages provide different services. Most provide basic police, fire, roads, and zoning services, but there are great variations in the provision of such services as ambulance, park, water, sewer, solid waste disposal, storm water collection and disposal, planning, economic development, and other services. Even in the common services, there is great variation: while all communities provide roads, for ex-

ample, not all provide and maintain curbs, gutters, and sidewalks. Further, voters in some communities want higher service levels than do voters in other communities. Because of such measurement problems, the survey did not attempt to compare either total tax levies or costs of government in home rule and non-home rule cities.

The survey did, however, gather data to answer the first two questions and it did gather information on voter response to local use of home rule powers. This information is provided in the rest of this report.

Don't local residents have to pay all the home rule taxes?

Local residents pay all the home rule taxes levied on activities in which they engage. To the extent that they shop in

their home community, they pay the added sales taxes that may be imposed by their community. If they rent hotel and motel rooms in their home community, they will also pay those taxes. But non-residents also pay a significant percentage of such taxes.

A closer look at the taxes listed in Table 3 will reveal that, of the nine taxes (excluding "other") listed there, only two, the wheel tax and the tax on the use of natural gas, are levied entirely upon residents or businesses in the community. The other seven taxes fall on non-residents as well as residents. *By using these taxes, home rule governments reduce the percentage of the local tax burden being paid by local taxpayers.*

The City of Mount Vernon offers a case in point. When the city was faced with the need to expand its sewage plant, the city's

leadership offered voters a choice. Without home rule powers, the city would have to levy higher property taxes or a new tax on utilities to pay for the sewage plant expansion. Either tax would have been paid exclusively by local taxpayers, but if the voters gave the city home rule powers, the officials promised to levy a higher sales tax to pay for the plant's expansion. Since the city had a large shopping mall which drew customers from a 50-mile radius outside the community, the use of sales taxes to pay for the expansion would mean that shoppers from outside the city would pay a portion of the cost. Faced with that choice, the voters, by a 3-2 margin, gave Mount Vernon home rule authority.

Some of the "other" taxes also fall on non-residents. The Village of Bedford Park, for example, has a large stone quarry inside its corporate limits. The village uses its home rule powers to levy a tax on the mining and removal of the stone. Enough revenues are produced from the tax so that the village does not have to levy a property tax to finance village operations and services.

The principal taxes levied by non-home rule communities (taxes on property, utility bills, and auto ownership) fall exclusively on residents. Perhaps for this reason, only one of these home rule taxes — the real estate transfer tax — has been strongly opposed by local residents. That opposition resulted in the passage of a new state law requiring local voter approval in a referendum before any new real estate transfer tax could be imposed by a home rule community.

Thus, survey data suggest that home rule tax powers have predominantly

tablethree

Use of Home Rule Taxing Power, 2002

Kind of Tax	No. of Municipalities Using It	% of Total
Additional retail sales taxes*	53	60.9
Hotel-motel tax	52	59.7
Real estate transfer tax	31	35.6
Sales tax on restaurant food & beverages	22	25.3
Gasoline tax	15	17.2
Amusement tax	12	13.8
Wheel tax	7	8.0
Retail sale of new motor vehicles tax	2	2.3
Use of Natural Gas	2	2.3
Other	4	4.6
Number reporting not using any home rule tax	14	16.1

* See the discussion of sales taxes for further explanation of this item.

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been used to shift a portion of the local tax burden to non-residents. To the extent that this is so, their use lessens the percentage of the local tax burden borne by residents.

Does home rule result in excessive imposition of sales taxes?

As Table 3 reports, 61 percent of home rule communities levy sales taxes over and above the one percent rate allowed by law to all municipal and county governments in the state. The 1983-86 survey found that only five percent of home rule communities levied home rule sales taxes at that time. Thus, the single biggest change in the use of home rule powers between the 1983-86 surveys and the 2002 survey was in the much more frequent use of sales taxation to finance local government operations.

Interestingly, this increased use of sales taxes came in large part as a result of a law passed by the Illinois legislature in 1992 prohibiting home rule retail sales taxes. To replace such taxes, the state gave home rule communities authority to increase the local option component of the state retail sales tax (technically called a retail occupation tax) from the one percent authorized for all cities and counties to as much as 2.5 percent. Because this new arrangement gave home rule governments the freedom to levy higher sales taxes without having to incur any collection costs, the use of home rule sales taxes increased rapidly thereafter.

In part, too, home rule governments turned to the use of sales taxes because there is little evidence of significant voter opposition to higher sales tax

levies. What evidence is available suggests that voters support home rule in part *because* of the home rule sales tax option. The business community in Sycamore, Illinois, for example, urged the city council to ask voters for home rule approval so the city could levy higher sales taxes rather than increase property taxes to finance needed municipal improvements.

Sales taxes also provide a way of funding local services that is viewed as less painful than higher property taxes. This was the case in Mount Vernon. Other communities do this in different fashions. Carbondale, for example, dedicated a part of its home rule sales tax revenues to paying for the construction of a new high school. Eighty-three percent of Bloomingdale voters, in an advisory referendum, approved the village's plan to use higher sales taxes to purchase and preserve open space in the community.

Despite such evidence, however, if sales and other home rule taxes are accompanied by large increases in property taxes, then they could fairly be challenged as abusive. If not, such a charge would be hard to sustain.

More to the point, it is not sales and home rule taxes, but rather the potential misuse or abuse of the property tax, that has concerned home rule opponents.

So do home rule communities levy higher property taxes?

The survey evidence relating to this question is mixed. Some evidence (see Table 2) indicates that some home rule communities do use home rule powers to levy higher property taxes: 18 percent

of home rule communities levy property taxes in excess of the statutory limits that would apply to them if they did not have home rule powers, and 22 percent of the communities reported that they have, in one or more years, levied property tax increases that exceeded the tax cap limitations which applied to non-home rule communities in those years.

But there is also evidence that home rule communities, as a group, rely less on property taxes for local revenues than do non-home rule cities and villages. *In other words, the survey found support for the contention that home rule non-property taxes are widely used to hold down or reduce property tax levies.*

Table 4, for example, provides survey data which suggests that home rule communities, as a group and when divided by population size and location, rely less heavily on property taxes for their revenue than do non-home rule communities. This is true even for communities which levy taxes in excess of applicable tax caps. The data in the table compares the percentage of total municipal revenues derived from property taxes by home rule communities with the percentage for all Illinois cities, villages, and incorporated towns.

Two qualifications must be made when interpreting the data in Table 4 (on page 5):

- While only 44% of the home rule communities responded to this part of the survey, making any *definitive* conclusions difficult to reach, the data collected offers *no support* for the notion that home rule communities, on average or in

general, are imposing property tax burdens higher than those imposed in non-home rule communities (which make up the greatest part of the statewide average of all municipalities).

■ All else being equal, home rule communities should show a higher than average level of dependence on property taxation. Normally, the cost of government, on a total and per capita basis, will be higher in larger communities. Since all but one of Illinois' cities over 25,000 population have home rule powers and higher costs, and since the smallest Illinois cities and villages are predominantly non-home rule with lower costs, home rule communities should show higher dependence on property taxes. This survey provides evidence which suggests that they do not.

That Illinois home rule cities appear to rely less on property taxes is not because such cities cost less to govern and serve, but more likely because they are able to use other kinds of taxes — especially taxes paid in part by non-residents — to reduce their dependence on property taxes. It is most likely, for example, that the relatively low percentage of total revenues derived by home rule communities from property taxes is related to the widespread use of the sales tax as an alternate revenue source in those communities.

Given these considerations, the most reasonable conclusion is that (1) home rule governments, on average, do not finance a higher percentage of their costs using property taxes, but rather that (2) they do a better job of spreading their tax burdens among a variety of taxes less onerous to local taxpayers.

tablefour

Municipal Reliance on Property Taxes: Percentage of Total Municipal Revenues Derived from Property Taxes

Category	All Home Rule	Taxing Property Over Statutory Limits
Cook County <25,000	18%	23%
Cook County >25,000	18%	*
Collar Counties <25,000	13%	11%
Collar Counties >25,000	15%	*
Outstate <25,000	15%	16%
Outstate >25,000	10%	*
Statewide Average**	26%	

* Too few cases for valid statistical comparison
** Source: *Statewide Summary of Municipal Finances, 1998, Report of the Comptroller General of Illinois*
Note: Data from survey are for year 2000; statewide data are for most recent year available, 1998.

tablefive

Average Annual Growth Rates of Property Taxes

Communities	Number	Growth Rate W/O Cap	Growth Rate W/ Cap
Non-Home Rule	104	14.57	7.14
Home Rule	134	9.03	7.55

Source: R.F. Dye & T.J. McGuire, *Journal of Public Economics* 66 (1997)

Are the survey findings consistent with other published research?

Only one other study, published in the *Journal of Public Economics*, has analyzed the effect of home rule on property tax increases. In that study, summarized in Table 5, R. F. Dye and T. J. McGuire found that municipal property taxes in Illinois have increased more rapidly in non-home rule communities than in home rule communities. Even when the effects of

the tax cap are taken into consideration, Dye and McGuire did not find the rate of increase in property taxes between home rule and non-home rule communities to be significantly different.

What then can be said about the relationship between home rule and taxes?

Whatever else home rule has accomplished for Illinois cities and villages, it has managed to spread tax

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burdens among a larger number of different taxes and, thereby, it has reduced local reliance on property taxes.

Since property taxes are widely regarded, nationally as well as in Illinois, as the least fair form of taxation, home rule's impact can be said to have transferred the burdens of municipal finance toward taxes that enjoy, if not greater voter support, then certainly less voter animosity and opposition.

What other changes have resulted from the use of home rule powers?

The survey shows that home rule's other major impacts have occurred in the fields of economic development, regulation, and changes in the organization and structure of local governments.

Aging and declining communities use home rule to attract new business development; rapidly growing communities use home rule both to control development and to make developers pay more of the increase in public services costs attributable to their developments. Home rule communities use their expanded powers to broaden zoning regulations, negotiate tax concessions, develop special planning and subdivision control regulations, and design programs to limit and eradicate neighborhood blight and deterioration.

Illinois home rule communities, for example, have established a broad use of impact fees to help finance community development. Impact fees are fees charged developers to recover increases in governmental costs associated with real estate developments; they are a device used to protect local residents from

having to bear a high portion of the cost of expanding certain government services, such as education and parks, needed to serve residents in new subdivisions.

Home rule communities use home rule powers to impose a broad and flexible array of impact fees on developers. Non-home rule communities may require that residential developers donate land, or cash in lieu of land, to help defray the cost of school and park expansion, but the scope of their authority is much narrower than the powers being used by Illinois' home rule communities.

Initially, home rule governments used their home rule powers to impose impact fees to transfer more of the burden of expanding education and park facilities from old to new residents. More recently, home rule communities have enlarged the list of government service expansions being expanded with the help of impact fees. The first expansion was for transportation impact fees, used to enlarge and expand major arterial streets to accommodate the increased traffic that follows new development. Some communities are now adding impact fees to help cover the cost of expanding library, fire protection, and, in some cases, even general municipal service costs.

Other examples of the use of home rule powers to promote economic and community development include: establishing special economic development districts within the community with special zoning and development goals (Skokie), providing homeowner loans to improve blighted properties (Evergreen Park), authorizing city purchase of properties in blighted commercial districts (Elk Grove

Village), and providing affordable senior citizen housing sites (Wilmette).

How is home rule being used for regulatory purposes?

Table 6 (on page 7) summarizes the most common regulatory uses of home rule powers.

Examples of the use of home rule powers in the regulatory area include: increasing the frequency of building inspections of rented housing units (Northbrook, Addison, Hanover Park), requiring permits for fiber optic trenching permits (Granite City), controlling handgun ownership and use (Morton Grove, Niles), and requiring hazardous materials cleanup (Morton Grove).

How much political opposition is there to the use of home rule powers?

Respondents to the survey reported very little voter opposition to the use of home rule powers. Two questions were asked regarding voter opposition. The questions and their answers are set forth in Table 7 (on page 7). Because of the frequent turnover in local officials, and the limitations on memory, such data must be considered valid for a limited period of time, such as the last decade.

This data is also supported by the frequency of referenda called by local voters to rescind home rule powers. There were 21 such referenda between 1971 and 1981; three were successful. There were only eight such referenda between 1982 and 1992; only one was successful. There have been no such referenda in Illinois since 1992.

table*six*

The Regulatory Use of Home Rule Powers

Question	# Responses	%	Question	# Responses	%
Do you use home rule to:					
1. Develop regulations on:			2. Engage in licensing or franchising:		
Curfew	18	20	Liquor sales	15	17
Environment	11	13	Towing truck operators	13	15
Liquor sales or use	35	40	Cable TV	16	18
Zoning	42	48	Utilities	13	15
Other juvenile concerns	13	15	Mobile Homes	9	10
Land use planning/subdivision control	34	39	Nursing homes/ retirement communities	7	8

table*seven*

Measures of Voter Discontent with Home Rule

Question	Response	Number	Percent
Has there been an effort to submit a referendum to abandon home rule in your community?	Yes	3	3.4
	No	79	90.8
Have there been any periodic, significant criticism or attacks on home rule in your municipality?	Yes	1	1.1
	No	81	93.1

conclusion:

What does this record show?

The record would seem to indicate that there has been growing voter acceptance of home rule in the communities which are using home rule powers. While taxation is a major use of home rule powers, the home rule taxes employed spread the cost of local government to non-residents as well as to residents and appear to be easing municipal reliance on property taxes. Finally, home rule communities are employing home rule powers for purposes other than taxation, principally to promote economic development and enhance governments' ability to address a wide range of local problems using regulatory and other measures.

Home rule, in short, appears to have proven itself an important weapon in empowering local governments to respond constructively to voter and quality of life concerns.

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Thomas W. Kelty is a principal in the Springfield, Illinois, firm of Kelty Law Offices, P.C., where he concentrates in the areas of municipal law, municipal finance, land use planning and development, corporation law, and commercial litigation. General Counsel to the Illinois Institute for Local Government Law, he has represented hundreds of Illinois cities, villages, and counties over the last 30 years.

policyprofiles

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¹The views expressed in this edition of *Policy Profiles* are those of James M. Banovetz and Thomas W. Kelty and do not necessarily represent the views of the Center for Governmental Studies or of Northern Illinois University.

Home Rule Cities And The Voters

By JAMES M. BANOVTZ
Northern Illinois University

With the November 2002 election results compiled, and the addition of Bridgeview and Oakbrook Terrace to the roster of home rule cities and villages, the number of Illinois municipalities with such powers has now climbed to 153. Of these, 78 gained home rule by achieving or surpassing the 25,000 population mark; the remaining 75 gained it by referendum.

Table 1 lists the 153 home rule communities. Those that adopted home rule by referendum are shown with the date of the referendum; those listed without a date gained home rule powers by virtue of their population size. Municipalities with a population of 25,000 or more automatically have home rule powers unless voters rescind those powers through a referendum.

Home rule cities in Illinois are drawn from all classes of communities, from Chicago with its 2.9 million people to even the smallest communities, such as Muddy with a 2000 population of 78. They come from all parts of the state with the greatest concentration found in the Chicago metropolitan area.

Voter attitudes toward home rule

Voters' attitudes toward home rule appear to have become more positive in recent years. In home rule's early years, 1971-75, referenda approving home rule outnumbered those disapproving by a 3-1 margin. That margin slipped to less than 1.5 to 1 in the 1976-85 period, then fell further to 1-1.3 against in 1986-99 period. But since the turn of the century, voter approval has turned positive, if just barely. There were 13 referenda on home rule in the first three years of the 21st century; home rule was approved in seven of these elections. But this record combines two very different kinds of elections: adoption referenda and retention referenda.

Adoption referenda

There have been 158 referenda since 1971 in which municipal voters have had the opportunity to adopt home rule. They did so in 77 of these elections, or 49 per cent.

That means voters turned down home rule in 81 elections. In five communities, voters rejected home rule in more than one election. In five others, voters rejected home rule when it was first put on the ballot, then adopted home rule in a later election. In Lincolnwood and Oakbrook Terrace, voters rejected home rule twice before finally adopting it in a third election.

From another perspective, of the 153 communities which have had referenda to adopt home rule, 77, or 50 per cent, ultimately did so. Of these 77, 75 communities, or 97 per cent, still operate under home rule powers. The two who do not are National City, which was dissolved as a municipal corporation when its last residents moved away, and Lisle, which later abandoned home rule by referendum.

In addition to Lisle, three other communities which gained home rule by referendum also had a subsequent

referendum on the retention of home rule powers. In all of these cases, Berkeley, Lincolnshire and Rolling Meadows, voters opted to retain home rule.

Home rule retention elections

There have been 31 elections in which voters were asked whether or not they wished to keep the home rule powers already provided to their community. Voters chose in 27 of these elections, or 87 per cent, to retain their home rule powers.

Retention elections occur for either of two reasons: (1) voters dissatisfied with their community's use of home rule powers may petition the court for a retention election — this has happened 25 times; or (2) a community which gains home rule powers by population is required by law to hold a retention election if its population later falls under the 25,000 ceiling — this has happened six times.

Of the 25 retention elections held in response to voter petitions, home rule was retained in 21, or 84 per cent of the elections. Home rule was retained in all six of the retention elections held because a community's population had fallen under 25,000. In the aggregate, voters in retention elections chose, by a margin of greater than 2-1, to retain home rule powers.

Is home rule an issue with voters?

In a survey of all home rule communities undertaken jointly by the Illinois Municipal League and the Illinois City-County Management Association in 2001-02, communities were asked whether: (1) there had been a recent effort to submit a petition to call for a retention election to abandon home rule, and (2) there had been any periodic, significant criticism or attacks on home rule in the community. Of the 83 communities responding to the survey, 91 per cent answered "no" to both questions. These findings suggest that the use of home rule powers is not generating significant opposition among voters in communities which already have home rule.

This conclusion also finds support among the referenda record on home rule. Understandably, and appropriately, the mixed results of home rule adoption referenda indicate that voters considering the adoption of home rule are very skeptical about giving a broad grant of power, including tax power, to their municipal government. On the other hand, the support shown for home rule in retention elections indicates that a substantial majority of voters in home rule communities trust their local officials with home rule powers.

Indeed, in one of the most recent retention elections, held at the request of a voters' petition in Rolling Meadows in 1999, voters supported home rule by a margin of more than 9-1.

Further results of the survey on home rule will be reported in subsequent articles. ■

Home Rule Units In Illinois

As of November 20, 2002

Dates listed indicate the year the community adopted home rule by referendum.

I. Counties

Cook

II. Cities and Villages

Addison

Alsip, 1990

Alton

Arlington Heights

Aurora

Barrington Hills, 1990

Bartlett

Bedford Park, 1971

Belleville

Bellwood, 1994

Berkeley, 1996

Berwyn

Bloomington, 1996

Bloomington

Bolingbrook

Bridgeview, 2002

Bryant, 1974

Buffalo Grove, 1980

Burbank

Burnham, 1980

Cahokia, 1996

Calumet City

Calumet Park, 1976

Carbondale

Carol Stream

Carpentersville, 1993

Champaign

Channahon, 1982

Chicago

Chicago Heights

Chicago Ridge, 1994

Cicero

Country Club Hills, 1993

Countryside, 1972

Crystal Lake

Danville

Darien, 2001

Decatur

Deerfield, 1975

DeKalb

Des Plaines

Dolton

Downers Grove

East Hazel Crest, 1989

East St. Louis

Elgin

Elk Grove Village

Elmhurst

Elmwood Park

Elwood, 1997

Evanston

Evergreen Park

Fairview Heights, 1993

Flora, 1975

Freeport

Galesburg

Glendale Heights

Glen Ellyn

Glenview

Glenwood, 1986

Golf, 1976

Granite City

Gurnee

Hanover Park

Harvey

Harwood Heights, 1995

Highland Park

Hillside, 1995

Hodgkins, 1996

Hoffman Estates

Hopkins Park, 2001

Inverness, 2000

Joliet

Kankakee

Lake Barrington, 1991

Lansing

Lincolnshire, 1975

Lincolnwood, 1997

Manhattan, 1996

Marion, 1994

Mascoutah, 1979

Maywood

McCook, 1971

Mettawa, 1990

Moline

Monee, 1996

Monmouth, 1999

Morton Grove

Mound City, 1973

Mount Prospect

Mt. Vernon, 1986

Muddy, 1981

Mundelein

Murphysboro, 1994

Naperville

Naples, 1982

Niles

Normal

Norridge, 1973

Northbrook

North Chicago

Northlake, 1994

Oak Brook Terrace, 2002

Oak Forest

Oak Lawn

Oak Park

Old Mill Creek, 1993

Onarga, 1997

Orland Park

Palatine

Park City, 1973

Park Forest

Park Ridge

Pekin

Peoria

Peoria Heights, 1986

Peru, 1981

Quincy

Rantoul, 1982

Robbins, 1998

Rockdale, 1982

Rock Island

Rolling Meadows, 1985

Rosemount, 1972

Round Lake Beach

St. Charles

Sauget, 1976

Schaumburg

Schiller Park, 1994

Sesser, 1989

Sherman, 2002

Skokie

South Barrington, 1975

South Holland

Springfield

Standard, 1975

Stickney, 1974

Stone Park, 1972

Streamwood

Sycamore, 1996

Thornton, 1980

Tinley Park

University Park, 1975

Urbana

Valmeyer, 1994

Washington, 1998

Watseka, 1975

Waukegan

West Dundee, 1990

Wheaton

Wheeling, 1977

Wilmette

Woodridge, 1975

Do Home Rule Communities Levy More Property Taxes?

By JAMES BANOVTZ and THOMAS W. KELTY

Does adopting home rule mean that property taxes will increase?

The opponents of home rule – the optional system for empowering city and village governments to act – assert that property tax increases are the inevitable consequence when home rule is adopted.

An examination of the record *does not* support opponents' claims. Several scholarly studies have been made of the use of property taxes in home rule cities and villages during the 32 years since home rule first became available to Illinois cities and villages. This article summarizes the results of those studies.

A study of 134 home rule and 104 comparable non-home rule communities recently published in the *Journal of Public Economics* reported that *property tax rates levied by non-home rule communities prior to the adoption of tax caps rose 61 per cent faster than rates levied in the home rule communities over the same period of time*. Further, the study found that the rate of increase in property taxes in the two communities were comparable despite the fact home rule home rule communities were not subject to tax cap limits.¹

An earlier study by Professor Robert Albritton reached similar conclusions. It found that population size and geographic location had a greater effect on the rate of increases in property tax levies than home rule status, and that, when controlled for these variables, the average property tax levy for home rule communities was the same as the average property tax levy for non-home rule communities during the first ten years of Illinois' home rule experience.²

A just completed survey of Illinois home rule communities found that home rule communities are less dependent on property taxes for their revenues than are non-home rule communities. On average, according to annual surveys published by the Office of the Illinois Comptroller, cities and villages derive 25-30 percent of the revenues from property taxes. The 2002 survey of Illinois home rule communities found that, on average, home rule communities derived 10 to 20 percent of their revenue from property taxes, depending upon their population and geographic location. The data are shown in Table 1.

To be sure, there are some – fewer than one in five home rule communities at last count – that do levy property taxes at rates higher than would be allowed by statute for non-home rule communities. But not even these communities use all the taxing powers given to non-home rule communities by law. Rather, in these communities, elected officials have determined that local residents would rather pay higher property taxes than some of the other taxes, like utility taxes, which non-home rule cities can levy to finance the services they provide.

In short, there is no economic data that supports the contention that property taxes necessarily or even usually increase faster in home rule communities than in non-home rule communities.

Available evidence also suggests that voters in Illinois home rule communities do not believe that home rule has led to undesirable rates of taxation. Voters in all home rule communities have the option to stop home rule tax levies by voting home rule out. And, indeed, in the last 32 years, home rule opponents have succeeded 29 times in placing the elimination of home rule on the ballot in a home rule community. Most of the resulting election campaigns were fought on the issue of whether taxes, and especially property taxes, were being misused. Voters approved the retention of home rule powers in 25 of these 29 elections, or 83 per cent. In the aggregate, they

**Table 1: Municipal Reliance on Property Taxes
Percentage of Total Municipal Revenues Derived
from Property Taxes**

Category	Average All Home Rule	Average of All Home Rule Over Statutory Limits
Cook County Over 25,000	18%	23%
Cook County Under 25,000	18%	*
Collar Counties Over 25,000	13%	11%
Collar Counties Under 25,000	15%	*
Outstate Over 25,000	15%	16%
Outstate Under 25,000	10%	*
State-Wide Average**	25-30%	

* Too few cases for valid statistical comparison

** Source: Recent annual Statewide Summary of Municipal Finances, report of the Illinois Comptroller

voted by a margin of more than 3-2 to retain their community's home rule powers.

In three of the four communities that did reject home rule powers, the use of property taxing powers was the major issue put before the voters. In Lombard and Villa Park, voters were promised by home rule opponents that getting rid of home rule would lower their property taxes. The voters in those communities voted home rule out, but their property taxes did not go down because home rule powers had **not** been used to raise property taxes.

In the third case involving property taxes, Rockford voters decided to abandon home rule and their property taxes did go down. So too did municipal services with the result that voters, in the months following home rule's abolition, voted in five of seven referenda to increase their property taxes.

No community has voted to eliminate home rule since Rockford did so in 1983. As home rule's record has become better established and known, there have been fewer such referenda and, in those referenda, voters have, by margins of as much as 9-1, chosen to retain local home rule powers.

There is no evidence in the record that home rule taxing powers are being misused. ■

1. T.F. Dye and T. J. McGuire, "The effect of tax limitation measures on local government fiscal behavior," *Journal of Public Economics*, 66 (1997) 469.

2. Reported in J. Banovetz and T. Kelty, *Home Rule in Illinois: Image and Reality*, (University of Illinois, Springfield), 1987 at 18-23.

James M. Banovetz is Professor Emeritus and Senior Research Fellow of the Center for Governmental Studies at Northern Illinois University. Former legal counsel to the Illinois Municipal League, Thomas W. Kelty is the senior member of Kelty Law Offices, P.C., Springfield, Illinois and general counsel to the Illinois Institute for Local Government Law.

HOME RULE AND DEVELOPMENT

James M. Banovetz

People tend to equate home rule and taxation, and indeed taxation has emerged as one of the key uses to which home rule is put. Less well known, and probably just as significant, is the way home rule is being used to promote a wide variety of development objectives. The 2002 survey of home rule uses documented, not only heavy development use, but increasingly creative use of home rule powers for developmental purposes.

Chief among these is the expansion underway in the use of impact fees. Impact fees are now being used to finance more of the costs of development than the traditional school and park impact fees. Impact fees are now being used to support: **Libraries** (Arlington Heights, Bartlett, Channahon, Carol Stream, Manhattan, and Wheeling); **General Municipal service expansion** (Carol Stream, Channahon, and Manhattan); and **Police services** (Bartlett).

Skokie uses its home rule powers to create Economic Development Districts. These are special districts created by ordinance. Each district is used as a basis for formulating its own zoning and economic development goals.

Other notable new uses of home rule in conjunction with development include Joliet's neighborhood improvement program in which the city shares infrastructure costs with residents; Wilmette's transfer of park property to use for the development of senior housing, and Elk Grove Village's use of home rule to support its efforts to purchase and redevelop property in blighted commercial areas.

Rock Island uses home rule to offer annexation agreements under which the city rebates taxes for the annexed land until development occurs on the land. Addison used home rule to extend the length of its annexation agreements.

Lincolnshire and Schiller Park both have used home rule to combine their planning commissions with their boards of zoning appeals.

Addison has raised its home rule sales tax to underwrite bonds issued to raise money to spur redevelopment of buildings, including public buildings.

Home rule is truly for something other than levying taxes.

Reference: City/County Management in Illinois, Vol.83, No. 10, June 2003



HOMETOWN HAPPENINGS: WINTER 2003

WWW.WARRENVILLE.IL.US



www.warrenville.il.us

Winter 2003

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Home Rule Referendum

On July 21, 2003, the Warrenville City Council voted to pursue a referendum on home rule authority at the March, 2004, primary election. A citizens committee formed to seek petition signatures to put home rule on the ballot. If granted, the home rule authority will only apply to City government. Without home rule, the City is restricted to the powers that are specifically listed in state statutes. With home rule, the City would have the flexibility to address local matters unless that power is specifically denied by the state.

City Issues Regarding Home Rule

Public Safety/Additional Patrol Officers

In recognition of growing demands on public safety, the City Council recently approved hiring of up to three additional Police Officers. New revenue will be needed to pay for these officers.

Property Maintenance Codes

Without home rule, Code Enforcement Officers must rely on complaints, observations from the street, and the voluntary compliance of property owners. In order to maintain attractive neighborhoods, property maintenance codes must be enforced. Home rule authority can also allow for broader regulation of large rental complexes. These simple tools would assist the City in monitoring overcrowding and illegal room conversions.

City Finances

Over the past five years, non-personnel expenses have remained static or been reduced each year. Just like most businesses, City costs are rising faster than revenues. Further, significant expenditure cuts can only be made in areas that affect services. The Council wishes to find revenue sources that **do not** increase property/utility taxes and fees such as the vehicle sticker.

Passage of a home rule referendum in Warrenville would provide the City Council with several significant sources of revenue that are not currently available. Examples include a more diverse use of the existing hotel and motel taxes, implementation of a restaurant and bar tax, or additional sales tax. If enacted under home rule authority, these taxes would provide sufficient revenue so that the City can avoid property and utility tax increases. A real estate transfer tax can only be imposed by another referendum.

The Debate:

Home rule gives cities the power to solve local problems (supporters)

Home rule gives cities too much power, especially to tax (opponents)

-Continued on page 3...

*Edited by Ana Vainisi
Executive Secretary/
Deputy City Clerk*



Hometown Happenings is published by the City as a public information service for our residents and businesses

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Police Chief
Robert LaDeur

Community Development Director
Ronald Mentzer

Director of Finance & Information Services
Erik Bush

Public Works Superintendent
Michael Smith

Services Available at City Hall

- Temporary Handicapped Parking Placards
- Dog Tags
- "No Solicitors" Cards
- Payment of Water & Sewer Bills
- Notary Public
- Voter Registration
- Sale of Refuse Stickers & Recycling Bins
- Building Permits/Zoning Issues
- Property Maintenance Code Enforcement
- Requests for Public Records

City Council Meetings are held at 7:00 p.m. at the Warrenville City Hall on the first and third Monday of each month.

Committee of the Whole Meetings are held at 7:00 p.m. at the Warrenville City Hall as follows:

Finance: 2nd Monday of January, March, May, July, September, November

Community Development: 4th Monday of January, March, May, July, September, November

Public Safety: 2nd Monday of February, April, June, August, October, December

Channel 10 Program Schedule

Council Meetings

Wednesday 7:00 p.m.
Thursday 10:00 a.m. & 7:00 p.m.
Friday & Saturday 7:00 p.m.
Sunday 10:00 a.m. & 7:00 p.m.

Committees

Monday 7:00 a.m.
Tuesday 7:00 a.m. & 3:30 p.m.
Wednesday 2:30 p.m. & 11:00 p.m.
Thursday 2:30 p.m.
Friday & Saturday 7:00 a.m. & 11:00 p.m.

CITY HALL HOURS

Monday through Friday
8:00 a.m. to 5:00 p.m.

POLICE DEPARTMENT HOURS

Monday through Friday
8:00 a.m. to 11:00 p.m.
Saturday
9:00 a.m. to 9:00 p.m.

Public Utilities

Commonwealth Edison(1-800-EDISON1).....1800-334-7661
SBC (Repair) 1888-611-4466
SBC Customer Service 1800-660-3000
NICOR 1888-642-6748
Comcast Cable 266-8808
ARC Disposal 1847-981-0091
Warrenville Water/Sewer Division 393-5753

Local Schools

Community School District #200 offices.....682-2000
Bower Elementary School.....393-9413
Johnson Elementary School 393-7187
Four Winds Waldorf School 836-9400
Hubble Middle School 682-2160
St. Francis Catholic High School 668-5800
St. Irene Catholic School 393-9303
Wheaton-Warrenville South High School 682-2120

Government and Civic Numbers

City Hall—Administration, Finance & Elected Officials 393-9427
Police/Fire Response Number.....911
Police Department Administration 393-2131
Community Development—Building and Code Enforcement.....393-9050
Community Development—Planning and Zoning Division 393-9050
Public Works Administration—City Garage 393-1223
Warrenville Fire Protection District 393-1381
Warrenville Library District 393-1171
Warrenville Chamber of Commerce 393-9080
Warrenville Post Office 393-1109
Warrenville Youth & Family Services 393-7057

MUNICIPAL HAPPENINGS ...

Home Rule Referendum (Continued)

Unlike property and utility taxes, home rule authority taxes may be applied primarily to non-essential purchases. It also allows the City to capture revenue from the multitude of visitors who eat in our restaurants, visit our bars, or shop here. While the visitors are welcome to enjoy the numerous amenities of our community, they do create additional traffic, retail crimes, and police calls. Recouping tax revenue from non-residents to pay for the additional police service or wear and tear on our roads is a more equitable way to cover the costs of these services and reduce the burden on the local taxpayer.

Land Acquisition

The Council would like to help the school district purchase land for a new middle school to be located in Warrenville. As a non-home rule community, the City is in a difficult position to accomplish this goal. As a home rule unit, the City could purchase the desired site as open space and have more flexibility in working with the school district.

According to a study by the Northern Illinois University Center for Governmental Studies, cities with home rule authority did not abuse their taxing authority. In fact, when additional tax revenue was needed, they relied on creative sources of tax revenue that did not solely target the property owners.

Home Rule Units of Government

The home rule provisions in the 1970 Illinois Constitution allows for broader more flexible authority for home rule units of government. *"A home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax, and to incur debt."* (Article VII, Sec. 6 of the 1970 Illinois Constitution).

As urbanization increased and municipalities became less rural, the complexity of their problems warranted the ability to address them at the local level. Hence, home rule was born. The term "home rule" designates the concept of "local control" or "self-government" (Illinois Municipal Review, June 1997).

From *Illinois Home Rule: A Thirty Year Assessment* by James M. Banovetz and Thomas W. Keltz, as printed in *Policy Profiles*, by the Center for Governmental Studies, Northern Illinois University, February 2001

The Debate:

Home rule gives cities the power to solve local problems (supporters)
Home rule gives cities too much power, especially to tax (opponents)

The Findings:

Home rule taxes reduce the cities' reliance on property tax

Cities use home rule to respond to quality of life concerns

Little voter opposition to home rule was reported in home rule cities

"It (home rule) gives residents in non-home rule counties, cities, and villages additional options when searching for new ways to solve community problems."

Facts About Home Rule

- Home rule is automatically granted when a local population hits 25,000
- For cities under 25,000 population, home rule can be granted by referendum
- Home rule can also be removed by referendum
- Half (18 out of 36) of the municipalities in DuPage County are home rule
- There are 153 home rule communities in Illinois
- Under home rule, local decisions continue to be made by the City Council, consisting of Aldermen elected by Warrenville citizens

-Continued on page 4...

MUNICIPAL HAPPENINGS . . .

Home Rule Referendum (Continued)

Additional Resources on Home Rule Authority

Home Rule, the Aftermath of a Revolution by Thomas Kelty and James Banovetz

Illinois Home Rule and Taxation: A New Approach to Local Government Enabling Authority by Thomas Kelty.

Illinois Municipal Review issued by the Illinois Municipal League, Legislative Action Center

Policy Profiles issued by Northern Illinois University, Center for Governmental Studies.

Questions regarding home rule authority can be directed to City Administrator John Coakley at 630/393-9427.

Excerpts from *Policy Profiles "The Uses of Home Rule with Special Emphasis on Taxation"*, by James M. Banovetz and Thomas W. Kelty, as printed by Center for Governmental Studies, Northern Illinois University, Vo. 2, No. 3, August 2002

- Local residents pay all the home rule taxes levied on activities in which they engage. To the extent that they shop in their community, they pay the added sales taxes that may be imposed by their community. If they rent hotel and motel rooms in their home community, they will also pay those taxes. But, non-residents also pay a significant percentage of such taxes.
- Thus, survey data suggests that home rule tax powers have predominantly been used to shift a portion of the local tax burden to non-residents. To the extent that this is so, their use lessens the percentage of the local tax burden borne by residents.
- That Illinois home rule cities appear to rely less on property taxes is not because such cities cost less to govern and serve, but more likely because they are able to use other kinds of taxes – especially taxes paid in part by non-residents – to reduce their dependence on property taxes.
- **Whatever else home rule has accomplished for Illinois cities and villages, it has managed to spread tax burdens among a larger number of different taxes and, thereby, it has reduced local reliance on property taxes.**

Conclusion: What does the record show?

While taxation is a major use of home rule powers, the home rule taxes employed spread the cost of local government to non-residents as well as to residents and appear to be easing municipal reliance on property taxes. Finally, home rule communities are employing home rule powers for purposes other than taxation, principally to promote economic development and enhance government's ability to address a wide range of local problems using regulatory and other measures.

Home rule, in short, appears to have proven itself an important weapon in empowering local government to respond constructively to voter and quality of life concerns.

Illinois Home Rule Municipalities

As of 10/14/04 there are 167 Home Rule Municipalities in Illinois

Addison	Decatur	Lincolnshire	Pose
Alsip	Deerfield	Lincolnwood	Prairie Grove
Alton	DeKalb	Manhattan	Quincy
Arlington Heights	Des Plaines	Marion	Rantoul
Aurora	Dolton	Mascoutah	Robbins
Barrington Hills	Downers Grove	Maywood	Rock Island
Bartlett	East Dundee	McCook	Rockdale
Bartonville	East Hazel Crest	Mettawa	Rolling Meadows
Batavia*	East St. Louis	Moline	Romeoville
Bedford Park	Elgin	Monee	Rosemont
Belleville	Elk Grove Village	Monmouth	Round Lake Beach
Bellwood	Elmhurst	Morton Grove	Saint Charles
Berkeley	Elmwood Park	Mound City	Sauget
Berwyn	Elwood	Mount Prospect	Schaumburg
Bloomington	Evanston	Mount Vernon	Schiller Park
Bloomington	Evergreen Park	Muddy	Sesser
Bolingbrook	Fairview Heights	Mundelein	Sherman
Bridgeview	Flora	Murphysboro	Skokie
Bryant	Forest View	Naperville	South Barrington
Buffalo Grove	Freeport	Naples	South Holland
Burbank	Galesburg	Nauvoo	Springfield
Burnham	Glen Ellyn	Niles	Standard
Cahokia	Glendale Heights	Normal	Stickney
Calumet City	Glenview	Norridge	Stone Park
Calumet Park	Glenwood	North Chicago	Streamwood
Carbondale	Golf	Northbrook	Sycamore
Carlock	Granite City	Northlake	Thornton
Carol Stream	Gurnee	Oak Forest	Tinley Park
Carpentersville	Hanover Park	Oak Lawn	Tuscola
Carterville	Harvey	Oak Park	University Park
Champaign	Harwood Heights	Oakbrook Terrace	Urbana
Channahon	Herrin	Old Mill Creek	Valmeyer
Chicago	Highland Park	Onarga	Warrenville
Chicago Heights	Hillside	Orland Park	Washington
Chicago Ridge	Hodgkins	Palatine	Watseka
Christopher	Hoffman Estates	Park City	Waukegan
Cicero	Hopkins Park	Park Forest	West Dundee
Country Club Hills	Inverness	Park Ridge	Wheaton
Countryside	Joliet	Pekin	Wheeling
Crainville	Kankakee	Peoria	Wilmette
Crystal Lake	Lake Barrington	Peoria Heights	Woodridge
Danville	Lansing	Peru	
Darien			

*Per a special census, Batavia has more than 25,000 in population, but is waiting for State to issue certification. Geneva's comparable communities (**highlighted in yellow**) include Algonquin, Batavia, Bloomington, Carpentersville, Darien, Deerfield, Glen Ellyn, Hinsdale, LaGrange, Libertyville, Lisle, McHenry, St. Charles, West Chicago, and Woodstock.



City of Geneva

Home Rule Research Information

“Possible Uses of Home Rule in Specific Areas”

August 23, 2005

Possible Uses of Home Rule in Specific Areas

General Administration

Home rule allows for broader licensing and regulation authority for municipalities without first having to go to the state government for permission.

Examples of licensing and regulations:

- Cable
- Liquor
- Utilities
- Land Use
- Public Transit
- Mobile Homes
- Vendors
- Nursing Homes
- Tow Trucks
- Pollution

By changing to home rule, a municipality would be able to:

- Impose fines greater than the \$750 limit
- License and regulate cats
- License vending machines by ordinance
- Impose a user fee on truck traffic
- Alter curfew for juveniles
- Regulate hand gun registration and possession within city boundaries

Governmental Organization

Home rule allows for a change in the structure of municipal government based upon the approval of local voters.

Examples of governmental changes:

- Appointing a Clerk
- Creating or eliminating positions
- Changing council powers
- Changing size of council
- Changing election procedures
- Lengthening terms of an office

By changing to home rule, a municipality would be able to:

- Increase or decrease the size of the city council
- Establish a strong mayor form of government
- Change the Mayor's position from part-time to full-time or from full-time to part-time
- Make all municipal elections non-partisan
- Cease being a home rule unit through public referendum

Opposing State Mandates

Home rule allows a municipality to work around certain state mandates.

By changing to home rule, a municipality would be able to:

- Adopt a budget and appropriation ordinance process different than what is found in the state statutes
- Build and operate a hydroelectric plant without regard to specific Illinois statutory requirements
- Set mandatory retirement age below the statutory age of 63

Community Development

Home rule gives municipalities, through the use of broader zoning regulations, the ability to rehabilitate older residential neighborhoods while helping to prevent neighborhood deterioration.

By changing to home rule, a municipality would be able to:

- Enforce regulations regarding property maintenance costs
- Adopt a housing code provision prohibiting owners of vacant houses from leaving the property boarded up and unused longer than six months
- Revise zoning regulations
- Require a license to install or maintain burglar and/or fire alarms
- Broaden the use of eminent domain in acquiring blighted or deteriorated properties

Financial Tools

Home rule gives municipalities the ability to develop creative financing and incur debt beyond statutory limits, in order to expediate local economic development.

Examples of financial development:

- Authorize municipal acquisition, redevelopment, and sale of blighted areas

- Issue non referendum general obligation bonds for private loans or for the purpose of development
- Allows local officials more latitude to bargain with developers
- Revenue bonds can be used to finance projects which are not specified in state statutes, at higher interest rates
- Issue revenue bonds to provide capital for low-interest residential loans
- The ability to use ordinary bank loans as an alternative, which may not be available under statutory law to non-home rule units
- Secure Industrial Revenue Bonds not subject to outside competition
- Adopt investment policies not restricted by state statutes
- Provide subsidies or credits to private businesses using non-referendum general obligation bonds as loan guarantees

By changing to home rule, a municipality would be able to:

- Issue development revenue bonds to help develop a shopping center
- Issue a sales tax rebate to a new or expanding business in order to attract new retail
- Adopt investment policies not included in state statutes
- Use non-referendum general obligation bonds for private loans for construction of housing for the elderly
- Issue non-referendum general obligation bonds to build a new civic center
- Issue non-referendum general obligation bonds to construct parking ramps

Taxing Authority

Home rule allows municipalities to impose taxes not available to non home rule municipalities. Home rule municipalities are not subject to limitations set by state statute on property tax rates or bonded indebtedness.

Examples of taxes that home rule municipalities can impose or are freed from state restrictions are:

- Real Estate Transfer Tax
- Hotel/Motel
- Utility
- Property taxes
- Amusement
- New motor vehicle
- Gasoline
- Food and Beverage
- Liquor
- Mobile Homes

By changing to home rule, a municipality would be able to:

- Adopt a restaurant tax to fund a convention or visitor's bureau
- Give a sales tax rebate to new or expanding businesses
- Impose a tax on the storage of flammable liquids
- Impose a hotel-motel tax or use the existing hotel-motel tax for any purpose deemed necessary
- Impose a tax on retail sales that is limited to the first \$500
- Impose a tax on the retail sale of automobiles
- Impose a tax on cigarettes
- Impose a tax on gasoline
- Impose a real estate transfer or exit tax, local moves exempted

Police and Fire

Home rule allows municipalities to organize the Police and Fire departments in unique ways that better serve the municipalities.

Examples of better organization of Police and Fire Departments are:

- Creation of alternatives to Police and Fire Commissions
- Create exempt ranks
- Change Commission powers
- Create new positions

By changing to home rule, a municipality would be able to:

- Create two police deputy chief positions
- Hire a personnel director and personnel board instead of having a Police and Fire Commission
- Give Police and Fire Commissioners more authority over personnel including demotions
- Transfer power to hire police officers from Police and Fire Commission to the City Manager/Administrator

Conclusion

These are just some of the many possible uses for Home Rule. Since the 1970 Illinois Constitution states that the "... powers and functions of home rule units shall be construed liberally." (Art. VII, Sec. 6), this allows for home rule municipalities to find more creative ways to manage local municipalities.

HOME RULE

A REPORT FOR THE CITY OF GALENA

February 2, 2004

February 2, 2004

Galena City Council
312 1/2 North Main Street
Galena, Illinois 61036

RE: Home Rule

Honorable Mayor Auman and Alderpersons:

Home Rule Committee members did research and met between December 10th and January 28th in order to complete the following directives from the City Council relating to Home Rule:

1. Define the powers that would confer to the City of Galena
2. Identify ways in which the City of Galena could utilize Home Rule powers
3. Assess the possible impact on the community from the exercise of these powers
4. Prepare a written report addressing these issues and present the report to the City Council at a special council meeting on Monday, February 2, 2004.

This report is an attempt to present the facts relating to home rule. The various opinions of the committee members (neutral, in favor of and opposed to home rule) were relied upon to ensure an unbiased presentation of these facts. This report is in no way intended to be a recommendation for or against home rule.

We have attempted to be thorough in our research, but our efforts cannot be considered exhaustive. Before the Council takes action in any manner relating to home rule, it is recommended that additional research and consultation be undertaken. Individuals who have been helpful to our efforts and could serve as resources to the council are listed in Appendix A.

We hope that this information will be helpful as you, and our community, consider the home-rule option for Galena.

Sincerely,



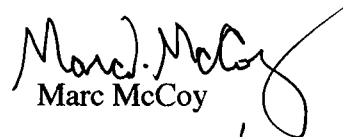
Beth Baranski



Tom Horman



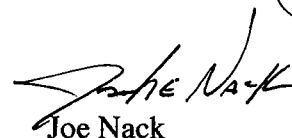
Kathie Farlow



Marc McCoy



Doris Glick



Joe Nack



Joel Holland

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INTRODUCTION

The U.S. Constitution makes no mention of local government. Local governments were created by the states. When most states were young, society was predominately rural, and cities were not large or important. As cities became more important, and had more responsibilities, many states saw that they needed to have additional powers to be able to more effectively handle their affairs. 46 states currently have home rule options. The table in Appendix B (pp. 24-28) contains a listing of the states and the nature of their home rule options.

When a new Illinois Constitution was adopted in 1970, it provided for Illinois counties and municipalities to have home-rule powers (see "Appendix C: Constitution of the State of Illinois, Article VII -Local Government, Section 6. Powers of Home Rule Units" on p. 29). Municipalities with populations over 25,000 were automatically granted home-rule powers. Communities with populations of 25,000 or less were given the ability to become home-rule by referendum.

Cook County is the only home-rule county in Illinois. There are currently 159 home-rule communities in Illinois (see "Appendix D: Illinois Home Rule Communities and their Populations on pp. 30-34). Of the 12,419,293 people living in Illinois (2000 Census), 7,209,278 or 58% currently live in home-rule communities. Nearly half of these communities (76 of them) became home rule automatically because they had populations over 25,000. The remaining 83 communities adopted home-rule by referendum. Over half of the 83 communities that adopted home-rule (42) had populations under 6,000. Four communities which had been home rule, voted by referendum not to be home-rule: Rockford (pop. 150,115), Villa Park (pop. 22,075), Lisle (pop. 21,182), and Lombard (pop. 42,322).

A referendum to become home rule may be called for either by resolution of the governing body or by petition of the electors. The petition must be signed by a number at least equal to 10% of the number who voted in the last general election; and it must be filed with the clerk of the unit of government in question. The governing body may schedule the referendum to be held at a general, regular election. The referendum must be held no later than the first general or regular election occurring at least 78 days after the filing of the petition or the adoption of the resolution. If the proposition fails, it may not be presented again for two years. The statutory provisions governing home rule referenda are found in Chapter 10, Act 5/28-4 of the Illinois Compiled Statutes. The same provisions apply to a referendum to eliminate home rule, except that issue may not be voted on more than once in four years.

HOME RULE POWERS AND LIMITATIONS

The Home Rule powers granted by the Illinois Constitution are very broad. Under Home Rule local governments can exercise any local powers not denied them by the State. Without Home Rule they can exercise only those powers explicitly given to them by the State. Rather than the granting of a specific set of powers, home rule gives local units of government the authority to act as they see fit with some limitations set by the constitution, and by legislative action taken by the Illinois General Assembly. In some cases, communities have placed self-imposed local limitations on their home-rule powers.

Constitutional Limitations

The Illinois Constitution states that “a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt”. These powers have been very broadly interpreted by the courts. However, in several cases, the Illinois Supreme Court has struck down ordinances of home rule units on the grounds that they did not pertain essentially to the “local government and affairs” of that unit. For example, Cook County’s function of collecting property taxes could not be altered using home rule powers, according to one Supreme Court opinion, since it is a function serving *all* the taxing districts within the county area.

The Constitution specifically states that home rule units do not have the following powers: to incur debt payable from ad valorem property tax receipts maturing more than 40 years from the time it is incurred; to define and provide for the punishment of a felony; to have an income or occupation tax; or to license for revenue.

Legislative Limitations

Since home rule was authorized by the constitution, the State Assembly has passed some legislation limiting home rule powers. Examples include the limitation of utility taxes to 5% (the same limit that non-home rule communities have), and the requirement for home rule units to hold a referendum to impose a real estate transfer tax.

In at least one case, the legislature has added support for home rule. Home rule communities were included in H.B. 1208 which gave municipalities immunity from anti-trust prosecution: it protected home rule units from having to rebate tax revenues received from home rule taxes that are later ruled unconstitutional by the court; and it permitted communities that had abandoned home rule powers to continue to enforce liquor regulations previously enacted with home rule powers.

Local Limitations

Downers Grove, Illinois became a home rule unit automatically in 1970, by virtue of its population (over 25,000). In 1995, to keep its home rule authority from being voted out, it adopted a policy resolution that made the Village Council directly responsible for making the public aware of any action being considered that any non-home rule unit would NOT have been allowed. The policy stated that the Village had to publish a summary of the ordinance, along with the actual ordinance. The document had to be distributed to public places (library, city office, grocery stores), and the issue could not be voted on for at least 2 Village Council meetings after publication distribution. They also had to hold public hearings on the merits of the ordinance presided over by the Mayor, or his/her designee. Finally, the policy states that if petitions opposing the ordinance are submitted, having signatures totaling at least 10% of the total votes that were cast for the mayor in the preceding election, an advisory referendum must be held. If the referendum failed, then the policy stated that the Village

Trustees must also vote down the ordinance. The Downers Grove policy is included in Appendix E (pp.35-36).

Oakbrook Terrace, Illinois, which obtained home rule status by referendum in 2002 (their 3rd try), imposed a tax cap ordinance on itself. The City Council adopted a home-rule property tax cap patterned after the Illinois *Property Tax Extension Limitation Law* (PTELL) that is currently in effect for the non-home rule units within their county. In essence, home rule authority allowed it the ability to operate outside of PTELL, but Oakbrook Terrace then ungranted itself that authority. A complete set of information including promotional materials and ordinances related to Oakbrook Terrace's adoption and use of home rule is included in Attachment A.

THE USE OF HOME RULE POWERS

The ways that home-rule powers have been used is as varied as the communities that have used it. As time has gone on, communities have continued to invent new approaches to handling the business of government that would not have been possible without home-rule. It should be expected that new uses of home-rule power will continue to evolve, therefore it is impossible to compile a complete listing of “home rule powers”. This section describes commonly-used home-rule powers and, when possible, estimates the impact these powers might have if used in Galena. The various powers have been divided into two broad categories: General Powers and Taxing Powers.

GENERAL POWERS

Borrowing

Surveys of home-rule communities conducted in 1983 and 1986 showed that borrowing flexibility was the most commonly used home rule power. Home rule units may incur more debt than allowed by state law or for purposes other than those allowed by law, without referenda which may be required by law, and at higher interest rates than those allowed by law. For example, general obligation bonds are being issued by some home rule units without the referendum approval that is required of non-home rule units. Also, revenue bonds have been used to finance commercial and hospital projects which are not specified in the statutes, and at interest rates higher than those allowed by law. Several home rule units have issued revenue bonds to provide capital for low-interest residential mortgage loans. Home rule units have also made use of ordinary bank loans, an alternative that may not be available to non-home rule units.

Flexible Levy Rates

Home rule units are not limited by statutory levy rate limits. They can raise and lower rates to tailor their levy rate categories to fit the community's needs. Some home rule communities are levying property taxes at rates higher than those allowed by state law. In some cases this may be misleading. Home rule units have the power to consolidate a number of separate levies into one, or into several larger levies that exceed statutory limits. This can be an administrative convenience. The total municipal tax rate may or may not be larger, in such a case, than if they had continued to use a number of separate levies under rate limits. In short, the fact that a particular levy exceeds a rate limit does not by itself indicate that the home rule unit's property taxes are higher than if it were not a home rule unit.

Economic Development

Notes taken from various articles documenting the use of home rule powers suggest that economic development objectives have been obtained primarily through home rule flexibility for bond issues (see “Borrowing” above). Specific examples from articles (Attachment G) about home rule follow:

- Park Forest South (issued industrial revenue bonds to develop a shopping center)
- Flora and Bryant (industrial revenue bonds)
- Standard (greater housing & community development powers)
- Sauget (to expedite the marketing of industrial revenue bonds)
- Normal (1983-1986, to develop new agreements with other units of government; to purchase and sell real property; to levy a hotel-motel tax; to use general obligation and industrial bonds; to assess development fees in order to finance storm water storage facilities; to revise land use, zoning and liquor regulations;

and to license a telecommunications line running through the community – most of these were for successful effort to attract the Diamond-Star automotive plant)

- Highland Park (to develop low and moderate income housing)
- Channahon (offered a home rule sales tax rebate)

Government Structure

A home rule unit has the power - subject to approval by referendum - to adopt, alter or repeal a form of government provided by law. A home rule municipality also has the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law. Examples taken from various articles on home rule follow:

- Arlington Heights (to increase size of city council)
- Aurora (to establish a strong mayor form of government, and the city's voters approved a referendum which made all municipal elections nonpartisan)
- Burbank (modified its local election procedures to require that aldermen must be elected at large but must reside in the ward they represent and no more than one alderman may be elected from any one of the city's wards)
- Bryant (so powers would be available if ever needed)
- Carbondale (transferred the power to appoint police and fire officers from its Board of Police and Fire Commissioners to its city manager)
- Champaign (to increase size of city council)
- Park Forest (abolished Board of Fire and Police Commissioners and replaced it with a personnel director and personnel board)
- Peoria (to increase size of city council)
- Rosemont (gave its Board of Police and Fire Commissioners the added power to demote police officers one grade in rank as a disciplinary measure)
- Springfield (set police & fire officers retirement at 60, below statutory age of 63)
- Stone Park (changed mayor's position from half-time to full-time and changed salary)
- Wheaton (to assume operation of an abandoned drainage district)

Avoidance of State Mandates

It appears that unless home rule communities are specifically included in state mandates, they need not heed them. In Saline County, Muddy adopted home rule when it feared the General Assembly would adopt rules requiring two police officers in each squad car, a luxury clearly beyond the budget of a community of 88 persons.

Park Forest negated the application of the state curfew law.

Licensing and Regulation

Various articles on home rule yield the following examples of community use of powers relating to licensing and regulation:

- Calumet Park (to raise the drinking age to 21)
- Deerfield (to curb juvenile vandalism)
- DeKalb (new approaches to regulation of landlord-tenant relations)
- DesPlaines (noise control ordinance)
- Downers Grove (regulation of private wells)
- McCook and Bedford Park (to control special industrial pollution problems)
- Niles (to license to install & maintain burglar & fire alarm systems)
- Park City (to regulate mobile home park operators)
- Rockford (required permits to operate self-service gas stations)
- Rosemont (licensing & regulation of cats)
- Watseka (to regulate itinerant solicitors)
- Woodridge (liquor regulation)

TAXING POWERS

In general, home rule allows communities a broader range of taxing options than non-home rule communities. With the exception of the real estate transfer tax, home rule taxes can be imposed by municipalities by ordinance rather than by referendum, and with the exception of utility taxes, the state does not appear to set limits on the tax rates. Listed below are examples of taxes that have been imposed by various Home Rule municipalities that have withstood judicial scrutiny. The list is not meant to be exhaustive.

- Amusement tax	- Mobile Home tax	- Gasoline tax
- Parking tax	- Wheel tax	- New motor vehicle tax
- Hotel/Motel tax	- Liquor tax	- Sales tax

Some of these taxes are described more fully below. When possible, specific information about how the various taxes would impact Galena are provided, and figures are broken down as far as who would pay what portion of the tax (Galena residents or visitors to Galena).

Home Rule Retailers' Occupation Tax and Service Occupation Tax (Sales Tax)

Only those home rule municipalities or counties that have imposed the tax by local ordinance or resolution receive home rule sales tax distributions. The Illinois Department of Revenue administers the home rule sales tax. Home rule communities must file a certified copy of an ordinance establishing, increasing or decreasing home rule sales tax on or before April 1st for the rate to take effect July 1st, and on or before October 1st for the rate to take effect January 1st of the next year. A home rule unit imposing a Home Rule Retailer's Occupation tax must also impose a Home Rule Service Occupation Tax at the same rate. Home Rule Retailers' Occupation Tax applies only to sales of general merchandise, not to items that require title or registration, or to the sales of qualifying food, drugs, or medical appliances.

Home rule sales tax must be imposed in 0.25 percent increments. There is no maximum rate limit. Distributions for home rule taxes are made monthly on the same cycle as distributions for other sales taxes. Interest income earned by the state on home rule sales taxes are included in the sales tax check issued, along with a detailed breakdown of the interest and tax.

Home rule communities imposing a home rule sales tax may enter into a reciprocal agreement for exchange of information with the state. This exchange allows designated individuals within the home rule unit to receive specific financial information (e.g. sales tax figures collected by each business). This information must be kept confidential.

Of the 159 home-rule communities, 112 have imposed a home rule sales tax, with the home-rule tax rates ranging from 0.25% to 1.50%. The combined rate (including the state and county taxes) in these communities ranges from 6.75% to 9.25%. A complete current listing of "Sales Tax Rates in Home Rule Units of Local Government" can be found in Appendix F on pp. 37-40.

Sales tax amounts are based on taxable sales of merchandise collected from registered retailers and servicepersons. Broad categories of sales documented by the Illinois Department of Revenue include the following:

1. General Merchandise
2. Food
3. Drinking and Eating Places
4. Apparel
5. Furniture, Household, and Radio

6. Lumber, Building, and Hardware
7. Automotive and Filling Stations
8. Drugs and Miscellaneous Retail
9. Agriculture and All Others
10. Manufacturers

Galena's current sales tax rate is 6.75%. This rate consists of 5% that goes to the state, 0.25% that goes to the county, 0.5% that goes to the city to help pay for the construction and maintenance of the new sewage treatment plant, and 1% that goes to the city for general use. A 1% tax is also collected by the City on food, drugs and medical appliances. Increases in the municipal sales tax rate under home rule would not increase the sales tax rate applied to food, drugs and medical appliances. In 2003, Galena collected a total of \$753,450 in sales tax. Deducting the portion collected on food, drugs and medical appliances (\$125,320), and excluding the \$145,000.00 portion dedicated annually to the TIF District through 2008, Galena collected \$483,130 in 2003.

The following table portrays what the 2003 sales tax collected by Galena for 2003 at the current 1% rate and what it would have been with increased home-rule sales tax:

TOTAL RATE	GALENA RATE	2003 (PROJECTED)	REVENUE INCREASE
6.75%	1.00%	\$483,130	\$0
7.00%	1.25%	\$640,163	\$157,033
7.25%	1.50%	\$797,195	\$314,065
7.50%	1.75%	\$954,228	\$471,098
7.75%	2.00%	\$1,111,260	\$628,130
8.00%	2.25%	\$1,268,293	\$785,163
8.25%	2.50%	\$1,425,325	\$942,195
8.50%	2.75%	\$1,582,358	\$1,099,228
8.75%	3.00%	\$1,739,390	\$1,256,260
9.00%	3.25%	\$1,896,423	\$1,413,293
9.25%	3.50%	\$2,053,455	\$1,570,325

The tables below provide examples of local purchases and the costs at the current sales tax rate compared to increased home-rule sales tax rates:

A \$47.95 handbag from Max Mitchell Fashion Accessories:

TOTAL RATE (inc. the 5.75%)	GALENA RATE (above the 5.75%)	TOTAL TAX	TOTAL BILL	ADDED REVENUE
6.75%	1.00%	\$3.24	\$51.19	\$0.00
7.00%	1.25%	\$3.36	\$51.31	\$0.12
7.25%	1.50%	\$3.48	\$51.43	\$0.24
7.50%	1.75%	\$3.60	\$51.55	\$0.36
7.75%	2.00%	\$3.72	\$51.67	\$0.48
8.00%	2.25%	\$3.84	\$51.79	\$0.60
8.25%	2.50%	\$3.96	\$51.91	\$0.72
8.50%	2.75%	\$4.08	\$52.03	\$0.84
8.75%	3.00%	\$4.20	\$52.16	\$0.97
9.00%	3.25%	\$4.32	\$52.27	\$1.08
9.25%	3.50%	\$4.44	\$52.39	\$1.20

Dinner at a local restaurant, totaling \$18.00, including buffalo wings appetizer, (\$5.25), cup of soup (\$1.25), dinner salad (\$2.50), chicken breast sandwich (\$5.25), soda (\$1.25) & root beer float (\$2.50):

TOTAL RATE (inc. the 5.75%)	GALENA RATE (above the 5.75%)	TOTAL TAX	TOTAL BILL	ADDED REVENUE
6.75%	1.00%	\$1.22	\$19.22	\$0.00
7.00%	1.25%	\$1.26	\$19.26	\$0.04
7.25%	1.50%	\$1.31	\$19.31	\$0.09
7.50%	1.75%	\$1.35	\$19.35	\$0.13
7.75%	2.00%	\$1.40	\$19.40	\$0.18
8.00%	2.25%	\$1.44	\$19.44	\$0.22
8.25%	2.50%	\$1.49	\$19.49	\$0.27
8.50%	2.75%	\$1.53	\$19.53	\$0.31
8.75%	3.00%	\$1.58	\$19.58	\$0.36
9.00%	3.25%	\$1.62	\$19.62	\$0.40
9.25%	3.50%	\$1.67	\$19.67	\$0.45

The table below is based on the Illinois Department of Revenues Report of Sales Tax Receipts for the 2002 liability period (collected in 2003) for "total tax receipts," and calculated assumptions about the portion of tax paid by Galena residents versus that paid by visitors to Galena (assumptions and calculations are shown in Appendix G on p. 41):

GALENA RATE (above the 5.75%)	Sales Tax Revenue Collected*	Estimated Portion of Sales Tax Paid by Galena Residents (56%)	Estimated Portion of Sales Tax Paid by Visitors to Galena (44%)
1.00%	\$483,130	\$270,553	\$212,577
1.25%	\$640,163	\$358,491	\$281,672
1.50%	\$797,195	\$446,429	\$350,766
1.75%	\$954,228	\$534,368	\$419,860
2.00%	\$1,111,260	\$622,306	\$488,954
2.25%	\$1,268,293	\$710,244	\$558,049
2.50%	\$1,425,325	\$798,182	\$627,143
2.75%	\$1,582,358	\$886,120	\$696,238
3.00%	\$1,739,390	\$974,058	\$765,332
3.25%	\$1,896,423	\$1,061,997	\$834,426
3.50%	\$2,053,455	\$1,149,935	\$903,520

*These figures do not include the 1% collected on food, drugs and medical appliances, nor do they include the \$145,000 dedicated annually to the TIF district.

The table below shows sales tax rates imposed in various communities that may be of interest:

Municipality	Total Sales Tax Rate
Galena	6.75%
Dubuque	7.00%
Platteville	5.50%
Wisconsin Dells	6.00%
Chicago (Cook Co.)	8.75%
Chicago (DuPage Co.)	7.50%

Hotel Operators' Occupation Tax

The State of Illinois imposes a tax on persons engaged in the business of renting, leasing or letting rooms in a hotel at a rate of 6% of 94% (5.64%) of the gross rental receipts. State statute (55 ILCS 5/5-1030) provides that "The corporate authorities of any county may by ordinance impose a tax upon all persons engaged in such county in the business of renting, leasing or letting rooms in a hotel which is not located within a city, village, or incorporated town that imposes a tax under Section 8-3-14 of the Illinois Municipal Code, as defined in the "Hotel Operators' Occupation Tax Act," at a rate not to exceed 5% of the gross rental receipts..." Jo Daviess County imposes the full 5% rate allowed (so a person renting a \$100 room pays 10.64% tax for a total of \$110.64). The statute also states that "the amounts collected by any county pursuant to this Section shall be expended to promote tourism; conventions; expositions; theatrical, sports and cultural activities within that county or otherwise to attract nonresident overnight visitors to the county. Jo Daviess County began collecting the tax in 1983. The Galena/Jo Daviess County Convention & Visitors Bureau (CVB) pays the County 10% of the funds collected for accounting and administration. The remaining 90% is used by the CVB for advertising, staffing, supplies, etc.

The table below shows the history of tax revenues collected in the county as a whole, and a current estimate of the portion collected from hotels within the Galena corporate limits (exact figures are not available, and the number of rooms in Galena - and therefore the percentage collected in Galena - has changed over the years, making accurate estimates for previous years difficult). It can be assumed that 100% of the hotel motel tax is paid by visitors.

Fiscal Year (Dec. 1-Nov. 30)	Tax Rate	County Tax Collected	Estimated portion of tax collected from Galena
1984	1%	\$45,869	
1985	3%	\$140,095	
1986	3%	\$207,908	
1987	3%	\$229,192	
1988	3%	\$291,902	
1989	3%	\$330,096	
1990	3%	\$340,900	
1991	3%	\$427,061	
1992	3%	\$400,262	
1993	3%	\$508,040	
1994	3%	\$553,532	
1995	3%	\$542,352	
1996	3%	\$589,216	
1997	3%	\$612,361	
1998	3%	\$709,697	
1999	3%	\$648,729	
2000	3%	\$769,782	
2001	3%	\$712,158	
2002	5%	\$1,333,094	
2003	5%	\$1,122,874*	34% = \$381,777**

*The County switched to an accrual accounting system this year, therefore there is an extra month in this year's accounting, and all receipts for the year are not yet in. This figure represents receipts as of January 12, 2004.

**This figure represents the receipts collected from 39 properties in Galena (see list of properties in Appendix H on p. 43) as of January 12th and the percentage this amount represents of total receipts collected at that time.

The statute also states that “Any county may agree with any unit of local government...to impose and collect for a period not to exceed 40 years, any portion or all of the tax authorized pursuant to this Section and to transmit such tax so collected to such unit of local government...The amount so paid shall be expended by any such unit of local government or authority for the purposes for which such tax is authorized. Any such agreement must be authorized by resolution or ordinance...” A history of the CVB’s development and early history is provided in Attachment B. It appears that there is some history of the CVB allotting funds to Galena.

According to statute (65 ILCS 5/8-3-14), municipalities can “impose a tax upon all persons engaged in such municipality in the business of renting, leasing or letting rooms in a hotel, as defined in "The Hotel Operators' Occupation Tax Act," at a rate not to exceed 5% of the gross rental receipts...The amounts collected by any municipality pursuant to this Section shall be expended by the municipality solely to promote tourism and conventions within that municipality or otherwise to attract nonresident overnight visitors to the municipality.” If Galena has a hotel motel tax (at any rate), the county cannot collect hotel motel tax from businesses within the corporate limits.

Galena appears to have four options relating to the local collection of hotel motel tax:

1. The current situation could be maintained.
2. Without becoming home rule, Galena could impose a hotel motel tax up to 5% and collect the revenue generated by lodging businesses within the corporate limits. This money would have to be used to promote overnight tourism.
3. If Galena became home rule, it could pass an ordinance to collect hotel motel tax with no limit to the tax rate, and the money collected could be used for any public purpose.
4. The County and Galena could enter into an agreement whereby some portion or all of the hotel motel tax collected in Galena would be transmitted to Galena. It is unclear as to whether this money would have to be used exclusively to promote overnight visitor tourism whether or not Galena is home rule, because of the County’s requirement; or if, Galena, with home rule, could use the money for any public purpose.

Because the state does not collect the county and municipal portions of the hotel motel tax, they do not keep official records of the local hotel motel tax collected in the state. The following table provides a sampling of Illinois home rule communities that impose a hotel motel tax:

Municipality	Municipal Hotel Operators' Occupancy Tax Rate
Alton	7%
Crystal Lake	2.5%
Freeport	3%
Mt. Vernon	\$1.00 per night per room
Nauvoo	2%
Normal	6%
Rosemont	7%
Springfield	4%

Sources: John Mazor, Executive Director, Galena/Jo Daviess County Convention & Visitors Bureau (815)777-3557

Jan Kimerling, State of Illinois Bureau of Tourism, (217) 785-6399

Real Estate Transfer Tax

According to state statutes (35 ILCS 200/31-1 to 31-70), the state, counties and home rule communities may impose a real estate transfer tax. The tax is imposed on the privilege of transferring a title to real estate or a beneficial interest in a land trust in Illinois. If the property transferred remains subject to an existing mortgage, only the owner's equity (not the amount of the mortgage outstanding) is included in the base for computing the tax. The recorder of deeds or registrar of titles in each county collects the tax through the sale of revenue stamps. The stamps are purchased from the Department of Revenue. The same stamp may also provide evidence of the payment of a county real estate transfer tax. The state rate is 50 cents for each \$500 of value. Counties may impose a tax of 25 cents per \$500 of value on real estate transactions. Home rule municipalities may also impose an additional real estate transfer tax.

A title insurance company's listing of 76 Chicago metropolitan area communities with real estate transfer taxes shows rates imposed ranging from \$0.50 to \$10.00 per \$1,000 of property transferred (See listing in Appendix I, pp. 44-53). Some communities charge flat per transaction fees ranging from \$25 to \$50. A majority of the communities (47) charge the tax to the seller, while 15 charge the buyer, 9 charge either party but the seller is customary, and 3 split the tax evenly between the buyer and the seller. A state law was passed that required local voter approval in a referendum before any new real estate transfer tax could be imposed by a home rule community.

Jo Daviess County Assessor Nancy Miller was able to determine the value of property transfers within Galena's corporate limits. The estimated total for 2003, which was an aggressive year for property transfers, is about \$12 million. The State (\$0.50) and county (\$1.00) currently impose a transfer tax on each \$1,000 of real estate transferred. The table below indicates the revenues that Galena would collect on \$12 million of transfers if it used home-rule powers to impose a real estate transfer tax at various rates:

Tax Amount Paid Per \$1,000 Property	Galena Revenue
\$0.50	\$6,000
\$1.00	\$12,000
\$1.50	\$18,000
\$2.00	\$24,000

Food & Beverage Tax

Home rule units can impose a tax (above and beyond the sales tax) specifically on food and beverages sold in restaurants. If the restaurant can separate the carry-out sales from the sales to individuals sitting down to eat, then they do not have to charge food & beverage tax on the carry-out sales.

The Village of Lombard had home rule, but voted it out. They have recently imposed a tax on eating establishments based upon state statute authorizing municipalities to "license, tax, and regulate all places for eating or amusement" (65 ILCS 5/11-42-5). This Lombard tax has not been questioned, and suggests that communities can impose a food & beverage tax whether they are home rule or not (Materials on Lombard's tax can be found in Attachment C

There is no statutory limit on the food & beverage tax rates that Galena could impose, whether it is home rule or not.

The table below is based on the Illinois Department of Revenues Report of Sales Tax Receipts for the 2002 liability period (collected in 2003) for “Drinking and Eating Places,” and calculated assumptions about the portion of tax paid by Galena residents versus that paid by visitors to Galena (assumptions and calculations are shown in Appendix G on p. 42):

Food & Beverage Tax	Tax Total Collected by the City	Estimated Portion of Tax Paid by Galena Residents (31%)	Estimated Portion of Tax Paid by Visitors to Galena (69%)
0.25%	\$34,248	\$10,617	\$23,631
0.50%	\$68,496	\$21,234	\$47,262
0.75%	\$102,744	\$31,851	\$70,893
1.00%	\$136,992	\$42,468	\$94,524
1.25%	\$171,240	\$53,084	\$118,156
1.50%	\$205,488	\$63,701	\$141,787
1.75%	\$239,737	\$74,318	\$165,419
2.00%	\$273,985	\$84,935	\$189,050

The following are some of the home rule communities that have a food and beverage tax: Champaign, Urbana, and South Holland.

Property Tax

The property tax is a local tax, imposed by local government taxing districts which include counties, townships, municipalities, school districts, special districts, etc. Property tax is administered by local officials. In Illinois, the property tax is imposed on the value of real property (typically land, buildings, and permanent fixtures) owned. Illinois does not have a state property tax.

The property tax cycle extends over a two year period. During the first year, the property is assessed and the assessment reflects the property value as of January 1 of that year. During the second year, the actual tax bills for the prior assessment year are calculated and payments collected from property owners (e.g., the tax for the 2002 assessment is paid in 2003) the steps in the property tax cycle are as follows:

- **Assessment** - Local assessing officials establish a value (assessment) for each parcel of property.
- **Review** – Property owners and local taxing districts have an opportunity to appeal assessments.
- **Equalization** – Chief County Assessment Officers and Boards of Review equalize assessments within the county and then the state equalization factor (multiplier) determined by the Department of Revenue is applied to assure that the median level of assessments in all counties is 33 1/3 percent.
- **Levy** – Taxing districts determine the amount in property taxes needed.
- **Extension** – County clerk apportions the levy among the properties in a taxing district according to their assessed values.
- **Collection and distribution equalized** – Taxpayers pay their bills and payments are allocated to the local government taxing districts.

Jo Daviess County passed PTELL, or “tax caps” in November, 1997. PTELL limits increases in property tax extensions of taxing districts to the rate of inflation or 5%, whichever is less. Taxing districts are allowed additional increases for new construction, annexations to the district, voter-approved increases in the limit itself, voter-approved increases in tax rates and voter-approved new rates, and the Tax Increment Financing (TIF) increment when the TIF district expires.

Home rule units are not subject to the Property Tax Extension Limitation Law (PTELL), even if their county voted for it. Taxes may be levied at rates that exceed those set forth by statutes. In cases where statute requires a referendum to establish a new tax, home rule municipalities may forego the referendum. Property taxes can be said to be paid entirely by residents (though a significant percentage may be paid by non-resident commercial property owners and second home owners).

The table below shows the history of the City of Galena's tax extensions and levy rates, as well as the total levy rate (including all taxing bodies) paid by Galena property owners:

FY (May 1-April 30) tax was collected	Property Tax Extension	City's Levy Rate Portion	Total Levy Rate in West Galena Township Areas of Galena	Total Levy Rate in East Galena Township Areas of Galena
1988	\$451,027	2.2886	7.8505	8.0612
1989	\$509,780	2.5129	8.2108	8.2896
1990	\$585,940	2.7308	8.0708	8.0194
1991	\$616,746	2.4566	7.8348	7.8411
1992	\$618,027	2.4232	7.9343	7.9204
1993	\$682,207	2.4505	8.8949	8.9064
1994	\$655,488	2.2646	8.6369	8.6978
1995	\$719,361	2.3705	8.7099	8.7773
1996	\$719,626	2.1729	8.0936	8.2015
1997	\$782,904	2.0289	7.7237	7.7714
1998	\$801,666	1.8776	7.6970	7.6320
1999	\$811,012	1.7384	7.4365	7.4061
2000	\$822,879	1.7636	7.5118	7.4810
2001	\$822,439	1.6366	7.4274	7.4170
2002	\$843,539	1.5478	7.4145	7.3844
2003	\$848,002	1.52864	7.44317	7.4156
2004 (estimated)	\$882,767	1.55450		

Levy rates of other communities in Jo Daviess County, and random home rule communities:

Community	Municipal Levy Rate for funds collected in 2003
Apple River	0.88406
East Dubuque	1.39303
Elizabeth	0.34822
Galena	1.52864
Hanover	1.49106
Menominee	0.00000
Nora	0.52519
Scales Mound	0.54584
Stockton	0.83174
Warren	0.81381
Downers Grove (home rule)	0.58540
Freeport (home rule)	0.00920
Normal (home rule)	0.72820
Park City (home rule)	0.11600
Robbins (home rule)	2.68000
Rosemont (home rule)	1.70000 (used for G.O. bonds only)
Springfield (home rule)	1.00000 (capped by ordinance see Attachment

Gasoline Tax

The Federal Tax of 18.4 cents per gallon is collected in all states in addition to any state or local taxes on gasoline sales. The State of Illinois charges a 19 cents per gallon tax on gasoline (21.5 cents per gallon on diesel fuel) in addition to the 6.25% sales tax which is converted annually to a price per gallon rate on the basis of the average price per gallon statewide. Beginning January 1st, 2004, this rate is 7.9 cents per gallon for gasoline. The Illinois Department of Revenue collects this gasoline tax. A portion of the 19 cents is distributed by the Illinois Department of Transportation back to communities using a formula based on population and number of miles of road.

Gasoline tax must be charged at a per gallon rate rather than as a percentage of the sale amount. Freeport has a 2 cents/gallon gasoline tax. Evanston has a gasoline tax.

Amusement Tax

State statute authorizes municipalities to "license, tax, and regulate all places for eating or amusement" (65 ILCS 5/11-42-5), therefore the amusement tax is probably not limited to home rule communities. Villa Park and Cicero have an amusement tax. Stickney has an admission tax on Hawthorne Race Track.

Use Tax

Home rule communities can place a tax on the purchase of new or used cars, boats or other vehicles. State statute (65 ILCS 5/8-11-6) reads that "In home rule municipalities with less than 2,000,000 inhabitants, the tax shall be collected by the municipality imposing the tax from persons whose Illinois address for titling or registration purposes is given as being in such municipality." Springfield has a 1% use tax. Dealers send the tax collected to the City. Residents who make taxable purchases outside of Springfield are sent individual tax bills by the City.

Cigarette Tax

According to State Statute (65 ILCS 5/8-11-6a), the cigarette tax has been preempted and can no longer be imposed by home rule communities. Those communities that already had cigarette taxes in place are grandfathered in (e.g. Rosemont sells stickers (5 cents each) to retailers to affix to each cigarette package).

SAMPLE HOME RULE COMMUNITIES

Committee members contacted home-rule communities to learn more about how home rule is being used. The committee member who contacted the community is listed so that any follow-up questions the council members may have can be directed to the appropriate member.

Village of Barrington Hills (Kathie Farlow)

Robert Kosin, Dir. of Admin. Barrington Hills

1. Barrington Hills has a population of 3930 residents and became a home rule municipality by referendum with a vote of about 2 to 1. Barrington Hills lies within the boundaries of 4 counties so they decided to apply for home rule to standardize the regulations for septic systems
2. Naturally Barrington Hills is not a tourist city as is Galena and they don't face the same issues we do, but according to Mr. Rosin it has never been a problem since they became home rule. He feels the fear of the people is not so much home rule but how the authority now given to city officials will be used.
3. Mr. Rosin felt one of the benefits to home rule was intergovernmental cooperation. This came up with several of the cities I spoke to. He also said that in certain instances the state of Illinois can pre-empt certain home rule rulings

Village of Carlock (Joel Holland)

Notes from phone call with Joanne Kyrouac, Trustee of the Village of Carlock, IL.

Carlock is a town of 456 people located between Bloomington and Peoria. They passed Home Rule in August of 2003. Their goal was to generate additional tax revenue without putting the burden entirely on the local citizens. The process they used was:

1. They sent out a survey to all of the residents that indicated they would have a budget shortfall and would probably need to raise taxes. They asked the citizens which taxes out of sales tax, user fees or property taxes they would prefer to have increased. The response was overwhelming support for an increase in sales tax.
2. They held a town meeting and discussed the pros and cons of home rule.

The town has three primary businesses that generate the majority of the sales tax: a restaurant, auto dealer and gas station. Immediately after passing home rule, they raised the sales tax by 0.50%. They anticipate this will generate 17-18K in additional tax revenue. Please see the letter from Village Trustee Joanne Kyrouac in Attachment E.

Village of Channahon (Joe Nack)

I spoke with Lisa Armour, the City Administrator of Channahon, she indicated that the reason for Home Rule passing in their community was the possibility of a hydro electric plant being owned by the city that would produce electricity that would be a revenue generating agent. Based on that sole issue, Home Rule passed. The plant never came into existence. The municipality has imposed various taxes over the years such as a sale tax, 1%; gas tax, 1 cent; a hotel/motel tax. Population of the community is approximately 8,000. They have found Home Rule to be very beneficial with no detriments. They found it very beneficial in economic development and that they have been able to have sale tax rebates on a limited basis. The community is essentially a bedroom community. Industry in the area is a natural gas plant. A TIF district was created to support the natural gas plant.

City of Crystal Lake (Kathie Farlow)

Melanie - Crystal Lake

1. Crystal Lake became home rule by population
2. They instituted a 2-1/2% hotel-motel tax after becoming home rule

City of Freeport (Joel Holland)

Notes from phone call with Duane Price of the finance department of Freeport, IL:

Duane indicated that Home Rule has provided Freeport with other taxing opportunities without going to referendum.

Examples of taxes they have implemented:

Fast Food and Beverage Sales Tax of 2% (raises 750K annually)

.02 /gallon gasoline tax

3% Hotel/Motel tax

Borrow from banks

He believes it has allowed the city to broaden its tax base and put less emphasis on real estate taxes. He also said that there needs to be a "watchdog type" organization to keep elected officials in check to make sure they aren't abusing home rule powers. Freeport is a home rule community because it has a population of over 25,000. They are concerned about losing that status as their population has been decreasing. Their population at the last census was 26,500.

Village of Hodgkins (Tom Horman)

Telephone Interview With The Municipality Of Hodgkins

Hodgkins:

Population: 2,134

Became Home Rule in 1996

Points of interest:

- * Interview was with Sheri, deputy clerk in the City Hall and also a tax payer.
708-579-6700
- * Initial reason for Home Rule was:
 - * Vacant truck terminals on edge of town - eye sore for the community.
 - * Community wanted the terminals demolished and the land used for retail.
 - * Home Rule passed and a retail shopping mall was built on the truck terminal land.
 - * Taxes collected from the shopping mall is most positive.
 - * A movie theater was built adjacent to the mall. Home Rule placed a 25 cent tax for each ticket sold.
 - * End result: Additional taxes being collected and a visual eye sore was replaced by a good looking establishment.
- * Home Rule passed in the election by overwhelming majority of the votes:
 - * Educating the public through town meetings
 - * Door to door campaigns
 - * Promises by the city government not to raise taxes.
- * Because of the additional taxes which are being collected by Home Rule, the city has dropped a vehicle license and hopefully in the near future; fee water usage.
- * Sheri believes the city council is much better than ever before due to Home Rule. Each alderman has become more responsible and accountable for his/her actions taken with Home Rule so more thought and research is done by each.
- * Sheri wished all the committee members "good luck" and invited us to visit sometime.

City of Mount Vernon (Tom Horman)

Population: 16,269

Home Ruled In 1986

Points ofInterest:

- * Spoke with two people in two conversations. 618-242-5000
Mary Ellen, Economic Development
Roy Payne, City Manager
- * Initial Reason For Home Rule:
 - * City needed revenue badly! Unemployment was high, fireman were laid off, farming was at it's lowest, and the city was in bad shape.
 - * Imposed a 1 % increase to jump start the revenue.
- * New revenue because of Home Rule:
 - * With new revenue coming in they built or improved an Industrial Park.
 - * Because of the change in the Industrial Park, Walgreens built a Distribution Center creating 900 new jobs.
 - * Kept and continue to keep away from increase in property tax.

- * City is on major intersection of travelers and is a good break for travelers. So:
 - * 15% of revenue now comes from the outside.
 - * Every major fast food restaurant has built along the new interstate which the city is now gaining revenue from (they credit the Industrial Park development for a portion of this growth).
 - * AND new hotels have sprung up creating over night stays. Home Rule imposed a \$1.00 a night per room MUNICIPAL SERVICE FEE or in other words - a tax.
 - * Home Rule passed a 2% gas tax two years ago.
- * Passing Home Rule On The Ballot
 - * Key selling point was the city officials. They educated, informed, and communicated the needs of the city to the community. A group effort by all in the city government.
 - * The city government educated the public in the same election to elect city officials who could and would carry out the tasks at a critical time in their city history.
 - * The first vote of Home Rule won a landslide victory.
- * The city is now on good financial standing and is doing great!

City of Nauvoo (Joe Nack)

I spoke with Bob Soland, Alderman. He indicated that they formed a committee of 3 citizens to sell the Home Rule to the community. These 3 citizens had public meetings, did all of the research, placed the issue on a ballot, and successfully sold Home Rule to the community. The main basis was to generate income for their police department and roads due to the increased costs based on tourism. Made a promise to the community that if Home Rule was granted, that other than the 2% increase in hotel/motel tax, which was being done, again, to raise money for the police department and the roads predominantly used for tourism, no other taxes would be imposed without referendum. This is a self-imposed limitation by the village board. The village is very conscious of keeping the community informed of how monies that are generated by the Home Rule taxes are being spent. Home Rule passed approximately 1-1/2 years ago. Population of the community is approximately 1,000.

Town of Normal (Beth Baranski)

The town of Normal, population 45,386 (per 2000 census), is, along with the city of Bloomington (population 64,808 per 2000 census), a college campus town (Illinois State University). The city became home rule automatically because of its population. The city's exercise of home-rule powers includes the following:

1. A 1.25% Retailers Occupation Tax (sales tax) on top of the 1% collected locally by all municipalities (therefore the combined rate is 5% state + .25% county + 1% city + 1.25% home-rule = 7.50%).
2. A 0.5% Use Tax placed on Bloomington-Normal residents purchasing new or used cars, boats or other vehicles. When purchases are made within the cities, the dealers collect the tax and submit to Normal on a monthly basis. If the purchase is made outside of Bloomington-Normal, the City reviews the list provided by the state, and sends a bill directly to the resident. Normal collects the tax for both itself and Bloomington, and gives Bloomington their portion.

3. A 6% Hotel Occupancy Tax. This is added to the 6% Hotel Occupancy tax collected by the state for a total 12% hotel-motel tax.
4. A 2% Food & Beverage Tax. Bloomington collects this tax for itself and Normal, and gives Normal their portion. This tax is added to the 7.5% sales tax for a total 9.5% tax on food and beverages sold in restaurants.
5. A 4% Liquor Tax on the sale of packaged liquor. This tax is added to the 7.5% sales tax for a total 11.5% tax on the sale of packaged liquor.
6. Has an intergovernmental agreement with the Illinois Department of Revenue allowing them to obtain sales tax revenue figures broken down by individual businesses.
7. Has issued bonds without needing to go to referendum. Recently (December, 2003) issued general obligation bonds to redevelop downtown area.

Source: Patty Martinez, Assistant Finance Director, Finance Department, 309/454-2444

City of Oakbrook Terrace (Marc McCoy)

Oakbrook Terrace has a population of 2,500. Home referendum failed twice before passing in 2002. Oakbrook Terrace has seven hotels. City Manager Martin Bourke explained that a principal advantage of home rule for Oakbrook Terrace was the ability to utilize hotel-motel tax funds for general operating expenses and capital improvements. Currently, State laws restrict those revenues for use only to generate additional hotel stays and promote tourism, conventions and other special events within the City. Mr. Bourke was kind enough to share information regarding Referendum, including questions and answers, copy of ordinance, copy of ordinance establishing a VOLUNTARY LIMIT ON THE ANNUAL PERCENTAGE OF INCREASE IN THE TAX LEVY TO BE EXTENDED BY THE CITY OF OAKBROOK TERRACE, copy of ordinance establishing LIMITATION ON PROPERTY TAX EXTENSION, copy of the resolution initiating a public question, copy of the resolution to endorse the adoption of home rule, and information listing the advantages of home rule. A copy of these documents is included in Attachment A.

City of Park City (Doris Glick)

Village of Park City, Illinois

Population 6,637

Home Rule 1973

Spoke with City Clerk Ruth Wilcox and Mayor Steve Pannell 847-377-2400.

The Village of Park City went Home Rule by referendum in 1973. This year 2003 the Village was able to raise the Sales Tax rate from 6.5 to 7% without a referendum, which has made it possible for the Village of Park City to have a very low tax levy of 0.116 for 2003. The Village has no Hotel/Motels so was unable to make a comparison to Galena.

Village of Peoria Heights (Marc McCoy)

Population of 6,700 and adopted home rule in 1986 with a 4 to 1 margin after the loss of Pabst Brewery in 1982. Mr. Larry Franz advised Peoria Heights has found the number one advantage to be the flexibility to be a functioning government. They have no Hotels or Motels within the City limits. Also stated the public does not have to fear that home rule will become a "free for all".

Village of Robbins (Doris Glick)

Population 6,637

Home Rule 1998

Spoke with City Clerk Palma James 708-623-5030.

Reason The Village of Robbins became Home Rule was to be able to sell energy to Con-Ed. At the present time Con-Ed is closed but has plans to reopen. Village of Robbins has a Sales Tax rate of 7.75% without a referendum and they have a much higher levy of 2.680 for 2003. The Village has not had to raise additional taxes just because they are Home Rule.

Village of Rosemont (Beth Baranski)

The Village of Rosemont, population 4,224 (per 2000 census) is located near O'Hare Airport. The city passed a referendum to become home rule in 1972. The city's exercise of home-rule powers includes the following:

1. A 1.25% Retailers Occupation Tax (sales tax) on top of the 1% collected locally by all municipalities (therefore the combined rate is 5% state +.25% county + 1.50% Cook County home-rule+ 1% city +1.25% home-rule = 9.00%).
2. A 7% Hotel Occupancy Tax. This is added to the 6% Hotel Occupancy tax collected by the state and 1% collected by Cook County for a total 14% hotel-motel tax.
3. A 0.75% Use Tax placed on Rosemont residents purchasing new or used cars, boats or other vehicles. When purchases are made in the village, the dealers collect the tax and submit to the village on a monthly basis. If the purchase is made outside of the village, the village reviews the list provided by the state, and sends a bill directly to the resident.
4. A 1% Food & Beverage Tax. This tax is added to the 9.0% sales tax for a total 10% tax on food and beverages sold in restaurants.
5. A Cigarette Tax. Those selling cigarettes must affix a sticker to each pack. They purchase stickers from the village for 5 cents each.
6. Has an intergovernmental agreement with the Illinois Department of Revenue allowing them to obtain sales tax revenue figures broken down by individual businesses.
7. Has issued bonds without needing to go to referendum. Recently (December, 2003) issued general obligation bonds to redevelop downtown area.

Source: John Hochstettler, Finance Director, 847/825-4404

City of St. Charles (Kathie Farlow)

Susan - city hall - St. Charles

1. St. Charles became home rule in 1994 when there population reached 25,000
2. Susan was not very specific but did say home rule status allowed more flexibility in running the city
3. St. Charles instituted a 1/4% increase in the sales tax when they became a home rule municipality.
4. She did not feel there has ever been a problem regarding St. Charles home rule status

City of Springfield (Beth Baranski)

The City of Springfield, population 111,454 (per 2000 census) is the state capital and a tourist destination. The city became home rule automatically because of its population. The city's exercise of home-rule powers includes the following:

1. A 1% Retailers Occupation Tax (sales tax) on top of the 1% collected locally by all municipalities (therefore the combined rate is 5% state +.25% county + 1% city +1% home-rule = 7.25%).
2. A 1% Use Tax placed on Springfield residents purchasing new or used cars, boats or other vehicles. When purchases are made in the city, the dealers collect the tax and submit to the city on a monthly basis. If the purchase is made outside of the City, the City reviews the list provided by the state, and sends a bill directly to the resident.
3. A 4% Hotel Occupancy Tax. This is added to the 6% Hotel Occupancy tax collected by the state for a total 10% hotel-motel tax.

Source: Dallas Whitford, Tax Manager, Office of Budget and Management, Municipal Center, 217/789-2000

Appendix A
Potential Contacts

Dr. James M. Banovetz
Northern Illinois University
Home #: 815/758-2759

Roger Huebner, Attorney
Illinois Municipal League
217/525-1220
rhuebner@iml.org

Larry Frang, Attorney
Illinois Municipal League
217/525-1220

Municipal Government Home Rule

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Municipal Government Home Rule			
<i>State</i>	<i>Type of home rule</i>	<i>Cities eligible</i>	<i>Enabling authority</i>
Alabama	None/ Dillon's Rule state		
Alaska	Broad "liberal construction"	1 st class cities	State constitution
Arizona	Structural + limited fiscal	3500+ population	1910 const. Provision
Arkansas	Structural + functional	2500+ population	1926 const. amendment
California	Broad structural + functional	All	1879 const. Provision and state law
Colorado	Broad structural + functional	All	1912 const. amendment
Connecticut	Structural/ Dillon's Rule	All	1969 const. provision + 1981 law
Delaware	Functional/ legislative grant	1000+ population	1953 law
Florida	Structural + functional	All	1968 const. Provision
Georgia	Functional	All	1954 const. amendment + 1962 & 1965 laws
Hawaii	<i>This state has no municipal governments. only county governments</i>		
Idaho	Only home rule "police powers"/ Dillon's Rule state	All	State constitution
Illinois	Structural + functional/ broad "liberal construction"	25000+ population	1970 const. provision
Indiana	Limited functional/ devolution of powers	All	1980 law
Iowa	Structural + limited functional	All	1968 const. amendment + 1971 law
Kansas	Structural + functional + fiscal devolution of powers/ "liberally construed"	All	1960 const. amendment
Kentucky	Structural + functional / legislative grant (almost devolution of powers)	All	1980 law + 1994 const. amendment
Louisiana	Structural + functional + fiscal/ devolution of powers + broad "residual" powers	All	1974 const. provision
Maine	Structural + functional/ "liberally construed"	All	1974 const. provision
Maryland	Structural + functional	All	1954 const. amendment
Massachusetts	Structural + functional + limited fiscal/ devolution of powers	All	1966 const. amendment + Home Rule Procedures Act
Michigan	Structural + functional + fiscal/	All	1908 & 1963 const. provisions +

	"liberally construed" devolution of powers		1909 law
Minnesota	Limited structural + functional	All	1896 const. amendment + 1896 law
Mississippi	Limited structural + functional	All	1985 law
Missouri	Structural + functional + fiscal	5000+ population	1945 const. provision + 1971 const. amendment
Montana	Structural + functional/ "not home rule, but self-government powers"	All	1972 const. provision
Nebraska	Charter writing authority only/ Dillon's Rule state/ "illusory home rule"	5000+ population	1912 const. amendment
Nevada	None/ Dillon's Rule state		
New Hampshire	None		
New Jersey	Limited structural + functional + limited fiscal/ "liberally construed"	All	1947 const. provision + 1950 law
New Mexico	Structural + functional/ "liberal construction"/ "maximum local self-government"	300+ population	1970 const. provision
New York	Structural + functional + limited fiscal/"bill of rights for local government"	All	1938 const. provision
North Carolina	Structural/ modified Dillon's Rule state		
North Dakota	Structural + functional + fiscal/ "maximum local self-government"	100+ population	1889 const. provision + 1993 law
Ohio	Structural + functional + fiscal/ "exercise all powers of local government"	All	1912 const. provision
Oklahoma	Structural		State constitution
Oregon	Structural	All	1906 const. provision
Pennsylvania	Structural	All	1968 const. provision + 1972 law
Rhode Island	Structural	All	1952 const. provision
South Carolina	Structural + functional + fiscal/ "liberally construed"	All	1973 const. amendment
South Dakota	Fordham approach with few limits/ devolution of powers	All	1962 const. amendment
Tennessee	Structural	All	1953 const. amendment
Texas	Structural + functional	All	1912 const. amendment

Municipal Government Home Rule

Page 3 of 5

Utah	Structural + functional + limited fiscal	All	1932 const. amendment
Vermont	Legislative permission to adopt form of government	All	State law
Virginia	Functional/ Dillon's Rule state	All	State law
Washington	Limited structural	All	1889 const. provision + Amendment 40 + 1967 law
West Virginia	Very limited structural/ Dillon's Rule state	2000+ population	1936 const. amendment
Wisconsin	Limited structural + functional	All	1933 const. amendment
Wyoming	Structural + functional	All	1972 const. amendment

County Government Home Rule			
<i>State</i>	<i>Type of home rule</i>	<i>Counties eligible</i>	<i>Enabling authority</i>
Alabama	"Limited"	3 most populous counties	Special law
Alaska	Broad/ "liberal construction"	All boroughs	Const. provision
Arizona	Structural + limited fiscal	500,000+ population	1992 const. amendment
Arkansas	Structural + functional	All	1974 const. amendment
California	Broad structural + functional	All	1911 const. amendment
Colorado	Structural/ legislative grant	All	1981 const. amendment
Connecticut	Counties abolished in 1960		
Delaware	None		
Florida	Structural + limited functional	All	1968 const. provision
Georgia	Functional	All	1966 const. amendment
Hawaii	Structural + limited fiscal	All	1968 const. provision
Idaho	Only "police powers" home rule/ Dillon's Rule state	All	Const. provision
Illinois	Broad structural + functional/ "liberal construction"	All	1971 const. provision
Indiana	Limited functional/ devolution of powers	All	1980 law
Iowa	Structural + functional	All	1978 const. amendment + 1988 law
Kansas	Structural + functional + fiscal/ devolution of powers/ "liberally construed?"	All	1974 law
Kentucky	Structural + functional	All	1990 law

Louisiana	Structural + functional/ devolution of powers/ broad "residual powers"	All	1974 const. provision
Maine	Limited fiscal		1985 and 1996 law
Maryland	Structural + functional	All	1915 and 1996 const. amendments: "Express Powers Act"
Massachusetts	None (7 of 14 counties abolished)		
Michigan	Limited structural (only Wayne County has a charter)	All	State law
Minnesota	Limited structural	Ramsay County	1987 law
Mississippi	Limited structural	All	1988 law
Missouri	Structural + functional + fiscal	85000+ population	1945 and 1971 const. amendments
Montana	Structural + functional/ "residual powers"	All	1972 const. provision
Nebraska	None		
Nevada	None		
New Hampshire	None/ Counties have very limited functions		
New Jersey	Structural + limited fiscal		
New Mexico	None		
New York	Structural + functional + limited fiscal	All	1959 const. amendment
North Carolina	Modified Dillon's Rule/ may choose manager form	All	
North Dakota	Structural + functional (only 3 counties have charters)	All	1985 law
Ohio	Structural	All	1933 const. amendment
Oklahoma	None		
Oregon	Structural	All	1958 const. amendment
Pennsylvania	Structural	All	1968 const. + 1972 law
Rhode Island	None (no counties exist in Rhode Island)		
South Carolina	Structural + functional + limited revenue		
South Dakota	Broad/ Fordham plan		
Tennessee	Not mentioned		
Texas	None		
Utah	Structural + functional + limited fiscal		
Vermont	None (counties have minimal governing role)		

Virginia	Charter (only 3 of 95 counties)		
Washington	Limited structural		
West Virginia	None		
Wisconsin	"Administrative" home rule	All	1985
Wyoming	None		
Source: <i>Home Rule in America: A Fifty-State Handbook</i> . Congressional Quarterly Press, 2001.			

CONSTITUTION OF THE STATE OF ILLINOIS - 1970

ARTICLE VII - LOCAL GOVERNMENT

SECTION 6. POWERS OF HOME RULE UNITS

(a) A County which has a chief executive officer elected by the electors of the county and any municipality which has a population of more than 25,000 are home rule units. Other municipalities may elect by referendum to become home rule units. Except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt.

(b) A home rule unit by referendum may elect not to be a home rule unit.

(c) If a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction.

(d) A home rule unit does not have the power (1) to incur debt payable from ad valorem property tax receipts maturing more than 40 years from the time it is incurred or (2) to define and provide for the punishment of a felony.

(e) A home rule unit shall have only the power that the General Assembly may provide by law (1) to punish by imprisonment for more than six months or (2) to license for revenue or impose taxes upon or measured by income or earnings or upon occupations.

(f) A home rule unit shall have the power subject to approval by referendum to adopt, alter or repeal a form of government provided by law, except that the form of government of Cook County shall be subject to the provisions of Section 3 of this Article. A home rule municipality shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law. A home rule county shall have the power to provide for its officers, their manner of selection and terms of office in the manner set forth in Section 4 of this Article.

(g) The General Assembly by a law approved by the vote of three-fifths of the members elected to each house may deny or limit the power to tax and any other power or function of a home rule unit not exercised or performed by the State other than a power or function specified in subsection (1) of this section.

(h) The General Assembly may provide specifically by law for the exclusive exercise by the State of any power or function of a home rule unit other than a taxing power or a power or function specified in subsection (1) of this Section.

(i) Home rule units 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.

(j) The General Assembly may limit by law the amount of debt which home rule counties may incur and may limit by law approved by three-fifths of the members elected to each house the amount of debt, other than debt payable from ad valorem property tax receipts, which home rule municipalities may incur.

(k) The General Assembly may limit by law the amount and require referendum approval of debt to be incurred by home rule municipalities, payable from ad valorem property tax receipts, only in excess of the following percentages of the assessed value of its taxable property: (1) if its population is 500,000 or more, an aggregate of three percent; (2) if its population is more than 25,000 and less than 500,000, an aggregate of one percent; and (3) if its population is 25,000 or less, an aggregate of one-half percent. Indebtedness which is outstanding on the effective date of this Constitution or which is thereafter approved by referendum or assumed from another unit of local government shall not be included in the foregoing percentage amounts.

(l) The General Assembly may not deny or limit the power of home rule units (1) to make local improvements by special assessment and to exercise this power jointly with other counties and municipalities, and other classes of units of local government having that power on the effective date of this Constitution unless that power is subsequently denied by law to any such other units of local government or (2) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services.

(m) Powers and functions of home rule units shall be construed liberally.

**Home Rule Units In Illinois
And Populations (from 2000 Census)**

**As of November 20, 2002 (with the exception of the highlighted communities, which
may be more recent)**

I. Counties

Cook

II. Cities and Villages

Addison Pop. 35,914	Berwyn Pop. 54,016	Calumet Park, 1976 Pop. 8,516
Alsip, 1990 Pop. 19,725	Bloomington, 1996 Pop. 21,675	Carbondale Pop. 20,681
Alton Pop. 30,496	Bloomington Pop. 64,808	Carlock Pop. 456
Arlington Heights Pop. 76,031	Bolingbrook Pop. 56,321	Carol Stream Pop. 40,438
Aurora Pop. 142,990	Bridgeview, 2002 Pop. 15,335	Carpentersville, 1993 Pop. 30,586
Barrington Hills, 1990 Pop. 3,915	Bryant, 1974 Pop. 255	Cartersville Pop. 4,616
Bartlett Pop. 36,706	Buffalo Grove, 1980 Pop. 42,909	Champaign Pop. 67,518
Bedford Park, 1971 Pop. 574	Burbank Pop. 27,902	Channahon, 1982 Pop. 7,344
Belleville Pop. 41,410	Burnham, 1980 Pop. 4,170	Chicago Pop. 2,896,016
Bellwood, 1994 Pop. 20,535	Cahokia, 1996 Pop. 16,391	Chicago Heights Pop. 32,776
Berkeley, 1996 Pop. 5,245	Calumet City Pop. 39,071	Chicago Ridge, 1994 Pop. 14,127

Cicero Pop. 85,616	Elgin Pop. 94,487	Golf, 1976 Pop. 451
Country Club Hills, 1993 Pop. 16,169	Elk Grove Village Pop. 34,727	Granite City Pop. 31,301
Countryside, 1972 Pop. 5,991	Elmhurst Pop. 42,762	Gurnee Pop. 28,834
Crystal Lake Pop. 38,000	Elmwood Park Pop. 25,405	Hanover Park Pop. 38,278
Crainville Pop. 992	Elwood, 1997 Pop. 1,620	Harvey Pop. 30,000
Danville Pop. 33,904	Evanston Pop. 74,239	Harwood Heights, 1995 Pop. 8,297
Darien, 2001 Pop. 22,860	Evergreen Park Pop. 20,821	Herrin Pop. 11,298
Decatur Pop. 81,860	Fairview Heights, 1993 Pop. 15,034	Highland Park Pop. 31,365
Deerfield, 1975 Pop. 18,420	Flora, 1975 Pop. 5,086	Highwood Pop. 4143
DeKalb Pop. 39,018	Freeport Pop. 26,443	Hillside, 1995 Pop. 8,155
Des Plaines Pop. 58,720	Galesburg Pop. 33,706	Hodgkins, 1996 Pop. 2,134
Dolton Pop. 25,614	Glendale Heights Pop. 31,765	Hoffman Estates Pop. 49,495
Downers Grove Pop. 48,724	Glen Ellyn Pop. 26,999	Hopkins Park, 2001 Pop. 711
East Hazel Crest, 1989 Pop. 1,607	Glenview Pop. 41,847	Inverness, 2000 Pop. 6,749
East St. Louis Pop. 31,542	Glenwood, 1986 Pop. 9,000	Joliet Pop. 106,221

Kankakee Pop. 27,491	Mound City, 1973 Pop. 692	Oak Brook Terrace, 2002 Pop. 2,300
Lake Barrington, 1991 Pop. 4,757	Mount Prospect Pop. 56,265	Oak Forest Pop. 28,051
Lansing Pop. 28,332	Mt. Vernon, 1986 Pop. 16,269	Oak Lawn Pop. 55,245
Lincolnshire, 1975 Pop. 6,108	Muddy, 1981 Pop. 78	Oak Park Pop. 52,524
Lincolnwood, 1997 Pop. 12,359	Mundelein Pop. 30,935	Old Mill Creek, 1993 Pop. 251
Manhattan, 1996 Pop. 3,330	Murphysboro, 1994 Pop. 13,295	Onarga, 1997 Pop. 1,438
Marion, 1994 Pop. 16,035	Naperville Pop. 128,358	Orland Park Pop. 51,077
Mascoutah, 1979 Pop. 5,659	Naples, 1982 Pop. 134	Palatine Pop. 65,479
Maywood Pop. 26,987	Nauvoo Pop. 1,063	Park City, 1973 Pop. 6,637
McCook, 1971 Pop. 254	Niles Pop. 30,068	Park Forest Pop. 23,462
Mettawa, 1990 Pop. 367	Normal Pop. 45,386	Park Ridge Pop. 37,775
Moline Pop. 43,768	Norridge, 1973 Pop. 14,582	Pekin Pop. 33,857
Monee, 1996 Pop. 2,924	Northbrook Pop. 33,435	Peoria Pop. 112,936
Monmouth, 1999 Pop. 9,841	North Chicago Pop. 35,918	Peoria Heights, 1986 Pop. 6,635
Morton Grove Pop. 15,198	Northlake, 1994 Pop. 11,878	Peru, 1981 Pop. 9,835

Quincy Pop. 40,366	Sesser, 1989 Pop. 2,128	Tinley Park Pop. 48,401
Rantoul, 1982 Pop. 12,857	Sherman, 2002 Pop. 2,871	University Park, 1975 Pop. 6,662
Robbins, 1998 Pop. 6,635	Skokie Pop. 63,348	Urbana Pop. 36,395
Rockdale, 1982 Pop. 1,888	South Barrington, 1975 Pop. 3,760	Valmeyer, 1994 Pop. 608
Rock Island Pop. 39,684	South Holland Pop. 22,147	Washington, 1998 Pop. 10,841
Rolling Meadows, 1985 Pop. 24,604	Springfield Pop. 111,454	Watseka, 1975 Pop. 5,670
Rosemont, 1972 Pop. 4,224	Standard, 1975 Pop. 256	Waukegan Pop. 87,901
Round Lake Beach Pop. 5,842	Stickney, 1974 Pop. 6,148	West Dundee, 1990 Pop. 5,428
St. Charles Pop. 27,896	Stone Park, 1972 Pop. 5,127	Wheaton Pop. 55,416
Sauget, 1976 Pop. 249	Streamwood Pop. 36,407	Wheeling, 1977 Pop. 34,496
Schaumburg Pop. 75,386	Sycamore, 1996 Pop. 12,020	Wilmette Pop. 27,651
Schiller Park, 1994 Pop. 11,850	Thornton, 1980 Pop. 2,582	Woodridge, 1975 Pop. 30,934

Dates listed indicate the year the community adopted home rule by referendum.

95-53

RESOLUTION NO. 95-53**A RESOLUTION AMENDING THE
VILLAGE COUNCIL POLICY REGARDING
THE EXERCISE OF HOME RULE POWERS**

WHEREAS, Article VII of the Constitution of the State of Illinois of 1970 (the "Constitution") became effective on July 1, 1971, and Section 6(a) of said Article provides that, except as limited by said Section 6, a home rule unit (as therein defined) may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt; and

WHEREAS, upon the effectiveness of the Constitution the Village of Downers Grove became, automatically and without further action of any kind, a home rule unit within the meaning of said Article; and

WHEREAS, the Council of the Village of Downers Grove believes that the Council should exercise the special home rule unit powers and functions under the Constitution with due care and caution, and with a view to the long-range effects that such exercise may have upon the Village and its residents, and for such reasons believes it necessary and desirable to adopt policy guidelines for the exercise of such special home rule unit powers; and,

WHEREAS, the Village Council has previously adopted Resolutions 71-81 and 81-1 setting forth a policy regarding the exercise of home rule powers (the "Home Rule Policy"); and,

WHEREAS, The Village Council has determined that this Home Rule Policy should be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. Prior to adoption of an ordinance that is not authorized under the provisions of the Illinois Municipal Code (Illinois Compiled Statutes, Chapter 65) for municipalities that are not home rule units, the Village Council will cause a summary of the proposed ordinance to be published in a newspaper having general circulation in the Village. Copies of the proposed ordinance shall be made available for public distribution at the Downers Grove Library and Village Hall. Finally, the pendency of such proposed ordinance will be announced in at least two meetings of the Village Council.

2. Prior to adoption of any ordinance imposing a tax on any person or property in the Village that is not authorized under the provisions of the Illinois Municipal Code for municipalities that are not home rule units, the Village Council will follow the following procedures:

- (a) A statement setting forth the intended use of the additional revenue to be derived from such tax will be prepared and published along with the publication of the summary of the proposed ordinance, referred to in paragraph 1 above.
- (b) A public hearing will be held with respect to the proposed ordinance to be presided over by the Mayor or the Mayor Pro-Tem, or by some other person designated for such purpose by the Mayor, at which any person interested in the subject matter of such proposed ordinance may appear, in person or by attorney, and submit statements and documentary evidence to the person conducting such hearing. Notice of the time and place of such public hearing will be published at least once, seven days or more prior to the date of such hearing, in a newspaper having general circulation in the Village.
- (c) The Village Council will consider the minutes of the public hearing, as well as the written statements submitted as part thereof. If, prior to a vote on adoption of the ordinance petitions opposing such proposed ordinance are filed with the Village Clerk containing signatures of eligible voters in the Village equal to 10% or more of the total votes cast for the office of Mayor at the last preceding election of Mayor, it will be the policy of the Village Council to hold an advisory referendum on such proposed ordinance. If the majority of the persons voting at such referendum are opposed to such proposed ordinance, it will be the policy of the Village Council not to adopt such ordinance.

3. The interpretation and application of this Resolution shall be within the sole discretion of the Village Council which decision shall be final. Notwithstanding anything to the contrary in the foregoing provisions of this Resolution, any ordinance or resolution hereafter adopted by action of the Village Council shall not be invalidated, impaired or affected in any way by non-compliance or alleged non-compliance with any one or more provisions of this Resolution.

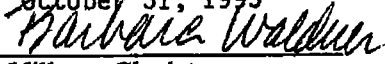
4. Any and all resolutions in conflict with the provisions of this Resolution, and in particular Resolutions 71-81 and 81-1, are hereby repealed.

5. The provision of this Resolution shall be come effective immediately upon its passage and approval.


Mayor

Passed: October 30, 1995

Published: October 31, 1995

Attest: 
Village Clerk

4/wp/policy/homerule

Sales Tax Rates in Home Rule Units of Local Government

The following table outlines the sales tax rates for general merchandise current as of January 1, 2004, for each of the home rule units in Illinois that impose home rule sales tax. You will find the combined rate preprinted on your Forms ST-1 and ST-2 for each reporting period. These rates are subject to change January 1 and July 1 of each year.

	Home Rule Sales Tax Rate Current as of 1/1/2004	ST-1/ST-2 Combined Rate Current as of 1/1/2004
Addison	0.75%	7.50%
Alsip	0.75%	8.50%
Alton	0.50%	7.10%
Arlington Heights	0.50%	8.25%
Aurora (DuPage)	1.00%	7.50%
Aurora (Kane)	1.00%	7.50%
Aurora (Kendall)	1.00%	7.75%
Aurora (Will)	1.00%	7.50%
Bedford Park	0.75%	8.50%
Belleville	0.25%	7.35%
Bellwood	1.00%	8.75%
Berkeley	1.00%	8.75%
Berwyn	1.00%	8.75%
Bloomington	0.50%	7.25%
Bloomington	1.25%	7.50%
Bolingbrook (DuPage)	1.00%	7.50%
Bolingbrook (Will)	1.00%	7.50%
Bridgeview	1.00%	8.75%
Buffalo Grove (Cook)	0.50%	8.25%
Buffalo Grove (Lake)	0.50%	7.00%
Burbank	0.75%	8.50%
Burnham	1.00%	8.75%
Cahokia	0.50%	7.60%
Calumet City	1.00%	8.75%
Calumet Park	1.00%	8.75%
Carbondale	1.00%	7.25%
Carlock	0.50%	6.75%
Carol Stream	0.50%	7.25%
Carpentersville	1.25%	7.75%
Carterville	1.00%	7.25%
Champaign	1.00%	7.50%
Channahon (Grundy)	1.00%	7.25%
Channahon (Will)	1.00%	7.50%
Chicago (Cook)	1.00%	8.75%
Chicago (DuPage)	1.00%	7.50%
Chicago Ridge	0.75%	8.50%
Cicero	1.00%	8.75%
Country Club Hills	1.25%	9.00%
Crainville	1.00%	7.25%
Danville	1.00%	7.50%

* Cook County imposes a 0.75% county home rule sales tax. For unincorporated areas in Cook County, the ST-1/ST-2 combined rate remains at 7.75%. For home rule municipalities within Cook County that impose home rule sales tax, the ST-1/ST-2 combined rate varies (see the entries for each municipality).

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	Home Rule Sales Tax Rate Current as of 1/1/2004	ST-1/ST-2 Combined Rate Current as of 1/1/2004
Decatur	1.50%	8.00%
DeKalb	1.25%	7.50%
Des Plaines	0.75%	8.50%
Dolton	0.50%	8.25%
Downers Grove	0.50%	7.25%
East Hazel Crest	0.50%	8.25%
East St. Louis	1.00%	8.10%
Elgin (Cook)	0.75%	8.50%
Elgin (Kane)	0.75%	7.25%
Elk Grove Village (Cook)	0.75%	8.50%
Elk Grove Village (DuPage)	0.75%	7.25%
Elmhurst (Cook)	0.25%	8.25%
Elmhurst (DuPage)	0.25%	7.00%
Elmwood Park	1.00%	8.75%
Elwood	1.00%	7.50%
Evanston	1.00%	8.75%
Evergreen Park	0.75%	8.50%
Fairview Heights	0.25%	7.35%
Freeport	0.25%	7.00%
Galesburg	1.00%	7.50%
Glendale Heights	0.25%	7.00%
Granite City	1.50%	8.10%
Gurnee	0.50%	7.00%
Hanover Park (Cook)	0.50%	8.25%
Hanover Park (DuPage)	0.50%	7.00%
Harwood Heights	1.00%	8.75%
Herrin	1.00%	7.25%
Highland Park (Lake)	1.00%	7.50%
Hillside	1.00%	8.75%
Hoffman Estates (Cook)	0.50%	8.25%
Hoffman Estates (Kane)	0.50%	7.00%
Joliet (Kendall)	1.25%	8.00%
Joliet (Will)	1.25%	7.75%
Lansing	0.50%	8.25%
Lincolnwood	0.75%	8.50%
Marion	1.00%	7.25%
Moline	1.00%	7.25%
Monee	1.00%	7.50%
Monmouth	1.00%	7.25%
Morton Grove	1.00%	8.75%

* Cook County imposes a 0.75% county home rule sales tax. For unincorporated areas in Cook County, the ST-1/ST-2 combined rate remains at 7.75%. For home rule municipalities within Cook County that impose home rule sales tax, the ST-1/ST-2 combined rate varies (see the entries for each municipality).

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	Home Rule Sales Tax Rate Current as of 1/1/2004	ST-1/ST-2 Combined Rate Current as of 1/1/2004
Mount Prospect	0.75%	8.50%
Mount Vernon	1.25%	7.50%
Mundelein	0.75%	7.25%
Murphysboro	1.00%	7.25%
Niles	0.75%	8.50%
Normal	1.25%	7.50%
Norridge	1.25%	9.00%
Northbrook	0.50%	8.25%
Northlake (Cook)	1.00%	8.75%
Northlake (DuPage)	1.00%	7.50%
Oak Lawn	0.50%	8.25%
Oak Park	1.00%	8.75%
Orland Park (Cook)	0.75%	8.50%
Orland Park (Will)	0.75%	7.25%
Palatine	1.00%	8.75%
Park City	0.50%	7.00%
Park Ridge	0.50%	8.25%
Park Ridge Manor	0.50%	8.25%
Pekin (Peoria)	1.00%	7.50%
Pekin (Tazewell)	1.00%	7.75%
Peoria	1.50%	8.00%
Peoria Heights (Peoria)	1.00%	7.50%
Peoria Heights (Tazewell)	1.00%	7.75%
Peoria Heights (Woodford)	1.00%	8.25%
Quincy	1.50%	7.75%
Rock Island	0.75%	7.00%
Rolling Meadows	1.00%	8.75%
Rosemont (Cook)	1.25%	9.00%
Round Lake Beach	0.50%	7.00%
Sauget	0.25%	7.35%
Schaumburg (Cook)	1.00%	8.75%
Schaumburg (DuPage)	1.00%	7.50%
Schiller Park	0.75%	8.50%
Sesser	1.00%	7.25%
Sherman	0.50%	6.75%
Skokie	1.00%	8.75%
South Barrington	1.00%	8.75%
South Holland	0.50%	8.25%
Springfield	1.00%	7.25%
St. Charles (DuPage)	0.50%	7.00%

* Cook County imposes a 0.75% county home rule sales tax. For unincorporated areas in Cook County, the ST-1/ST-2 combined rate remains at 7.75%. For home rule municipalities within Cook County that impose home rule sales tax, the ST-1/ST-2 combined rate varies (see the entries for each municipality).

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	Home Rule Sales Tax Rate Current as of 1/1/2004	ST-1/ST-2 Combined Rate Current as of 1/1/2004
St. Charles (Kane)	0.50%	7.00%
Stickney	1.00%	8.75%
Stone Park	1.50%	9.25%
Streamwood	1.00%	8.75%
Sycamore	0.75%	7.00%
Urbana	1.00%	7.50%
Washington	1.00%	7.75%
Watseka	0.75%	7.00%
Waukegan	1.00%	7.50%
West Dundee	1.50%	8.00%
Wheeling (Cook)	0.75%	8.50%
Wheeling (Lake)	0.75%	7.25%
Cook County (Countywide)	0.75%	*



CHICAGO TITLE INSURANCE COMPANY

TRANSFER TAXES - CHICAGO METROPOLITAN AREA

As of August 2, 2002

TAXING DISTRICT	PRIMARY LIABILITY	AMOUNT OF TAX	CONTACT	TELEPHONE	COMMENTS
<u>MUNICIPALITIES</u>					
ADDISON (DuPage)	Buyer	\$2.50/\$1000.00	1 Friendship Plaza Addison, IL 60101	(630) 693-7564	WATER BILL MUST BE PAID; SEWER INSPECTION REQUIRED; COPY OF STATE DECLARATION AND DEED REQUIRED IF EXEMPT
ALSIP (Cook)	Seller	\$3.50/\$1000.00 (Minimum of \$100.00)	4500 W. 123rd St. Alsip, IL 60803	(708) 385-6902	FINAL WATER READING AND BILL MUST BE PAID; COPY OF SALES CONTRACT REQUIRED; HAS LOCAL FORM; \$15 CHARGE FOR EXEMPT STAMP; NO PERSONAL CHECKS
AURORA (DuPage) (Kane) (Kendall) (Will)	Seller	\$3.00/\$1000.00	44 E. Downer Place Aurora, IL 60504	(630) 906-7414	FINAL WATER READING AND BILL MUST BE PAID; HAS LOCAL FORM; STATE DECLARATION (ORIGINAL OR A COPY) SIGNED BY AT LEAST ONE PARTY REQUIRED WITH LEGAL ATTACHED
BARTLETT (Cook) (DuPage) (Kane)	Seller	\$3.00/\$1000.00	228 S. Main Bartlett, IL 60103	(630) 837-0800 Finance Dept.	SUMS DUE MUST BE PAID; FINAL WATER READING; COPY OF DEED AND STATE DECLARATION OR CONTRACT REQUIRED; HAS LOCAL FORM; \$3 FEE FOR EXEMPT STAMP BY MAIL
BEDFORD PARK (Cook)	Seller	\$50.00/trans.	6701 Archer Rd. Bedford Park, IL 60501	(708) 458-2067 Administration Dept.	WATER BILLS MUST BE PAID; INSPECTION REQUIRED; HAS LOCAL FORM
BELLWOOD (Cook)	Seller	\$5.00/\$1000.00	3200 Washington Blvd. Bellwood, IL 60104	(708) 547-3500	FINAL WATER READING; HOME INSPECTION REQUIRED; HAS LOCAL FORM; ORIGINAL OR COPY OF DEED AND STATE DECLARATION REQUIRED; \$10 FEE FOR EXEMPT STAMP
BERKELEY (Cook)	Seller	\$25.00/trans.	5819 Electric Ave. Berkeley, IL 60163	(708) 449-8840	ORIGINAL DEED REQUIRED; WATER BILLS, FINES, ETC., MUST BE PAID; SUBPUMP INSPECTION; COMPLIANCE STAMP
BERWYN (Cook)	Seller	\$10.00/\$1000.00	6700 W. 26th St. Berwyn, IL 60402	(708) 788-2660 Collector's Dept.	FINAL WATER READING; INSPECTION REQUIRED; HAS LOCAL FORM; \$25 FEE FOR EXEMPT STAMP; ORIGINAL DEED; DEC FOR COOK & ILLINOIS

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CHICAGO TITLE INSURANCE COMPANY

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BOLINGBROOK (DuPage) (Will)	Split equally	\$3.75/\$500.00	375 West Briarcliff Bolingbrook, IL 60440	(630) 226-8455	FINAL METER READING; SUMS DUE MUST BE PAID; STATE DECLARATION REQUIRED; HAS LOCAL FORM; \$30 FEE FOR EXEMPT STAMP
BUFFALO GROVE (Cook) (Lake)	Seller	\$3.00/\$1000.00	50 Raupp Blvd. Buffalo Grove, IL 60089	(847) 459-2500	WATER BILL, TICKETS, INVOICES MUST BE PAID; HAS LOCAL FORM
BURBANK (Cook)	Seller	\$5.00/\$1000.00	6530 W. 79th St. Burbank, IL 60459	(708) 599-5500 City clerk's office	HAS LOCAL FORM; ORIGINAL DEED REQUIRED IF EXEMPT; NO PERSONAL CHECKS
BURNHAM (Cook)	Buyer	\$5.00/\$1000.00	14450 Manistee Burnham, IL 60633	(708) 862-9150	FINAL WATER READING; HAS LOCAL FORM; CASH OR MONEY ORDER REQUIRED
CALUMET CITY (Cook)	Split equally	\$8.00/\$1000.00	204 Pulaski Road Calumet City, IL 60409 Inspection Services: 687 Wentworth	(708) 891-8116	WATER BILL MUST BE PAID; INSPECTION REQUIRED; STATE DECLARATION FORM REQUIRED; HAS LOCAL FORM
CALUMET PARK (Cook)	Buyer	\$5.00/\$1000.00	12409 S. Throop Calumet Park, IL 60827	(708) 389-0851	FINAL WATER READING REQUIRED; INSPECTION REQUIRED (\$100); HAS LOCAL FORM; NO PERSONAL CHECKS
CAROL STREAM (DuPage)	Seller	\$3.00/\$1000.00	500 N. Gary Ave. Carol Stream, IL 60188-1899	(630) 665-7050 Finance Dept.; (630) 871-6222 to arrange for water reading	WATER METER READING; WATER, SEWER AND SUMS DUE MUST BE PAID; HAS LOCAL FORM; COPY OF SALES CONTRACT REQUIRED
CHANNAHON (Grundy) (Will)	Buyer	\$3.00/\$1000.00	24441 W. Eames Channahon, IL 60410	(815) 467-5311	WATER READING; SUMS DUE MUST BE PAID; HAS LOCAL FORM; ORIGINAL DEED REQUIRED
CHICAGO (Cook) (DuPage)	Buyer	\$3.75/\$500.00	121 N. LaSalle St. Room 107 Chicago, IL 60602	(312) 747-9723	WATER/SEWER BILLS MUST BE PAID; COMPLIANCE W/BUILDING REGISTRATION ORDINANCE; HAS LOCAL FORM; APPLICABLE TO SOME LEASEHOLDS; CERTIFICATE OF ZONING COMPLIANCE REQUIRED AS OF 12/1/97 FOR NON-CONDO RESIDENTIAL REALES

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CHICAGO HEIGHTS (Cook)	Seller	\$4.00/\$1000.00	1601 Chicago Road Chicago Heights, IL 60411 Scariano, Ellich, Himes 2 Prudential Plaza #3100 Chicago, IL 60601	(708) 756-5300 (312) 565-3100	WATER BILL MUST BE PAID; INSPECTION REQUIRED; HAS LOCAL FORM; COPY OF DEED
CICERO (Cook)	Seller	\$10.00/\$1000.00	4937 W. 25 th Street Cicero, IL 60804	(708) 656-3600 Code enforcement dept.	WATER BILL MUST BE PAID; ORIGINAL DEED AND STATE AND COUNTY DECLARATIONS AND "BASEMENT/ATTIC AFFIDAVIT" REQUIRED; CERTIFICATE OF COMPLIANCE AND INSPECTION REQUIRED FOR MANY TYPES OF TRANSACTIONS, INCLUDING (ACCORDING TO THE ORDINANCE) A MORTGAGE REFINANCING; HAS LOCAL FORM; \$25 FEE FOR EXEMPT STAMP
COUNTRY CLUB HILLS (Cook)	Seller	\$5.00/\$1000.00 (minimum of \$50.00)	4200 W. 183 rd Street Country Club Hills, IL 60478	(708) 798-2616 Clerk's office	FINAL WATER READING; SUMS DUE MUST BE PAID; NO PERSONAL CHECKS; COPY OF CONTRACT AND DECLARATION REQUIRED; HAS LOCAL FORM
COUNTRYSIDE (Cook)	Buyer	\$50.00/trans.	5550 East Ave. Countryside, IL 60525	(708) 354-7270	WATER, SEWER AND WEED CUTTING CHARGES MUST BE PAID; RECEIPTS REQUIRED; HAS LOCAL FORM; NO PERSONAL CHECKS; FINAL \$20 READING
DES PLAINES (Cook)	Seller	\$2.00/\$1000.00	1420 Miner St. Suite #301 Des Plaines, IL 60016	(847) 391-5382	FINAL WATER READING; CODE VIOLATIONS MUST BE CURED; INSPECTION REQUIRED IF RESIDENTIAL RENTAL; HAS LOCAL FORM; ORIGINAL DEED, SURVEY AND STATE DECLARATION REQUIRED; COPY OF TITLE COMMITMENT REQUIRED; \$10 FEE FOR EXEMPT STAMP; PLAT OF SURVEY REQUIRED
DOLTON (Cook)	Seller	\$10.00/trans.	14014 Park Ave. Dolton, IL 60419	(708) 849-4000	WATER BILL MUST BE PAID; \$150 HOUSING INSPECTION FEE BEFORE STAMPS MAY ISSUE; HAS LOCAL FORM; \$10 FEE EVEN IF EXEMPT

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EAST HAZEL CREST (Cook)	Buyer	\$25.00/trans.	1904 W. 174 th St. East Hazel Crest, IL 60429	(708) 798-0213	WATER BILL AND OTHER SUMS DUE MUST BE PAID; HAS LOCAL FORM; FINAL WATER READING
ELGIN (Cook) (Kane)		None	150 Dexter Court Elgin, IL 60120	(847) 931-5639	FINAL WATER READING; SUMS DUE MUST BE PAID; INSPECTION REQUIRED IF VIOLATIONS EXIST; STAMP REQUIRED; INCLUDES EXEMPT TRANSACTIONS; HAS LOCAL FORM
ELK GROVE VILLAGE (Cook) (DuPage)	Seller	\$3.00/\$1000.00	901 Wellington Ave. Elk Grove Village, IL 60007	(847) 439-3900	WATER AND SEWER BILLS MUST BE PAID; FINAL WATER READING 2-3 DAYS PRIOR TO CLOSING; \$10 FEE FOR EXEMPT STAMP; HAS LOCAL FORM; COPY OF DEED AND ILLINOIS DECLARATION REQUIRED
ELMHURST (DuPage) (Cook)	Seller	\$1.50/\$1000.00	209 N. York St. Elmhurst, IL 60126	(630) 530-3000	SUMS DUE MUST BE PAID; FINAL WATER READING; INSPECTION REQUIRED; COPY OF SIGNED SALES CONTRACT REQUIRED; HAS LOCAL FORM
ELMWOOD PARK (Cook)	Seller	\$5.00/\$1000.00	11 Conti Parkway Elmwood Park, IL 60707	(708) 452-7300	WATER, SEWER AND OTHER BILLS MUST BE PAID; DEED AND WATER READING REQUIRED; TWO INSPECTIONS REQUIRED; COPY OF DEED AND DECLARATION REQUIRED; HAS LOCAL FORM; \$35 FEE FOR EXEMPT STAMP
EVANSTON (Cook)	Seller	\$5.00/\$1000.00	2100 Ridge Evanston, IL 60201	(847) 866-2925	WATER BILL MUST BE PAID; HAS LOCAL FORM
EVERGREEN PARK (Cook)	Seller	\$5.00/\$1000.00 (Minimum of \$100.00)	9418 S. Kedzie Evergreen Park, IL 60805	(708) 229-8215	FINAL WATER READING; \$15.00 HOUSING INSPECTION BEFORE STAMPS MAY ISSUE; HAS LOCAL FORM

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FRANKLIN PARK (Cook)	Seller	Fee for Seal on Deed: Single-Family - \$25.00 Two-Family - \$40.00 Multi-Family - \$40.00 plus \$10.00 for each unit over 3 Commercial/Industrial - Separate Fee Schedule	9500 W. Belmont Ave. Franklin Park, IL 60131	(847) 671-8795 Building Dept.	ZONING ADMINISTRATOR'S APPROVAL AND INSPECTION REQUIRED FOR MULTIFAMILY, COMMERCIAL AND INDUSTRIAL PROPERTIES; VIOLATIONS DISCLOSED MUST BE CORRECTED; ORDER FINAL WATER BILL (847-671-8292) AT LEAST 5 DAYS IN ADVANCE; SUBMIT CURRENT SURVEY AND ORIGINAL DEED TO BUILDING DEPT. AT LEAST 3 DAYS PRIOR TO CLOSING
GLEN ELLYN (DuPage)	Seller	\$3.00/\$1000.00 (PAYMENT OF TAX MAY BE WAIVED, BUT STAMP REQUIRED)	535 Duane St. Glen Ellyn, IL 60137	(630) 469-5000 Cashier's Dept.	WATER, SEWER, PARKING TICKETS AND OTHER SUMS DUE MUST BE PAID; SALES CONTRACT OR DEED REQUIRED; HAS LOCAL FORM
GLENDALE HEIGHTS (DuPage)	Seller	\$3.00/\$1000.00	300 E. Fullerton Glendale Heights, IL 60139	(630) 260-6000 X: 333	WATER AND SEWER BILLS MUST BE PAID; HAS LOCAL FORM; \$25 FEE FOR EXEMPT STAMP; COPY OF DEED AND DECLARATION REQUIRED
GLENWOOD (Cook)	Seller	\$5.00/\$1000.00	1 Asselborn Way Glenwood, IL 60425	(708) 753-2400	OCCUPANCY INSPECTION REQUIRED (\$35.00); WATER BILL MUST BE PAID; HAS LOCAL FORM; COPY OF CONTRACT REQUIRED; NO PERSONAL CHECKS
HANOVER PARK (Cook) (DuPage)	Seller	\$1.50/\$500.00	2121 W. Lake St. Hanover Park, IL 60103	(630)-372-4200	SUMS DUE MUST BE PAID; HAS LOCAL FORM; \$10 FEE FOR EXEMPT STAMP
HARVEY (Cook)	Split Equally	\$4.00/\$1000.00 plus \$45.00 Buyer's Expense for Administrative Processing Fee	15320 Broadway Harvey, IL 60426	(708) 210-5300 Planning Dept.	WATER BILL MUST BE PAID; INSPECTION REQUIRED; COPY OF DEED REQUIRED; CHARGE FOR EXEMPT STAMP; HAS LOCAL FORM
HARWOOD HEIGHTS (Cook)	Buyer	\$10.00/\$1000.00	7343 W. Lawrence Ave. Harwood Heights, IL 60706	(708) 867-7200	WATER BILL MUST BE PAID; INSPECTION REQUIRED (\$50); HAS LOCAL FORM; DEED AND ILLINOIS DECLARATION REQUIRED; \$50 FEE FOR EXEMPT STAMP
HIGHLAND PARK (Lake)	Seller	\$5.00/\$1000.00	1707 St. Johns Ave. Highland Park, IL 60035	(847) 432-0800 Finance Dept.	WATER BILL MUST BE PAID; ORIGINAL DEED REQUIRED FOR EXEMPT ONLY; HAS LOCAL FORM; NO PERSONAL CHECKS

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HIGHWOOD (Lake)		\$5.00/\$1000.00	17 Highwood Ave. Highwood, IL 60040	(847) 432-1924	THE TRANSFER FEE IS APPLICABLE FOR TOWN OF FORT SHERIDAN SUBDIVISION; HAS LOCAL FORM; COPY OF DEED REQUIRED, NO PERSONAL CHECKS
HILLSIDE (Cook)	Buyer	\$3.75/\$500.00	30 N. Wolf Road Hillside, IL 60162	(708) 449-6450	FINAL WATER READING AND INSPECTION REQUIRED (\$20); ORIGINAL ILLINOIS DECLARATION REQUIRED; HAS LOCAL FORM
HOFFMAN ESTATES (Cook)	Seller	\$3.00/\$1000.00	1900 Hassell Rd. Hoffman Estates, IL 60195	(847) 882-9100	WATER BILL MUST BE PAID; HAS LOCAL FORM; ILLINOIS DECLARATION REQUIRED; \$10 FEE AND COPY OF DEED FOR EXEMPT STAMP
JOLIET (Kendall) (Will)	Seller	\$3.00/\$1000.00	150 W. Jefferson Joliet, IL 60432	(815) 724-3902	RESIDENTIAL TRANSFER INFORMATION AND DISCLOSURE FORM REQUIRED BEFORE CONTRACT ENTERED INTO IF RESIDENTIAL (SINGLE FAMILY, CONDOMINIUM OR TOWNHOME); SIGNED FORM REQUIRED FOR PURCHASE OF STAMPS; SUMS DUE MUST BE PAID; FINAL WATER READING; ORIGINAL DEED REQUIRED; HAS LOCAL FORMS
LINCOLNSHIRE (Lake)	Buyer	\$3.00/\$1000.00	1 Olde Halfday Road Lincolnshire, IL 60069 Klein, Thorpe & Jenkins 20 N. Wacker Dr. #1660 Chicago, IL 60606	(847) 883-8600 (312) 984-6400	WATER BILL MUST BE PAID; COPY OF ILLINOIS DECLARATION REQUIRED
MAYWOOD (Cook)	Seller	\$4.00/\$1000.00	40 E. Madison Plaza Maywood, IL 60153	(708) 450-4405 Clerk's Office	WATER BILL MUST BE PAID; INSPECTION AND ORIGINAL DEED REQUIRED; HAS LOCAL FORM
MCCOOK (Cook)	Seller	\$5.00/\$1000.00 (Minimum of \$100.00)	5000 Glencoe Ave. McCook, IL 60525	(708) 447-9030	WATER BILL MUST BE PAID; CHARGE FOR SOME EXEMPTIONS; APPLICABLE TO SOME LEASEHOLDS; HAS LOCAL FORM; ORIGINAL DEED; RESIDENTIAL BUILDING INSPECTION

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MELROSE PARK (Cook)		None	1000 N. 25 th St. Melrose Park, IL 60160	708-343-4000 x: 28	VILLAGE INSPECTION REQUIRED; FEES: \$75.00 AND UP; ALLOW 2 WEEKS
METTAWA (Lake)	Buyer	\$5.00/\$1000.00	1000 Allanson Road Mundelein, IL 60060	(847) 949-4015	ORIGINAL DEED OR FACSIMILE ABI REQUIRED; HAS LOCAL FORM
MORTON GROVE (Cook)	Seller	\$3.00/\$1000.00	6101 Capulina St. Morton Grove, IL 60053	(847) 965-4100	WATER AND SEWER BILLS MUST BE PAID; HAS LOCAL FORM; COPY OF ILLINOIS DECLARATION AND SALES CONTRACT REQUIRED; NO PERSONAL CHECKS; WARRANTY DEED
MOUNT PROSPECT (Cook)	Buyer	\$3.00/\$1000.00	100 S. Emerson Mt. Prospect, IL 60056 Pedersen & Houpt 161 N. Clark, #3100 Chicago, IL 60601	(847) 392-6000 (312) 641-6888	WATER AND SEWER BILLS MUST BE PAID; VIOLATIONS OF PROPERTY MAINTENANCE CODE MUST BE RESOLVED; HAS LOCAL FORM, COPY OF ILLINOIS DECLARATION REQUIRED
NAPERVILLE (DuPage) (Will)	Buyer	\$1.50/\$500.00	400 S. Eagle St. P. O. Box 3020 Naperville, IL 60566	(630) 420-6059	HAS LOCAL FORM; CERTIFICATE REQUIRED FOR EXEMPTION; IF NON- RESIDENTIAL, CITY REQUIRES ALL UTILITY BILLS TO BE PAID (INCLUDING A FINAL PRO- RATED BILL); COPY OF CONTRACT
NILES (Cook)	Buyer	\$3.00/\$1000.00	1000 Civic Center Dr. Niles, IL 60714	(847) 588-8000	WATER BILL MUST BE PAID; INSPECTION REQUIRED; REAL ESTATE CONTRACT REQUIRED; HAS LOCAL FORM
NORRIDGE (Cook)			4000 N. Alcott Norridge, IL 60706	(708) 453-0800	\$25 FEE AND INSPECTION REQUIRED BEFORE "TRANSFER CERTIFICATE" MAY ISSUE
NORTH CHICAGO (Lake)	Buyer	\$5.00/\$1000.00	1850 Lewis Ave. North Chicago, IL 60064	(847) 596-8625	WATER BILL MUST BE PAID; CERTIFICATE FROM BUILDING COMMISSIONER REQUIRED; COPY OF CONTRACT REQUIRED; HAS LOCAL FORM; NO PERSONAL CHECKS
OAK LAWN (Cook)	Seller	\$5.00/\$1000.00	9446 Raymond Oak Lawn, IL 60453 Klein, Thorpe & Jenkins 20 N. Wacker Dr. #1660 Chicago, IL 60606	(708) 499-7761 Finance Dept. (312) 984-6400	WATER BILL MUST BE PAID; HAS LOCAL FORM; NO PERSONAL CHECKS

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OAK PARK (Cook)	Seller	\$8.00/\$1000.00	123 Madison St. Oak Park, IL 60302	(708) 358-5675 Vernell Henderson	FINAL WATER AND SEWER READING; INSPECTION REQUIRED IF 4+ UNITS; HAS LOCAL FORM; COPY OF CONTRACT OR ILLINOIS DECLARATION REQUIRED
PARK FOREST (Cook) (Will)	Seller	\$5.00/\$1000.00	350 Victory Drive Park Forest, IL 60466	(708) 748-1112	SUMS DUE MUST BE PAID; INSPECTION REQUIRED; HAS LOCAL FORM; \$15 FEE FOR EXEMPTIONS
PARK RIDGE (Cook)	Seller	\$2.00/\$1000.00	505 Butler Place Park Ridge, IL 60068	(847) 318-5289	WATER BILL MUST BE PAID; ZONING INSPECTION REQUIRED; HAS LOCAL FORM
POSEN (Cook)		None	2440 W. Walter Zimny Drive Posen, IL 60469	(708) 385-0139	ORDINANCE REQUIRES NOTICE TO VILLAGE CLERK OF INTENT TO SELL ANY RESIDENTIAL PROPERTY, VILLAGE INSPECTION AND CERTIFICATE OF COMPLIANCE
RIVER FOREST (Cook)	Seller	\$0.50/\$1000.00	400 Park Avenue River Forest, IL 60305	(708) 366-8500	WATER READING REQUIRED; INSPECTION REQUIRED; HAS LOCAL FORM; ZONING INSPECTION
RIVER GROVE (Cook)	Seller	\$50.00/trans. If single family; \$25.00 plus \$25.00 for each unit if apt. bldg.; \$100.00 other properties	2621 N. Thatcher Ave. River Grove, IL 60171	(708) 453-8000 Building Dept.	WATER BILL AND OTHER OBLIGATIONS MUST BE PAID; COPY OF DEED REQUIRED
ROLLING MEADOWS (Cook)	Seller	\$3.00/\$1000.00	3600 Kirchoff Rolling Meadows, IL 60008	(847) 394-8500	WATER AND SEWER BILLS MUST BE PAID; COPY OF DEED AND ILLINOIS DECLARATION REQUIRED; HAS LOCAL FORM; FEE FOR EXEMPT STAMP
SCHAUMBURG (Cook) (DuPage)	Seller	\$1.00/\$1000.00	101 Schaumburg Ct. Schaumburg, IL 60193	(847) 895-4500	WATER BILL MUST BE PAID; COPY OF ILLINOIS DECLARATION REQUIRED, HAS LOCAL FORM; \$10 FEE FOR EXEMPT STAMP
SKOKIE (Cook)	Seller	\$3.00/\$1000.00	5127 Oakton Skokie, IL 60077 Elaine Jacobson 33 N. LaSalle, #2131 Chicago, IL 60602	(847) 673-0500 (312) 263-7377	WATER BILL MUST BE PAID; HAS LOCAL FORM; \$15 FEE FOR EXEMPT STAMP

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STICKNEY (Cook)	Seller	\$5.00/\$1000.00	6533 W. Pershing Rd. Stickney, IL 60402-4018	(708) 749-4400	FINAL WATER READING; ORIGINAL DEED AND STATE AND COUNTY DECLARATIONS AND COPY OF CONTRACT REQUIRED; HAS LOCAL FORM; NO PERSONAL CHECKS; \$25 FEE FOR EXEMPT STAMP
STONE PARK (Cook)	Seller	\$2.00/\$500.00	1629 N. Mannheim Stone Park, IL 60165	(708) 345-5550	FINAL WATER READING; HOUSING INSPECTION REQUIRED (\$50 PER RESIDENCE); ILLINOIS DECLARATION FORM REQUIRED
STREAMWOOD (Cook)	Seller	\$3.00/\$1000.00	301 E. Irving Park Streamwood, IL 60107	(630) 837-0200 Finance Dept.	WATER BILL MUST BE PAID; HAS LOCAL FORM; COPY OF ILLINOIS DECLARATION REQUIRED; \$10 FEE FOR EXEMPT STAMP
UNIVERSITY PARK (Cook) (Will)	Seller	\$1.00/\$1000.00	698 Burnham Drive University Park, IL 60466	(708) 534-6451	ALL SUMS DUE MUST BE PAID; INSPECTION REQUIRED (\$250, NO PERSONAL CHECKS); HAS LOCAL FORM
WESTCHESTER (Cook)	Seller	\$50.00/trans.	10300 Roosevelt Road Westchester, IL 60154	(708) 345-0020	FINAL WATER READING; \$75.00 HOME INSPECTION; ORIGINAL DEED REQUIRED; STAMP, ALSO REQUIRED BY THE RECORDER'S OFFICE TO RECORD DEED
WHEATON (DuPage)	Buyer	\$2.50/\$1000.00	303 W. Wesley Wheaton, IL 60187	(630) 260-2027	WATER AND BILL MUST BE PAID; COPY OF CONTRACT OR STATE DECLARATION REQUIRED; HAS LOCAL FORM
WILMETTE (Cook)	Buyer	\$3.00/\$1000.00	1200 Wilmette Ave. Wilmette, IL 60091	(847) 251-2700 X: 7610	WATER BILL AND OTHER INVOICES MUST BE PAID; HAS LOCAL FORM
WOODRIDGE (DuPage) (Will)	Seller	\$2.50/\$1000.00	5 Plaza Drive Woodridge, IL 60517	(630) 852-7000	WATER READING REQUIRED; \$75 OR AVERAGE OF LAST 2 BILLS DEPOSIT TOWARDS FINAL WATER BILL; DEED AND STATE DECLARATION REQUIRED; HAS LOCAL FORM
WORTH (Cook)		None	7112 W. 111th St. Worth, IL 60482	(708) 448-1181	NO FEE; NEED CERTIFICATE OF PAYMENT FOR WATER AND SEWER - \$20.00 FEE

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<u>STATE</u>					
ILLINOIS	Either party/ Seller customary	\$0.50/\$500.00	County Recorder's Office (see below)	(see below)	SEE 35 ILCS 200/31-1 <i>ET SEQ.</i>
<u>COUNTIES</u>					
COOK	Seller	\$0.25/\$500.00	Cook County Recorder 118 N. Clark St., #120 Chicago, IL 60602	(312) 603-5050	HAS ITS OWN DECLARATION FORM
DEKALB	Either party/ Seller customary	\$0.25/\$500.00	DeKalb County Recorder 110 E. Sycamore St. Sycamore, IL 60178	(815) 895-7156	USE STATE DECLARATION FORM
DUPAGE	Either party/ Seller customary	\$0.25/\$500.00	DuPage County Recorder 421 N. County Farm Road Wheaton, IL 60187	(630) 682-7200	USE STATE DECLARATION FORM
KANE	Either party/ Seller customary	\$0.25/\$500.00	Kane County Recorder 719 S. Batavia Ave. Bldg C Geneva, IL 60134	(630) 232-5935	USE STATE DECLARATION FORM
KENDALL	Either party/ Seller customary	\$0.25/\$500.00	Kendall County Recorder 111 W. Fox St. Yorkville, IL 60560	(630) 553-4112	USE STATE DECLARATION FORM
LAKE	Either party/ Seller customary	\$0.25/\$500.00	Lake County Recorder 18 N. County St. Waukegan, IL 60085	(847) 360-6673	USE STATE DECLARATION FORM
MCHENRY	Either party/ Seller customary	\$0.25/\$500.00	McHenry County Recorder 2200 N. Seminary Ave. Woodstock, IL 60098	(815) 334-4110 (815) 338-2040 x: 115	USE STATE DECLARATION FORM
ROCKFORD	Either party/ Seller customary	\$1.50/\$1000.00	Rockford County Recorder 404 Elm St. Rockford, IL 61101	815-987-3100	USE STATE DECLARATION FORM
WILL	Either party/ Seller customary	\$0.25/\$500.00	Will County Recorder 58 E. Clinton Suite 100 Joliet, IL 60432	(815) 740-4637	USE STATE DECLARATION FORM

NOTE: While every effort has been made to ensure the accuracy of this chart, the information contained herein is subject to change at any time. The appropriate county or municipality should be contacted for the most current information and requirements. This list is updated twice a year, in February and August. For the most recent on-line listing, go to <http://www.cmetro.ctic.com>.

Appendix G
Sales Tax Assumptions and Calculations

The second table on page 9 of the report, which contains estimates of the percentage of sales tax paid by Galena residents versus that paid by visitors to Galena, relied on the calculations and assumptions shown here:

1. The Report of Sales Tax Receipts by Standard Industrial Classification for the liability periods of January 01, 2002 through December 31, 2002 which were collected in February 01, 2002 through January 31, 2003 shows that Galena's total 1% Municipal Sales Tax collected was \$753,449.92 or \$753,450 (rounding to the nearest 10). This amount includes the general sales tax collected AND the 1% collected on "food, drugs and medical appliances". Home rule sales taxes would only apply to the general sales tax items.

The Galena Municipal Tax total MINUS the 1% "food, drugs and medical appliances" was calculated by dividing the State's 5% total sales tax (which does NOT include "food, drugs and medical appliances") by 5 ($\$3,140,666.08/5 = \$628,133.22$). This means that Galena collected 1% Sales Tax of \$628,130 (rounding to the nearest ten) and 1% tax on "food, drugs and medical appliances" of \$125,316.70, or \$125,320 ($\$628,130 + \$125,320 = \$753,450$).

2. The \$483,130 figure shown in the second table on page 9 for "Sales Tax Revenue Collected" was calculated by subtracting the \$145,000 dedicated to the TIF District from the \$628,130 1% Municipal Sales Tax ($\$628,130 - \$145,000 = \$483,130$).
3. An estimate of the percentages of 1% sales tax paid by Galena residents and that paid by visitors was looked at in two ways, and the most conservative estimate was used in the table:
 - a. A comparison was made between the per capita amount of 1% municipal sales tax collected within the state as a whole ($\$1,310,495,467.89/2000$ state municipal population of 10,749,236 = \$121.92 per person) versus that collected within Galena ($\$753,449.92/2000$ pop. 3,460 = \$217.76 per person). Galena collected \$95.84 more per person than the state's municipalities as a whole did. Assuming that the additional revenue above the state's municipal per capita rate was generated by visitors to Galena, one can say that \$331,606.40 ($\$95.84/\text{person} \times 3,460 \text{ people} = \$331,606.40$) or 44% of the 1% sales tax (including that paid on "food, drugs and medical appliances") was paid by visitors, while 56% was paid by Galena residents.
 - b. Another approach involves comparing Galena with a community of similar size that does not have a tourism economy. The City of Fulton (in Whiteside County) has a population of 3,881. Fulton collected \$212,664.44 from the 1% Municipal Sales Tax for a total of \$54.80 per capita. Galena collected \$162.96 more per capita than Fulton did ($\$217.76 - \$54.80 = \$162.96$). Assuming that the additional revenue above Fulton's per capita rate was generated by visitors to Galena, one can say that \$563,841.60 ($\$162.96/\text{person} \times 3,460 \text{ people} = \$563,841.60$) or 75% of the 1% sales tax (including that paid on "food, drugs and medical appliances") was paid by visitors, while 25% was paid by Galena residents.

The table on page 13 of the report, which contains estimates of the percentage of the “Drinking and Eating Places” portion of the sales tax paid by Galena residents versus that paid by visitors to Galena, relied on the calculations and assumptions shown here:

1. The Report of Sales Tax Receipts by Standard Industrial Classification for the liability periods of January 01, 2002 through December 31, 2002 which were collected in February 01, 2002 through January 31, 2003 shows that Galena’s total 1% Municipal Sales Tax collected by businesses in the category “Drinking and Eating Places” was \$136,992.39.
2. An estimate of the percentages of “Drinking and Eating Places” sales tax paid by Galena residents and that paid by visitors was looked at in two ways, and the most conservative estimate was used in the table:
 - a. A comparison was made between the per capita amount of “Drinking and Eating Places” municipal sales tax collected within the state’s municipalities as a whole ($\$132,110,390.71 / 2000$ state municipal population of 10,749,236 = \$12.29 per person) versus that collected within Galena ($\$136,992.39 / 2000$ pop. 3,460 = \$39.59 per person). Galena collected \$27.30 more per person than the state’s municipalities as a whole did. Assuming that the additional revenue above the state’s per capita rate was generated by visitors to Galena, one can say that \$94,458 ($\$27.30/\text{person} \times 3,460 \text{ people} = \$94,458$) or 69% of the 1% “Drinking and Eating Places” sales tax was paid by visitors while 31% was paid by Galena residents.
 - b. Another approach involves comparing Galena with a community of similar size that does not have a tourism economy. The City of Fulton (in Whiteside County) has a population of 3,881. Fulton collected \$13,147.10 from the 1% “Drinking and Eating Places” Municipal Sales Tax for a total of \$3.39 per capita. Galena collected \$36.20 more per capita than Fulton did ($\$39.59 - \$3.39 = \$36.20$). Assuming that the additional revenue above Fulton’s per capita rate was generated by visitors to Galena, one can say that \$125,252 ($\$36.20/\text{person} \times 3,460 \text{ people} = \$125,252$) or 91% of the 1% “Drinking and Eating Places” sales tax was paid by visitors, while 9% was paid by Galena residents.

Appendix H
Galena Properties Paying Hotel Motel Tax

1. Abby's High Street	25. Helmann
2. Abe's Spring Street	26. Irish Cottage Hotel
3. Abigail's Honeymoon Cottage	27. John Henry Guest House
4. Aldrich Guest House	28. Logan House
5. Allens' Bedford Guest House	29. Main Street Inn
6. Allens' Ryan Mansion	30. Palace Campground
7. Annie Wiggins Guest House	31. Park Avenue Guest House
8. Anna's Snoop Sister's Inn	32. Queen Anne Guest House
9. Avery Guest House	33. Renaissance Suites
10. Best Western Quiet House	34. Steamboat House
11. Mars Avenue Guest House	35. Stillman Inn
12. Briar Wreath Guest House	36. Stoney Creek
13. Captain Gear Guest House	37. Triangle Motel
14. Captain Harris Guest House	38. Victorian Mansion
15. Carry's Vintage Inn	39. Victorian Pines
16. Cloran Mansian Guest House	
17. Country Inn & Suites	
18. DeSoto Hotel	
19. DeZoya Guest House	
20. Farmers Guest House	
21. Felt Manor	
22. Gallery Guest Studio Suite	
23. Grandview	
24. Green Briar	

Legal Q & A

By BETH ANNE JANICKI, Chief Legal Counsel, IML and
LORI ANN VERKUILEN, Paralegal, IML

This monthly column examines issues of general concern to municipal officials. It is not meant to provide legal advice and is not a substitute for consulting with your municipal attorney. As always, when confronted with a legal question, it is essential to contact your municipal attorney as certain unique circumstances may alter any conclusions reached herein.

Q: What is "Home Rule" and is it the greatest thing since kissing?

A: Many times when the League is contacted by an elected official with a question regarding municipal authority, the first question we must ask in response is: "are you a home rule unit?" Surprisingly, the answer we frequently receive is "I'm not sure" or "I don't really know." If you happen to be one of those officials who is not very clear on the concept of home rule, don't feel bad. Very few individuals fully understand the concept of home rule, which after much interpretation and construction by Illinois courts has become somewhat of an elusive concept. This article is intended to provide a brief overview of the home rule provisions contained in the Illinois Constitution of 1970 and what they have come to mean to Illinois municipalities. Specific questions regarding the extent of home rule authority should be directed to your municipal attorney.

Black's Law Dictionary defines "home rule" as:

State Constitutional provision or type of legislative action which results in apportioning power between state and local government by providing local cities and towns with a measure of self-government if such local government accepts terms of the state legislation.[1]

From the above-cited definition, one can clearly identify what the goal of home rule is -- "self-government." Home rule is a term which was given to a concept created to provide units of local government with an increased means of local control. The theory behind home rule was that some problems are inherently local in nature and, thus, are better dealt with at the local level since a "one-size fits all" state legislative solution couldn't possibly foresee problems which are uniquely local in nature. The creation of home rule was triggered by the increasing urbanization and complexity of society. As municipalities became larger and less rural, they desired

governmental independence and the ability to deal with local problems at the local level. What home rule does is to reverse what is commonly known as "Dillon's Rule." [2] "Dillon's Rule" stands for the proposition that in order for a municipality to be able to act or legislate in a given area, it must point to statutory authority to act or its actions must be necessarily implied from a given statute. Thus, prior to home rule, municipalities had to point to a specific statute in order to act.

Today, forty states have some form of home rule. Thirty states have home rule granted by their State Constitution and the others have a form of statutory home rule authority. In Illinois, we have home rule pursuant to the Illinois Constitution of 1970. [3] Home rule in Illinois, however, was an uphill battle and took almost 50 years to achieve. At a 1969 IML Newly Elected Officials Seminar, a prominent municipal attorney accurately reflected upon the feelings present in the municipal community at the time of the Constitutional Convention wherein home rule was quite a hot topic:

Someone asked me this afternoon, 'what is home rule?' I can well understand the amazement of a public official attending a League meeting for the first time. Every speaker says how wonderful home rule would be but no one will tell him what it is. It must, however, be the greatest thing since kissing.'

Home rule' is basically the power of municipalities to have the say-so over matters of local concern and importance. However, Illinois municipalities today are frustrated at every step of their orderly development by this lack of power. Every move they make must be governed by state laws which were drafted to fit 1260 municipalities and which fit any particular one worse than army fatigues. What we need -- and what the Constitutional convention can give us -- is the power to legislate in those areas where a decision made in the Village of Oak Park by the trustees of Oak Park will be better or more fitting than one made in Springfield.

The question asked this afternoon was whether home rule would mean 1200 independent kingdoms afloat in a sea of chaos. One might ask whether the current situation of 1200 municipalities bound hand and foot swaying plaintively in the direction of Springfield is any better. Luckily, however, we need not choose one or the other. Thirty-five (35) states now have home rule in one form or another . Home rule works.

Reading the municipal laws of this state causes one to wonder why we are willing to continue to put up with so many outdated provisions; why we refuse to mold

our government to present-day needs and realities; why we fear change and refuse to experiment with our legislative tools as though to change would be to enslave us forever. This willingness to only patch, tinker, or evade legislative session after legislative session, is a sad commentary on our political initiative, our resourcefulness and our willingness to trust our democratic concept of government. In short, the archaic condition of our Constitution need not stampede us into home rule; yet, how sad for us all if we should pale at the challenge.[4]

Opponents of home rule were mainly smaller communities who believed that it was merely a means of providing more power to the already powerful larger communities. Eventually, these opponents came to realize that all municipal needs could not be met by the General Assembly and home rule became effective on July 1, 1971 (the effective date of the Illinois Constitution of 1970). On that date, 60 municipalities and one county (Cook) became home rule. Currently, there are 139 municipalities and one county (Cook) that are home rule. Presently over 70% of the population of our state resides in a home rule unit of government.

Now that you are aware of what home rule means, you might ask how is the status of home rule conveyed upon a municipality? There are two ways to become a home rule unit. The first is by population. Any municipality with a population over 25,000 automatically attains home rule status. The second method is by referendum which can be initiated either by resolution of the governing body or by a petition signed by 10% of the voters in the last election.[5] These referenda can be attempted only once every 23 months.[6] An important thing to remember is that once home rule status is attained, a municipality is not forever bound to remain home rule. Home rule status can be lost via referendum. If this does happen, any home rule ordinances previously enacted remain effective.[7] Moreover, an election to change from home rule to non-home rule can only be held once every 47 months.[8] A decrease in population has no effect on the status of a municipality which has already achieved home rule automatically by population. However, the municipal clerk is required to certify the question for submission to the voters of whether home rule status should be retained within two calendar years after the population decrease is discovered unless such a referendum is held sooner or a referendum has been held within two calendar years preceeding the year wherein the decrease in population was discovered.[9]

Once home rule status has been attained, what can a home rule unit do? The general grant of home rule authority provides:

... a home rule unit may exercise any power and perform any function relating to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare, to license; to tax and to incur debt.[10]

What do we learn from the above language? First, a home rule unit can act on matters which relate to its "government and affairs" or in other words, it must act on matters which relate to its own problems and not those of the state or nation. This is an area where courts have had a significant hand in the interpretation of what constitutes a matter pertaining to "government and affairs." For example, an ordinance banning the possession of handguns was found to pertain to the government and affairs of a municipality.[11] The Illinois Supreme Court stated:

Villages have an obvious interest not only in reducing premeditated crime within their boundaries but also in minimizing the effects of domestic violence or spontaneous quarrels. They also have an interest in reducing the possibility of serious accidents resulting from the accessibility to children of attractive but dangerous instrumentalities such as handguns.[12]

On the other hand, a home rule noise control ordinance was found to be unrelated to the municipality's government and affairs because, according to the Illinois Supreme Court, noise control is a matter requiring regional, if not statewide, standards and controls since it extends far beyond its source.[13]

Pursuant to the general home rule grant of authority, a home rule unit may also take actions which protect the public health, safety, morals and welfare. This would include, but is not limited to, areas such as sanitation, nuisance, zoning and building. For example, an ordinance banning pay toilets in public places was upheld as a proper exercise of home rule police power.[14] The public health aspects of such an ordinance are clear. Moreover, an ordinance concerning unlocked and unattended motor vehicles in a public place with the motor running was also upheld as proper.[15] One can easily see the public safety benefits of such an ordinance.

Home rule units are also granted broad licensing power under the constitution. Unless prohibited by law, home rule units can license anything as long as it is related to the good of the general public. Licensing merely as a means of revenue generation, however, is prohibited. This means that if a home rule unit is going to license, there must be some concurrent degree of regulation or supervision along with the licensing. License fees may be charged, but these must reasonably relate to the cost of enforcement.[16]

Except where limited by statute, home rule units have broad general taxing power. However, home rule units have only the power provided by law to impose taxes upon or measured by income or earnings or upon occupations. For example, a City of Chicago cigarette tax was upheld against the argument that it was an occupation tax on tobacco sellers. The tax was seen as being imposed upon the transaction of the sale of tobacco and not on the seller.[17] However, an ordinance imposing an amusement tax on racquet and fitness clubs which was collected by club operators was found to be an unlawful occupation tax.[18]

A home rule unit, unless limited by the General Assembly, also has a somewhat unlimited ability to incur debt.[19] The only limit is that debt payable from property taxes must mature within 45 years.

Finally, a home rule unit may alter, adopt or repeal a form of government provided by law or it may provide for its officers, their manner of selection and term of office via referendum.[20]

Pursuant to the Illinois Constitution, home rule units specifically may not define and provide for the punishment of a felony or imprison for more than 6 months.[21]

The drafters of the Illinois Constitution also provided a "legislative escape value" in the form of home rule preemption.[22] This is a method by which the General Assembly can declare something exclusively within the authority of the State, may declare that a home rule unit may act concurrently with the State, or they can completely deny or limit a home rule power or function. It is important to remember that legislative preemption is different than a matter which is not a proper exercise of home rule powers. Legislative preemption involves matters which are likely within a home rule unit's authority but the General Assembly has determined that home rule units should not act within the specific area.

An additional type of preemption has become quite common although it is not provided for in the Constitution. The General Assembly sometimes finds it necessary to preempt all home rule units except the City of Chicago. This type of preemption, sometimes called partial preemption, has been upheld by the Illinois Supreme Court.[23]

Home rule preemptions have become very common in the Illinois General Assembly. Sometimes home rule preemptions are placed into legislation which deals with areas where many home rule units do not even exercise their powers and with absolutely no showing of abuse by home rule units. Municipalities, whether home rule or not, must continue to vow to preserve the

grant of local control provided in the Constitution of 1970 and limit the increasing number of legislative preemptions.

In conclusion, one might ask "what are some compelling reasons in favor of or against home rule?" Some arguments in favor are that home rule provides greater flexibility to tailor local solutions to local problems; it provides more autonomy because since reliance on express authority of the General Assembly will be decreased; home rule provides the ability to create a more satisfied community because of broad health, safety and welfare powers; and, finally, it provides the ability for a larger revenue base to provide new services and keep property taxes lower. As far as arguments against home rule go, there aren't very many.

Is home rule the greatest thing since kissing? Depending upon who you are kissing, it's probably a close call.

NOTES

1. Black's Law Dictionary 733(6th ed.1990).
2. Dillon's rule was enunciated by Iowa Supreme Court Justice John F. Dillon in *City of Clinton v. Cedar Rapids and Missouri River Railroad*.
3. Ill. Const. 1970, Art. VII, §6.
4. Home Rule and The Illinois Constitutional Convention, Ancel, Louis, 1969 IML Conference for Newly Elected Officials.
5. Ill. Const. 1970, Art. VII, §6(a).
6. 10 ILCS 5/28-7.
7. Royal Liquor Mart v. City of Rockford, 133 Ill. App. 868, 479 N.E. 2d 485, 88 Ill. Dec. 872 (2d Dist. 1985).
8. 10 ILCS 5/28-7.
9. 65 ILCS 5/1-1-9.
10. Ill Const. 1970, Art. VII, §6(a).
11. Kalodimos v. Village of Morton Grove, 103 Ill. 2d 483, 470 N.E. 2d 266, 83 Ill. Dec. 308 (1984).
12. Id at 503-504.
13. City of Des Plaines v. Chicago and Northwestern Railway, 65 Ill. 2d 1, 357 N.E. 2d 433, 2 Ill. Dec. 266 (1976).

14. Greyhound Lines, Inc. v. City of Chicago, 24 Ill. App. 3d 718, 321 N.E. 2d 293. (1st Dist. 1974).
15. Ruyle v. Reynolds, 43 Ill. App. 3d 905, 357, N.E. 2d 804, 2 Ill. Dec. 584 (4th Dist. 1976).
16. A & H Vending Services, Inc. v. Village of Schaumburg, 168 Ill. App. 3d 61, 522 N.E. 2d 188, 118 Ill. Dec. 733 (1st Dist. 1988), (an ordinance licensing vending machines with a 5 to 1 ratio of fees to the cost of enforcement was upheld); but see Quad Canteen Service Corp. v. Ruzak, 85 Ill. App. 3d 256, 406 N.E. 2d 616, 40 Ill. Dec. 610. (2d Dist. 1980), (a 10 to 1 ratio of fees to cost of enforcement of vending machine licensing ordinance was unconstitutional).
17. Bloom v. Korshak, (1972) 52 Ill. 2d 56, 284 N.E. 2d 257.
18. Chicago Health Clubs v. Picur, 124 Ill. 2d 1, 528 N.E. 2d 978, 124 Ill. Dec. 87 (1988).
19. Ill. Const. 1970 Art. VII, §6(k) provides:
(k) the General Assembly may limit by law the amount and require referendum approval of debt to be incurred by home rule municipalities, payable from ad valorem property tax receipts, only in excess of the following percentages of the assessed value of its taxable property: (1) if its population is 500,000 or more, an aggregate of three percent; (2) if its population is more than 25,000 and less than 500,000, an aggregate of one percent; and (3) if its population is 25,000 or less, an aggregate of one-half percent. Indebtedness which is outstanding on the effective date of this Constitution or which is thereafter approved by referendum or assumed from another unit of local government shall not be included in the foregoing percentage amounts.
20. A home rule ordinance which removed the mayor's power to appoint officers by converting those offices into employments was found improper since it changed an integral part of the form or structure of the government. Thus a referendum was necessary. Pechous v. Slawko, 64 Ill. 2d 576, 357 N.E. 2d 1144, 2 Ill. Dec. 701 (1976). 21. Ill. Const. Art. VII, §6(e).
22. Ill. Const. Art. VII, §6(g)(h)(i).
23. Nevitt v. Langfelder, 157 Ill. 2d 116, 623 N.E. 2d 281, 191 Ill. Dec. 36 (1993).



HOME RULE *QUESTIONS & ANSWERS*

WHAT IS “HOME RULE”?

Under the 1970 Illinois Constitution, Home Rule shifts decision making from the state level (Springfield) to the local level (Lake Forest) enabling communities to find local solutions to local problems.

Home Rule communities are granted a broad range of powers for the local good unless exempted by the State. Often a Home Rule community is exempted from meeting requirements mandated by state legislation.

HOW DOES A COMMUNITY BECOME HOME RULE?

Municipalities with populations over 25,000 are automatically granted Home Rule status, while smaller communities can put the question on a ballot and let voters decide. The majority (over 70%) of Illinois’ 12.5 million citizens live in Home Rule communities. Among Illinois communities having Home Rule, 55% attained Home Rule status by voter approval of a Home Rule referendum, such as the one on the November 2, 2004 ballot. No community has petitioned to revoke Home Rule status in the past 20 years.

WHAT NEARBY COMMUNITIES ARE HOME RULE?

Deerfield	Gurnee	Mettawa	Skokie
Evanston	Highland Park	Mundelein	Waukegan
Glenview	Lincolnshire	Northbrook	Wilmette

Currently, several other North Shore communities like Lake Forest are considering voter approval of Home Rule status.

WHY IS LAKE FOREST CONSIDERING HOME RULE?

If approved by the voters, Home Rule will provide the City with additional flexibility and local control for maintaining the character of our community. It would enhance the City’s ability to preserve the integrity of its zoning ordinances, to operate in a more cost-effective manner, and to have a more diversified and flexible revenue base that could reduce dependency on property taxes.

WHAT ARE THE BENEFITS OF HOME RULE?

The adoption of Home Rule would provide Lake Forest greater protection from state mandates and the ability to solve problems at a local level. Specifically, major benefits frequently associated with Home Rule are threefold:

Maintaining Community Character

Home Rule would mean that the State of Illinois cannot intercede as a super zoning authority. The City would retain local control over zoning issues instead of allowing petitioners to go to the State for final decisions on such things as affordable housing, day care, etc. Petitions would come directly to the City and go through the local public hearing process for a decision. This local process gives residents the opportunity

to review petitions that directly impact their property. Lake Forest would have direct control over important issues that impact property values and community character.

Increased Financial Flexibility

Lake Forest's long-term financial stability is being impacted by decreasing revenues (tax cap limitation and a reduction in state revenues, development fees and sales taxes) coupled with increasing expenses (higher insurance, pension and health care costs, aging infrastructure, and additional state mandates). Home Rule is not only a flexible tool that endorses local decision making; it enables sound long-term fiscal planning.

Home Rule would provide Lake Forest with the flexibility to explore new funding sources, such as a licensing fee for service businesses (banks, landscapers, etc.), restaurant tax, real estate transfer tax, etc. Home Rule status would also allow the City to use the existing Hotel Tax revenue for infrastructure (streets, sewers, etc.) instead of limiting its use solely to tourism. Home Rule communities have more flexibility in regard to debt offerings often resulting in lower interest rates and a strengthened bond rating.

Reduced Regulation from State Mandates

Home Rule can afford Lake Forest greater protection against state control, such as the recently enacted Affordable Housing Act. Under that Act, Lake Forest could be required to increase its overall percentage of affordable housing to 10%, or approximately 330 new units. If Lake Forest were Home Rule, it could still support this important initiative but at a level that more appropriately addresses our community's needs. State legislatures often impose unfunded mandates on local governments to provide certain services that fail to provide a revenue source to offset the cost of those services.

WHAT ARE THE POTENTIAL DISADVANTAGES OF HOME RULE?

Home Rule gives local government greater discretion to generate revenues through issuing bonds and increased taxes -- i.e., property and sales tax increases, restaurant tax, real estate transfer tax, etc.

Home Rule permits greater local control over decision making without state oversight and without certain procedural limitations.

WILL PROPERTY TAXES INCREASE UNDER HOME RULE?

Based on the research of Professor James Banovetz, widely regarded as the foremost expert on Home Rule in Illinois, there is no evidence that Home Rule municipalities have higher or faster growing property taxes than comparable non-Home Rule municipalities. In fact, Home Rule status is often used to shift the tax burden from property taxes to other revenue sources, such as licensing fees, restaurant tax, real estate transfer tax, etc. This would diversify the revenue base and reduce the burden on property owners. Indeed, communities that have adopted Home Rule status have seen their property taxes increase at a lower rate than non-Home Rule communities.

The City Council has recognized the concern of residents about increased taxing authority. In early August 2004, the City Council adopted an ordinance to continue to adhere to the property tax limitations commonly referred to as the "property tax cap." The only exceptions to this limitation would be if an emergency or legal requirement dictates an increase or if the residents approved a referendum for an increase beyond that called for under tax cap legislation. Additionally, under a proposal before the City Council, if Home Rule authority is approved by the voters, any increase in tax rates would require two public meetings and a super-majority (two-thirds) vote of the City Council.

IF THE HOME RULE REFERENDUM IS APPROVED, DOES THAT MEAN THAT THE CITY WILL ADOPT A REAL ESTATE TRANSFER TAX?

The real estate transfer tax is one alternative revenue source that could be considered by The City of Lake Forest if the voters approve the Home Rule referendum. Before the City could enact a real estate transfer tax, however, voters would have to approve it on a separate referendum in the future.

HOW DOES HOME RULE AFFECT SCHOOL DISTRICT FUNDING?

Home Rule has no effect on School Districts 115 or 67 as they are independent governmental and funding bodies.

HOW DO RESIDENTS CONTROL THE USE OF HOME RULE?

Voters can petition to revoke a community's Home Rule status. (In Illinois, this has not occurred in the past 20 years.)

Another safeguard for taxation and spending restraint is resident participation in City government and local elections. One-half of the City's aldermen are up for election each year, the Mayor every two years. Lake Forest has a long-standing tradition of residents staying informed on local issues and communicating with local officials. If residents view the City Council as not fiscally prudent, residents can vote to change Council membership and leadership.

Finally, the Aldermen and Mayor are also residents. They would be personally impacted by any Council action.

IF THE HOME RULE REFERENDUM FAILS, HOW WILL IT AFFECT LAKE FOREST RESIDENTS?

Lake Forest will be required to comply with all State mandates, including those that are not funded; some current mandates could impact community character, long-term finances and property values.

Without the financial flexibility Home Rule provides, the City Council will continue to look for ways to contain costs to maintain a balanced budget and fund necessary capital expenditures. This would likely include reductions in personnel and equipment purchases; postponement/elimination of needed capital improvements (repairs to streets, sewers, parks, etc.); and/or modifications to user fees to fund service delivery costs (garbage collection, etc.).

In all likelihood, additional borrowing for infrastructure improvements would be required. The issuance of additional bonds would result in higher property taxes.

IF THE HOME RULE REFERENDUM IS APPROVED, HOW WILL IT AFFECT LAKE FOREST RESIDENTS?

Lake Forest will not be required to comply with all State mandates (whether funded or not) but will have the ability to evaluate certain State requirements and decide what is appropriate for Lake Forest.

The City Council will have the flexibility to explore a variety of alternative revenue sources to balance future budgets and fund needed infrastructure improvements.



LEARN MORE ABOUT HOME RULE

Residents have an opportunity to learn more about Home Rule and to discuss its impact on community character with their Aldermen at these upcoming meetings:

Ward 1: Thursday, September 23, 6:30-8:30 p.m.,
Sheridan School, 1360 N. Sheridan Road

Ward 2: Wednesday, September 29, 6:30-8:30 p.m.,
Cherokee School, 475 E. Cherokee Road

Ward 3: to be determined

Ward 4: Tuesday, September 28, 6:30-8:30 p.m.,
Everett School, 1111 Everett School Road

Public Forum: Wednesday, October 6, 6:30-8:30 p.m.,
location to be determined

For updates on these meetings and additional information on Home Rule, go to the City's website at www.cityoflakeforest.com and visit the "What's New" section.

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HOME RULE—ITS HISTORY AND EFFECT

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ILLINOIS MUNICIPAL LEAGUE

92nd Annual Conference

September 22-25 2005

Hilton Chicago Hotel

Chicago, Illinois

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HOME RULE—ITS HISTORY AND EFFECT

I. DILLON'S RULE

- A. Prior to the adoption of the 1970 Illinois Constitution, the powers of municipalities were circumscribed by "Dillon's Rule," which states:

It is a general and undisputed proposition of law that a municipal corporation possesses and can exercise the following powers and not others: First, those granted in express words; second, those necessarily or fairly implied in or incident to the powers expressly granted; third, those essential to the accomplishment of the declared objects and purposes of the corporation.

1 John F. Dillon, MUNICIPAL CORPORATIONS §237, pp. 448-449 (5th ed. 1911). *People ex rel. Ryan v. Village of Hanover Park*, 311 Ill.App.3d 515, 742 N.E.2d 132, 243 Ill.Dec. 823 (1999).

- B. Non-home rule units still operate under the restrictions of Dillon's Rule. Without statutory authority to act, the municipality is foreclosed from acting at all.
- C. Governmental powers are narrowly construed under Dillon's Rule, with any doubt being resolved against the exercise of such power. *Ives v. City of Chicago*, 30 Ill.2d 582, 198 N.E.2d 518 (1964).

- D. Dillon's Rule is rooted in the popular belief that local governmental legislators are prone to abuse their power to tax. Prior to the 1970 constitution, property tax limitations had reached a point at which they were so overlapping and confusing that they were barely capable of judicial interpretation, sometimes leading to implementation in an arbitrary and capricious fashion. Indeed, Illinois students of local government routinely attribute Illinois' unusually large number of local governments to the need to evade statutory restrictions on municipal taxing powers so that services demanded by the public could be provided. Banovetz, "Illinois Home Rule: A Case Study in Fiscal Responsibility," *Journal of Regional Analysis and Policy*, 32, p. 79 (2002).
- E. Despite the state's history of local government distrust, especially fears of unbridled property tax increases, home rule efforts ultimately proved successful when voters approved the 1970 Illinois Constitution. That constitution provided Illinois cities and villages with an optional home rule system that William N. Cassella of the National Civic League has called "the most advanced form [of government] as far as a flexible power system is concerned." *Banovetz, supra*.

II. CONSTITUTIONAL HOME RULE POWERS

- A. Article VII, §6(a) of the 1970 Illinois Constitution provides as follows:

(a) A County which has a chief executive officer elected by the electors of the county and any municipality which has a population of more than 25,000 are home rule units. Other municipalities may elect by referendum to become home rule units. Except as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs including, but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt.

- B. This is the basic grant of constitutional home rule powers. It expressly states that a home rule unit may exercise any power pertaining to its government and affairs.

Moreover, Section 6(m) states that, "Powers and functions of home rule units shall be liberally construed." This language was intended to reduce the likelihood of narrow judicial interpretations of home rule powers, which were intended by the drafters to be very expansive.

C. Indeed, the drafters of Article VII, '6, of the Illinois constitution clearly expressed their intent to reverse the traditional application of Dillon's Rule. During the course of the 1970 constitutional convention, John Parkhurst, one of the drafters, stated, "So we did come to grips with Dillon's Rule and we did try to turn it around 180 degrees [with respect to home rule units.]" See RECORD OF PROCEEDINGS, SIXTH ILLINOIS CONSTITUTIONAL CONVENTION, p. 3024 (1972).

D. In general, the courts have adhered to the principle that home rule legislative power is to be interpreted expansively. See *City of Evanston v. Create, Inc.*, 85 Ill.2d 101, 421 N.E.2d 196, 51 Ill.Dec. 688 (1981). The reversal of Dillon's Rule, as applied to home rule units, has been substantiated by a significant body of case law. *Id.*; *Webster v. City of Chicago*, 132 Ill.App.3d 666, 478 N.E.2d 446, 88 Ill.Dec. 131 (1st Dist. 1985). See also *People ex rel. Bernardi v. City of Highland Park*, 121 Ill.2d 1, 520 N.E.2d 316, 117 Ill.Dec. 155 (1988), which reaffirmed the abrogation of Dillon's Rule with respect to home rule units.

III. HOME RULE LEGISLATIVE AUTHORITY.

With the advent of home rule, the legal analysis regarding the breadth of corporate authorities' legislative authority must be revised completely. The appropriate inquiry with respect to home rule legislation is (a) whether the ordinance relates to the municipality's local government and

affairs and (b) whether the exercise of home rule powers has been superseded by other constitutional provisions or by appropriate action of the General Assembly. Unless some type of positive prohibition exists, the corporate authorities of a home rule unit have broad, discretionary powers to enact legislation.

- A. Home rule units have all the powers of a sovereign, limited only by the constitution or by the General Assembly in the manner provided by the constitution. Courts can invalidate home rule legislation only on the grounds that the enactment violates the Federal or State Constitution or violates a mandate imposed by state or federal statute. *City of Elgin v. County of Cook*, 169 Ill.2d 53, 660 N.E.2d 875, 214 Ill.Dec. 168 (1995); *Stahl v. Village of Hoffman Estates*, 296 Ill.App.3d 550, 694 N.E.2d 1102, 230 Ill.Dec. 824 (1st Dist 1998).
- B. It should be noted, however, that the acquisition of home rule authority does not automatically validate preexisting ordinances. If an ordinance was enacted before the acquisition of home rule powers, the ordinance's validity is tested under the municipality's prior, non-home rule status. *Bank of Elk Grove v. City of Joliet*, 171 Ill.App.3d 321, 525 N.E.2d 569, 121 Ill.Dec. 511 (3d Dist. 1988); *Application of County Collector of Kane County*, 132 Ill.2d 64, 547 N.E.2d 107, 138 Ill.Dec. 138 (1989) (pre-home rule ordinance regarding ordinance publication requirement was binding). A municipality need not enact an ordinance to execute its home rule powers. *Beneficial Development Corp. v. City of Highland Park*, 161 Ill.2d 321, 641 N.E.2d 435, 204 Ill.Dec. 211 (1994).
- C. There are express constitutional limitations under Article VII, Section 6 that preclude home rule units from:

1. Incurring debt in excess of 40 years
2. Adopting ordinances for the punishment of felonies
3. Providing for imprisonment of over 6 months
4. Licensing for revenue
5. Imposing taxes measured by income or earnings or upon occupations
6. Providing for its officers, their manner of selection and terms of office except as approved by referendum of otherwise authorized by law.

IV. HOME RULE AND LOCAL AFFAIRS

Home rule authority is very broad, but there are limitations to its exercise. One such limitation is that the home rule unit cannot legislate with regard to matters that are not of local concern.

- A. A home rule unit's legislation must relate to its local affairs or government. A home rule unit's legislation can relate only to its own legitimate concerns, not to those of the state or nation. *City of Des Plaines v. Chicago & North Western Ry.*, 65 Ill.2d 1, 357 N.E.2d 433, 2 Ill.Dec. 266 (1976) (railroad noise regulation a matter of statewide, not local, concern); *see also Oak Park Trust & Savings Bank v. Village of Mt. Prospect*, 181 Ill.App.3d 10, 536 N.E.2d 763, 129 Ill.Dec. 713 (1st Dist. 1989) (licensing of multifamily dwelling units is local concern); *Crain Enterprises, Inc. v. Mound City*, 189 Ill.App.3d 130, 544 N.E.2d 1329, 136 Ill.Dec. 554 (5th Dist. 1989) (vacation of streets and alleys is matter of local concern); *Kadzielawski v. Board of Fire & Police Commissioners*, 194 Ill.App.3d 676, 551 N.E.2d 331, 141 Ill.Dec. 338 (1st Dist. 1990) (ordinance creating imposition of fines to discipline police and fire employees); *Trettenero v. Civil Service Commission of City of Aurora*, 221 Ill.App.3d 326, 581 N.E.2d 857, 163 Ill.Dec. 703 (2nd Dist. 1991) (ordinance determines when hearing

before civil service commission is warranted); *Page v. City of Chicago*, 29 Ill.App.3d 450, 701 N.E.2d 218, 233 Ill.Dec. 575 (1998) (city's human rights ordinance). Property tax levies are matters of local concern and within the scope of home rule powers. *Trust No. 115 v. People ex rel. Little*, 328 Ill.App.3d 1033, 767 N.E.2d 933, 263 Ill.Dec. 207 (2002); *Alpha Gamma Rho Alumni v. People ex rel. Botlaw*, 322 Ill.App.3d 310, 750 N.E.2d 282, 255 Ill.Dec. 701 (2001).

- B. In *Kalodimos v. Village of Morton Grove*, 103 Ill.2d 483, 470 N.E.2d 266, 83 Ill.Dec. 308 (1984), the Supreme Court addressed the issue of whether a home rule unit had the power to bar the possession of handguns. The court's analysis of the issue began with a discussion of whether the ban related to the village's local problems. The court framed the applicable legal test as follows:

Whether a particular problem is of statewide rather than local dimension must be decided not on the basis of a specific formula or listing set forth in the Constitution but with regard for the nature and extent of the problem, the units of government which have the most vital interest in its solution, and the role traditionally played by local and statewide authorities in dealing with it. 470 N.E.2d at 274.

While recognizing that weapons control and crime prevention were to some extent matters of statewide concern, the court found that the village had its own obvious interest in reducing the possibility of violent crime and domestic violence. Having determined that the village had legislated within an area of local concern, the court held that the ordinance was within the scope of its home rule powers. *Accord, City of Chicago v. Roman*, 184 Ill.2d 504, 705 N.E.2d 81, 235 Ill.Dec. 468 (1998) (home rule ordinance mandating a minimum sentence of 90 days= imprisonment was valid); *City of Champaign v. Sides*, 349 Ill.App.3d 293, 810 N.E.2d 287, 284 Ill.Dec. 634 (2004) (local public indecency ordinance upheld).

- C. The courts have held that home rule units may enact eminent domain ordinances to eradicate blight and to stimulate economic development in business districts. *City of Wheaton v. Sandberg*, 215 Ill.App.3d 220, 574 N.E.2d. 697, 158 Ill.Dec. 584 (2d Dist 1991); *City of Carbondale v. Yehling*, 96 Ill.2d 495, 451 N.E.2d 837, 71 Ill.Dec. 683 (1983).
- D. However, disconnection of territory from a municipality is primarily a matter of statewide concern and therefore not within the scope of home rule powers as a matter pertaining to "local government and affairs." *LaSalle National Trust, N.A. v. Village of Mettawa*, 249 Ill.App.3d 550, 616 N.E.2d 1297, 186 Ill.Dec. 665 (2d Dist 1993); *JLR Investments, Inc. v. Village of Barrington Hills*, 355 Ill.App.3d 661, 828 N.E.2d 1193, 293 Ill.Dec. 695 (2005); *City of Chicago v. Village of Elk Grove Village*, 314 Ill.App.3d 423, 820 N.E.2d 1158, 290 Ill.Dec. 91 (2004).

V. LIMITATION ON HOME RULE POWER/EXTRATERRITORIAL EFFECT

- A. When a home rule unit has attempted to exercise its sovereignty in a manner that has a clear extraterritorial impact, the action usually has been struck down by the courts. *City of DesPlaines v. Chicago & North Western Ry.*, 65 Ill.2d 1, 357 N.E.2d 433, 2 Ill.Dec. 266 (1976) (city's noise abatement ordinance had extraterritorial effect); *Commercial National Bank v. City of Chicago*, 89 Ill.2d 45, 432 N.E.2d 227, 59 Ill.Dec. 643 (1982) (City of Chicago's service tax ordinance held to be incompatible with territorial limitations placed on home rule units).
- B. Obviously, if a state statute authorizes extraterritorial legislation, a home rule unit can use that statutory grant of power. *City of Carbondale v. Van Natta*, 61 Ill.2d 483, 338 N.E.2d. 19 (1975) (extraterritorial zoning authority). In addition, a home rule unit can

perform extraterritorial acts that are proprietary, as distinguished from governmental, in character. *People ex rel. City of Salem v. McMackin*, 53 Ill.2d 347, 291 N.E.2d 807 (1972); *Marshall Field & Co. v. Village of South Barrington*, 92 Ill.App.3d 360, 415 N.E.2d 1277, 47 Ill.Dec. 964 (1st Dist. 1981) (issuance of industrial revenue bonds to finance development outside municipal boundaries).

VI. LIMITATIONS ON HOME RULE POWER; CO-EQUAL BRANCH OF GOVERNMENT

A home rule unit may not enact legislation that would frustrate or inhibit the exercise of authority by other coequal branches of government within the municipal boundaries. This limitation is another variation of the "local government and affairs" constitutional restriction.

A One of the first cases to deal with this issue was *Ampersand, Inc. v. Finley*, 61 Ill.2d 537, 338 N.E.2d 15 (1975). Although the case involved an ordinance of a home rule county, its teachings are equally applicable to home rule municipalities. The county had passed an ordinance that imposed a filing fee on both plaintiffs and defendants in all civil cases. The fee was to be contributed to the law library fund. The court struck down the ordinance, finding that it interfered with traditional access of litigants to the state's courts and was therefore beyond the powers of a home rule unit.

B. With respect to matters of judicial review and procedure in particular, home rule units have no authority to regulate or control these essential court processes. *See Paper Supply Co. v. City of Chicago*, 57 Ill.2d 553, 317 N.E.2d 3 (1974) (city had no authority to require that review of municipal administrative decisions be made under Administrative Review Act); *City of Carbondale v. Yehling*, 96 Ill.2d 495, 451 N.E.2d 837, 71 Ill.Dec. 683 (1983) (ordinance attempting to regulate eminent domain procedure). A home rule unit may not require a court to order the payment of the

municipality's attorney's fees, even where the municipality is the prevailing party in the litigation. *Village of Glenview v. Zwick*, 356 Ill.App.3d 630, 826 N.E.2d 1171, 292 Ill.Dec. 735 (2005).

- C. If regulatory authority has been given to another branch of the state or federal government, it is more likely that the regulated activity will be found to be non-local in character. *People ex rel. Lignoul v. City of Chicago*, 67 Ill.2d 480, 368 N.E.2d 100, 10 Ill.Dec. 614 (1977) (city's ordinance that effectively allowed branch banking within city's boundaries held invalid); *Metropolitan Sanitary District v. City of Des Plaines*, 63 Ill.2d 256, 347 N.E.2d 716 (1976) (ordinance that attempted to regulate construction of wastewater treatment plant located in city held invalid); *Bridgman v. Korzen*, 54 Ill.2d 74, 295 N.E.2d 9 (1972) (tax collection ordinance held invalid); *City of Chicago v. Board of Trustees of the University of Illinois*, 293 Ill.App.3d 897, 689 N.E.2d 125, 228 Ill.Dec. 253 (1st Dist. 1997) (university could not be required to collect and remit parking and amusement taxes to city under home rule ordinance).
- D. Where state agencies are actively involved in performing statutory or regulatory duties that could be impacted by the home rule ordinance, courts have not been hesitant to strike down the ordinance.
 - 1. In *People ex rel. Bernardi v. City of Highland Park*, 121 Ill.2d 1, 520 N.E.2d 316, 117 Ill.Dec. 155 (1988), the Supreme Court held that prevailing wages for municipal construction projects were a matter of statewide concern subject to regulation by the Department of Labor, and the municipality's actions were beyond its home rule authority.

2. In *Kirwin v. Peoples Gas Light & Coke Co.*, 173 Ill.App.3d 699, 528 N.E.2d 201, 123 Ill.Dec. 656 (1st Dist. 1988) the court held that home rule municipalities lack authority to regulate public utilities that are under jurisdiction of Illinois Commerce Commission. *But see Village of Bolingbrook v. Citizens Utilities Company of Illinois*, 158 Ill.2d 133, 632 N.E.2d 1000, 198 Ill.Dec. 389 (1994) (home rule unit's antipollution ordinances were enforceable against utility regulated by Illinois Commerce Commission).
3. In *Hutchcraft Van Service, Inc. v. Urbana Human Relations Commission*, 104 Ill.App.3d 817, 433 N.E.2d 329, 60 Ill.Dec. 532 (4th Dist. 1982), the City enacted an ordinance prohibiting discrimination against persons for a broad variety of reasons. The ordinance was challenged as being beyond the scope of the City's home rule powers. In particular, the plaintiff pointed to the extensive body of state and federal law prohibiting discrimination and the powers of regulatory agencies to enforce those laws. The existence of an independent state agency to enforce the laws regarding discrimination was found to be very persuasive by the court. 433 N.E.2d at 333-334. The court therefore held that the City's ordinance was "preempted" by state law. *Compare Page v. City of Chicago*, 299 Ill.App.3d 450, 701 N.E.2d 218, 233 Ill.Dec. 575 (1st Dist. 1998); *see also Village of Dolton ex rel. Winter v. CFX Transportation, Inc.*, 196 Ill.App.3d 564, 554 N.E.2d 440, 143 Ill.Dec. 505 (1st Dist. 1990).
4. In *City of Joliet v. Snyder*, 317 Ill.App.3d 940, 741 N.E.2d 1051, 251 Ill.Dec. 873 (2000), the court held that the housing of sexually dangerous persons by a state agency was not a matter of local concern.

5. These cases are examples of the test, as articulated by the Supreme Court in *Kalodimos v. Village of Morton Grove*, 103 Ill.2d 483, 470 N.E.2d 266, 83 Ill.Dec. 308 (1984), that requires the court to determine if a home rule ordinance has ventured too far into areas traditionally reserved to other units of local, state, or federal government. In short, it appears from a review of current precedent that a home rule unit's legislative authority may be curtailed when it interferes with essential functions or duties that have been delegated to other governmental bodies.

VII. LIMITATION ON HOME RULE AUTHORITY/STATUTORY PREEMPTION

- A. The mere existence of a state statutory scheme does not restrict a home rule unit's authority to adopt ordinances that concurrently regulate or even conflict with state law. In *City of Evanston v. Create, Inc.*, 85 Ill.2d 101, 421 N.E.2d 196, 51 Ill.Dec. 688 (1981), the Supreme Court thoroughly examined a home rule unit's authority to regulate landlord-tenant relations in light of the preexisting state statute that also dealt with this area (see 765 ILCS 730/0.01, *et seq.*, and 735 ILCS 5/9-101, *et seq.*). The court's analysis in *Create, Inc.* is highly significant because it sets forth in a clear and concise manner the circumstances under which preemption will occur.
- B. There are two prongs of the constitutional preemption doctrine. *Create, Inc.*, *supra*, 421 N.E.2d at 199. First, under '6(g) of Article VII of the Illinois constitution, the General Assembly, by a three-fifths majority vote, may deny or limit home rule powers. Second, under '6(h) of Article VII, the General Assembly may specifically provide for the exclusive exercise by the state of any power or function of a home rule unit.

1. With respect to statutes enacted after the effective date of the 1970 Constitution, there must be an *express* statement that the General Assembly intends to divest home rule units of their powers in a specified area. *Create, Inc., supra*, 421 N.E.2d at 199; *Lech v. Michaelson*, 129 Ill.App.3d 593, 472 N.E.2d 1166, 84 Ill.Dec. 770 (1st Dist. 1984), *aff=d in part, rev=d in part on other grounds*, 111 Ill.2d 523 (1986); *Stryker v. Village of Oak Park*, 62 Ill.2d 523, 343 N.E.2d 919 (1976); *City of Chicago v. Haworth*, 303 Ill.App.3d 451, 708 N.E.2d 425, 236 Ill.Dec. 839 (1st Dist. 1999) (City=s regulation of private detectives had been preempted) Due to the confusion surrounding the evolution of the home rule preemption doctrine, the General Assembly added a new provision to the Statute on Statutes (5 ILCS 70/7) to require express preemptive language. That section provides:

No law enacted after January 12, 1977, denies or limits any power or function of a home rule unit, pursuant to paragraphs (g), (h), (i), (j), or (k) of Section 6 of Article VII of the Illinois Constitution, unless there is specific language limiting or denying the power or function an the language specifically sets forth in what manner and to what extent it is a limitation on or denial of the power or function of a home rule unit.

2. With respect to statutes that were in existence before the effective date of the Constitution, an ordinance of a home rule unit supersedes any such conflicting state statute. *Create, Inc., supra*, 421 N.E.2d at 199. *See also County of Cook v. John Sexton Contractors Co.*, 75 Ill.2d 494, 389 N.E.2d 553, 559, 27 Ill.Dec. 489 (1979); *Town of Cicero v. Fox Valley Trotting Club, Inc.*, 65 Ill.2d 10, 357 N.E.2d 1118, 1121, 2 Ill.Dec. 675 (1976); *Stryker v. Village of Oak Park, supra*, 343 N.E.2d at 922; *Paglini v. Police Board of Chicago*, 61 Ill.2d 233, 335

N.E.2d 480, 482 (1975); *Mulligan v. Dunne*, 61 Ill.2d 544, 338 N.E.2d 6, 10 - 11 (1975); *Peters v. City of Springfield*, 57 Ill.2d 142, 311 N.E.2d 107, 109 (1974); *Clarke v. Village of Arlington Heights*, 57 Ill.2d 50, 309 N.E.2d 576, 579 (1974); *People ex rel. Hanrahan v. Beck*, 54 Ill.2d 561, 301 N.E.2d 281, 283 (1973); *Kanellos v. County of Cook*, 53 Ill.2d 161, 290 N.E.2d 240, 243 - 244 (1972); *Kotte v. Normal Board of Fire and Police*, 269 Ill.App.3d 517, 646 N.E.2d 292, 206 Ill.Dec. 925 (4th Dist. 1995).

- C. *Create, Inc.* is significant because the City's ordinance created certain legal remedies (especially for the tenant) that did not exist under state law. 421 N.E.2d at 198. The court held that the creation of new legal remedies by home rule ordinance did not interfere with the state judiciary system or the administration of justice by the courts. *See also City of Springfield v. Ushman*, 71 Ill.App.3d 112, 388 N.E.2d 1357, 27 Ill.Dec. 308 (4th Dist. 1979) (home rule ordinance providing for fines up to \$1000).
- D. The Public Utilities Act does not impliedly preempt a home rule municipality's ordinances which authorize a fine for the unlawful discharge of waste. *Village of Bolingbrook v. Citizens Utilities Company of Illinois*, 158 Ill.2d 133, 632 N.E.2D 1000, 198 Ill.Dec. 389 (1994). *See Congress Care Center Associates v. Chicago Department of Health*, 260 Ill.App.3d 586, 632 N.E.2d 266, 198 Ill.Dec. 107 (1st Dist. 1994) (where the court held that the city's home rule authority was not preempted by the Nursing Home Care Act). *See also City of Chicago v. Krisjon Construction Co.*, 246 Ill.App.3d 950, 617 N.E.2d 21, 186 Ill.Dec. 782 (1st Dist. 1993) (open dumping of waste).
- E. Thus, absent express preemptive language in the statute, the preemption doctrine is limited in its scope and effect. The mere existence of a state statutory program dealing

with a particular issue does not work a per se preemption of home rule powers. *Village of Bolingbrook v. Citizens Utilities Co.*, 158 Ill.2d 133, 632 N.E.2d 1000, 198 Ill.Dec. 389 (1994); *City of Chicago v. Roman*, 292 Ill.App.3d 546, 685 N.E.2d 967, 226 Ill.Dec. 512 (1st Dist. 1997). This rule was applied by the Supreme Court in *Scadron v. City of Des Plaines*, 153 Ill.2d 164, 606 N.E.2d 1154, 180 Ill.Dec. 77 (1992), in which the Court held that a home rule ordinance that totally banned outdoor advertising signs viewable from limited access highways was not preempted by the Illinois Highway Advertising Control Act.

- F. If a statute that had preempted home rule ordinances is amended to remove the preemption, then the home rule ordinance is reinstated without the necessity of express reenactment. *City of Burbank v. Czaja*, 331 Ill.App.3d 369, 769 N.E.2d 1045, 264 Ill.Dec. 208 (1st Dist.2002).
- G. A home rule preemption provision, applicable only to the Illinois Municipal Code, does not apply to a home rule unit that does not use that particular Code provision. For example, Chicago has adopted its own personnel ordinance and no longer operates under Article 10 of the Municipal Code with respect to personnel matters. Preemption of home rule authority under Article 10, therefore, does not apply to Chicago. *Dineen v. City of Chicago*, 125 Ill.2d 248, 531 N.E.2d 347, 126 Ill.Dec. 52 (1988).
- H. The General Assembly has the authority to preempt home rule authority of certain home rule municipalities based on population. *Village of Schaumburg v. Doyle*, 277 Ill.App.3d 832, 661 N.E.2d 496, 214 Ill.Dec. 642 (1st Dist. 1996); *Des Plaines Firemen's Association v. City of Des Plaines*, 267 Ill.App.3d 920, 642 N.E.2d 732, 204 Ill.Dec. 831 (1st Dist. 1994).

- I. Based on established precedent, it is clear that the exercise of legislative authority by a home rule unit is presumptively valid unless the state has expressly preempted the field. The mere existence of a concurrent state statutory scheme is not sufficient in and of itself to overcome that presumption. A listing of selected statutes that contain express preemptive language can be found at I.I.C.L.E. *Municipal Law and Practice in Illinois*, ch. 29, §29.54 (2000).

VIII. HOME RULE AUTHORITY TO ABATE REAL ESTATE TAXES AND SALES TAXES

Home rule units of government are not restricted by statutory limitations on abatements and rebates. Article 7, §6(a), of the Illinois constitution provides that "[e]xcept as limited by this Section, a home rule unit may exercise any power and perform any function pertaining to it government and affairs including, but limited to, the power to...tax."

- A. Illinois courts have construed the taxation powers of home rule units broadly, allowing those units to "exercise these powers unless restricted by a constitutional provision or appropriate legislation." *Stahl v. Village of Hoffman Estates*, 296 Ill.App.3d 550, 694 N.E.2d 1102, 1105, 230 Ill.Dec. 824 (1st Dist. 1998) (upholding constitutionality of home rule unit's imposition of exemptions from estate transfer taxes).
- B. Home rule units have construed these and similar authorities to relieve them from the statutory restrictions on real estate tax abatements and sales tax rebates. This power provides home rule units with a distinct advantage over non-home rule units. Home rule units can abate or rebate the taxes they levy without limitation on the amount or duration of the incentive.
- C. Section 18-180 of the Property Tax Code provides home rule municipalities with additional authority to abate all real estate taxes levied against certain residential

properties located in areas of urban decay under limited circumstances. 35 ILCS 200/18-180. Section 18-180 allows the home rule municipality to extend the abatement to owner-occupied single-family or duplex residential dwelling units located within the municipality and in an area of urban decay. Conditions making an area subject to urban decay are similar to those that would qualify an area as "blighted" for tax increment financing purposes. Section 18-180 allows the home rule municipality to abate not only a percentage of the real estate taxes it levied against qualifying properties but also taxes levied against those properties by other taxing districts, subject to certain procedures.

- D. Home rule units may also abate sales taxes to stimulate commercial development. The home rule unit is not limited by the restrictions placed on non-home rule municipalities by 65 ILCS 5/8-11-20.
- E. Any rebate of sales or property taxes must comply with the "public purpose test" of Article 8, §1(a), of the Illinois constitution, which provides that "[p]ublic funds, property or credit shall only be used for public purposes." Courts construing this limitation have employed an "expanding concept of 'public purpose' in the area of economic welfare," upholding the provision of public funds to private entities for the purpose of encouraging development. *People ex rel. City of Salem v. McMackin*, 53 Ill.2d 347, 291 N.E.2d 807, 813 (1972).

IX. HOME RULE POWERS TO TAX

Article VII, Section 6(a) of the Illinois constitution affords home rule units broad authority to tax transactions within their boundaries. Some of the transactions that home rule units may tax are:

- A. Amusements. *See Kerasotes Rialto Theater Corp. v. City of Peoria*, 77 Ill.2d 491, 3297 NE.2d 790, 34 Ill.Dec. 118 (1979).
- B. Real estate transfers
 - 1. *See Stahl v. Village of Hoffman Estates*, 296 Ill.App.3d 550, 694 N.E.2d 1102, 230 Ill.Dec. 824 (1998).
 - 2. A home rule unit's power to enact real estate transfer taxes has been limited since January 1997 under 65 ILCS 5/8-3-19. A referendum is now required for all transfer taxes enacted after that date. However, previously enacted transfer tax ordinances remain valid, and no new referendum is required.
- C. Sales taxes
 - 1. Home rule units may impose sales taxes in excess of the rate available to non-home rule units. *See* 65 ILCS 5/8-11-1, 8-11-5 and 8-11-6.
 - 2. Under 65 ILCS 8-11-6a, home rule units are not preempted from exacting sales taxes with respect to the following transactions:
 - a. A tax on alcoholic beverages, whether based on gross receipts, volume sold, or any other measurement.
 - b. A tax based on the number of units of cigarettes or tobacco products (provided, however, that a home rule municipality that has not imposed a tax based on the number of unit of cigarettes or tobacco products before July 1, 1993, shall not impose such a tax after that date).
 - c. A tax, however measured, on the use of a hotel or motel room or similar facility.
 - d. A tax, however measured, on the sale or transfer of real property.

- e. A tax, however measured, on lease receipts.
- f. A tax on food prepared for immediate consumption and on alcoholic beverages sold by a business which provides for on premises consumption of said food or alcoholic beverages.
- g. Other taxes not based on the selling or purchase price or gross receipts from the use, sale or purchase of tangible personal property.

D. Zoning

1. Home rule units do not rely on enabling statutes (*see* 65 ILCS 5/11-13-1*et seq.*) as the source of their zoning power. Zoning is intrinsically a matter of local concern.. *Cain v. American National Bank & Trust Company of Chicago*, 26 Ill.App3d 574, 325 N.E.2d 799, 805 (1st Dist. 1975); *Thompson v. Cook County Board of Appeals*, 96 Ill.App.3d 561, 421 N.E.2d 285, 292, 51 Ill.Dec. 777 (1st Dist. 1981); *Landmarks Preservation Council of Illinois v. Chicago*, 125 Ill.2d 164, 531 N.E.2d 9, 15, 125 Ill.Dec. 830 (1988).
2. A home rule unit's power to zone is limited to the territorial boundaries of the municipality. *County of Will v. City of Naperville*, 226 Ill.App.3d 662, 589 N.E.2d 1090, 1093, 168 Ill.Dec. 690 (3d Dist 1992) (city may not zone property it owns that lies outside the city's corporate limits, and it is the prerogative of the county to zone such property); *see also City of Evanston v. Regional Transportation Authority*, 202 Ill.App.3d 265, 559 N.E.2d 899, 905, 147 Ill.Dec. 559 (1st Dist. 1990) (application of a city zoning ordinance to a regional bus facility was not within the grant of home rule power because the facility was regional).

E. Governmental employment

1. In the absence of a collective bargaining agreement, a home rule unit has broad powers to hire, fire or discipline employees. *Stryker v. Village of Oak Park*, 62 Ill.2d 523, 343 N.E.2d 919 (1976); *Kadzielawski v. Board of Fire and Police Commissioners of the Village of Skokie*, 194 Ill.App.3d 676, 551 N.E.2d 331, 141 Ill.Dec. 338 (1990).
2. A home rule unit may adopt ordinances that differ from state law with respect to police and fire personnel matters. *Kadzielawski, supra*; *Diamond v. Board of Fire and Police Com'rs of the Village of Elk Grove Village*, 115 Ill.App.3d 437, 50 N.E.2d 879, 71 Ill.Dec. 191 (1983); *Mandarino v. Village of Lombard*, 92 Ill.App.3d 78, 414 N.E.2d 508, 46 Ill.Dec. 624 (1980).

F. Human rights

1. Home rule units may enact their own ordinances regulating behavior in the workplace, notwithstanding the existence of a state statute. In *Page v. City of Chicago*, 299 Ill.App.3d 450, 701 N.E.2d 218, 233 Ill.Dec. 575 (1st Dist. 1998), the court held that a city human rights ordinance that prohibited acts of sexual harassment and discrimination by small employers that were not covered by the Illinois Human Rights Act, 775 ILCS 5/7-108(A), was a proper exercise of home rule authority.
2. In *Crawford v. City of Chicago*, 304 Ill.App.3d 818, 710 N.E.2d 91, 237 Ill.Dec. 668 (1st Dist. 1999), the court upheld an ordinance making qualified same-sex domestic partners or city employees eligible for the same benefits available to employee spouses.

G. Health and safety regulations

1. In *Village of Mundelein v. Franco*, 317 Ill.App.3d 512, 740 N.E.2d 801, 251 Ill.Dec. 515 (2d Dist. 2000), the appellate court upheld local ordinances that allowed police officers to stop vehicles solely because the occupants were not wearing seat belts.
2. In *City of Chicago v. Taylor*, 332 Ill.App.3d 583, 774 N.E.2d 22, 266 Ill.Dec. 244 (1st Dist. 2002), the appellate court held ordinances banning certain categories of firearms and requiring all firearms to be registered were permissible exercises of home rule powers.

H. Real property taxes

1. Home rule units are not limited with respect to real property tax rates nor by claims that the municipality has accumulated surplus funds. *Alpha Gamma Rho Alumni v. People*, 322 Ill.App.3d 310, 750 N.E.2d 282, 255 Ill.Dec. 701 (2001).
2. Refusal to place a proposition on the ballot to lower maximum property tax in a home rule unit was upheld by the Illinois Supreme Court in *Sommer v. Village of Glenview*, 79 Ill.2d 383, 403 N.E.2d 258, 38 Ill.Dec. 170 (1980).

I. Bonds

Home rule units are not subject to limitations on bonding authority set forth in the Illinois Municipal Code (65 ILCS 5/1-1-1 *et seq.*). The only limitations are constitutional. *See Ill.Const.* art. 7, §6(e) (40-year limitation on certain debt).

X. HOME RULE REFERENDA

While municipalities with populations of 25,000 or more automatically have home rule status in Illinois, other municipalities may elect to become home rule by referendum. A home rule unit may also elect by referendum not to be a home rule unit.

A. Adopting home rule

1. Article 7, §6(a) of the Illinois constitution provides that municipalities "...may elect by referendum to become home rule units."
2. Article 7, §11 of the Illinois constitution sets forth the general procedures for referenda with respect to home rule status:
 - (a) Proposals for actions which are authorized by this Article or by law and which require approval by referendum may be initiated and submitted to the electors by resolution of the governing board of a unit of local government or by petition of electors in the manner provided by law.
 - (b) Referenda required by this Article shall be held at general elections, except as otherwise provided by law. Questions submitted to referendum shall be adopted if approved by a majority of those voting on the question unless a different requirement is specified in this Article.
3. There is legislation with respect to municipal home rule referenda in particular. Under 10 ILCS 5/28-7, a municipal home rule referendum may be initiated by resolution of a municipality's governing board or by filing with the municipal clerk a petition signed by qualified voters equal in number to 10 percent of the number of registered voters in the municipality. The municipal clerk then must certify the home rule adoption question to the county clerk or other election authority at least 61 days before the election. The referendum is voted on at the next "regular" election. *See* 10 ILCS 5/1-3.

4. A home rule adopting referendum (and a referendum to opt out of home rule requires the municipal clerk to make two filings with the Secretary of State). At least 20 days before the referendum, the clerk must file a certified statement indicating when the referendum will be held. Within 30 days after the referendum, the clerk must file a certified statement showing the results of the referendum and the status of the municipality as a home rule or non-home rule unit.
5. No referendum with regard to adopting home rule status may be submitted to the voters more than once in any 23-month period.

B. Opting out of home rule

Article 7, §6(b) of the Illinois constitution provides that, "A home rule unit by referendum may elect not to be a home rule unit.

1. The same procedures that govern referenda to adopt home rule status apply to referenda to opt out of home rule status. *See* 10 ILCS 5/28-7.
2. A referendum to opt out of home rule status may be held only once in any 47-month period.

C. A survey of home rule adoption referenda (Source: James M. Banovetz, "Home Rule Cities and the Voters," *Illinois Municipal Review*, December 2002).

1. As of December 2002, there had been 158 municipal referenda with respect to the question of adopting home rule status. In those elections 77 communities (or 49%) chose to adopt home rule.
2. Voters turned down home rule in 81 elections. In five communities voters rejected home rule in more than one election. In five others, voters rejected

home rule when it was first put on the ballot, then adopted home rule in a later election. In Lincolnwood and Oakbrook Terrace, voters rejected home rule twice before finally adopting it in a third election.

3. In 2004, voters in the City of Warrenville approved the adoption of home rule.

D. A survey of home rule retention elections (Source: Banovetz, *supra*)

1. There have been 31 elections in which voters were asked whether or not they wished to keep the home rule powers already provided to their community. Voters chose in 27 of these elections, or 87 percent, to retain their home rule powers.
2. Retention elections occur for either of two reasons: (a) voters dissatisfied with their community's use of home rule powers may petition the court for a retention election—this has happened 25 times; or (b) a community which gains home rule powers by population is required by law to hold a retention election if its population later falls under the 25,000 ceiling—this has happened six times.
3. Of the 25 retention elections held in response to voter petitions, home rule was retained in 21, or 84 percent, of the elections. Home rule was retained in all 6 of the retention elections held because a community's population had fallen under 25,000. In the aggregate, voters in retention elections chose, by a margin of greater than 2-1, to retain home rule powers.
4. Four communities have lost home rule status by virtue of retention elections: Lisle, Villa Park, Lombard and Rockford.



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Article updated: 10/31/2010 8:18 PM

Buffalo Grove recall vote to make history

By Steve Zalusky

Buffalo Grove will make history on Tuesday, although perhaps not in a way it would prefer.

Tuesday's vote to recall Buffalo Grove Trustee Lisa Stone from office may or may not be a first in Illinois. No historian or state agency has been able to name another municipality that recalled an elected official, but since no agency keeps track, it's impossible to know for sure.

It is historic, nonetheless. With just days before the election, the evidence that Stone could be on her way out is mounting. The manager and honorary manager of her 2009 campaign for village board have publicly abandoned her. Signs urging recall are planted in front yards. A website, Facebook page and a blogger dedicated to recall are getting hits.

Stone, for her part, has not mounted a full-throated defense, except for frequent mentions of the recall referendum from her seat at village board meetings.

The recall, she says, is all part of a village plan to get rid of her an effort aided and abetted by village officials from the start.

She said she tells supporters "just vote and tell your friends to vote also. That's the extent of my campaigning."

Yet she believes she will prevail. "I believe in my heart that people in this community know my heart's in the right place. I believe I'm going to win."

So how did Stone go from winning a village board seat to being on the verge of being kicked out?

Stone's 2009 campaign website is a snapshot of happier times: a photo of the smiling candidate at her campaign rally, surrounded by a jovial campaign staff: Lake County Board member David Stolman, her honorary campaign chairman; Buffalo Grove Village President Elliott Hartstein; and retiring Trustee Brian Rubin, her campaign manager.

Her resume as a community activist is documented on the site as well, including her part in a successful effort to tighten restrictions on pit bulls and Rottweilers, leading to a national appearance on MSNBC.

But whatever initial support Stone had eroded as she clashed with the village board with increasing intensity, over everything from whether the board was doing enough about the region's heroin problem to whether it had ignored potential dangers at a nearby landfill.

It wasn't necessarily the issues themselves that caused friction. Stone's opponents would say it was the way she dealt with them — her absolute refusal to back down or move on on any issue, and her practice of dragging village board meetings on for hours and hours as she pushed and pushed.

The meetings became near shouting matches at times, even sparking the village president to tell Stone to shut up

after repeatedly saying her time to speak was over. Stone said he was simply trying to muzzle her. Nothing got resolved.

"I think the drama is terrible. It is a shame that there has to be a recall, because I would have hoped that she would have changed her ways," Stolman said. "I think everybody has tried to assist her."

"We are the laughing stock of Lake County," he said. "That's wrong, and I can't tolerate that any more."

The list of those Stone has upset includes village officials, employees and volunteers. Among the complaints:

- Stone has criticized fellow trustees, claiming they ignored the heroin issue.
- She uttered innuendos about a trustee's connection to a relative whose law firm did village business and implied a conflict in a plan commissioner's public comments related to the Land and Lakes landfill, since the commissioner worked for that same trustee's firm.
- Stone called attention to another trustee's child being employed by the village.
- She has consistently criticized Village Clerk Janet Sirabian, voting against her minutes and calling attention to a lost executive session tape.
- Stone's interruptions and refusal to stop talking when her allotted time is up has made it extremely difficult for Village President Hartstein to run village board meetings. Since her election, meetings can last close to or past midnight.
- Village officials say Stone has gone to outside agencies and officials on issues, while seeming to represent the entire board.
- Officials claim she has bullied village employees, in particular former Village Manager William Brimm.
- Stone's critics say she has cost the village needless time and money in Freedom of Information Act requests and legal fees, in particular the cost to handle her challenge of recall petitions, when the number of signatures challenged would not have thrown the measure off the ballot.
- Volunteers also have felt targeted. She raised questions about the Buffalo Grove Days Committee on such matters as cash handling procedures, food coupons for volunteers and the accounting of sponsorship dollars.
- Stone filed a police report after a former trustee bumped into her at a youth baseball game, claiming it was intentional and telling people she believed the former trustee "was looking for ways to hurt her." She requested a special police watch on her home.
- She sued a poster to the Daily Herald website comment board by the nom de plume of "Hipcheck 16."

But perhaps the coup de grace was Stone's relentless pursuit of information about the Land and Lakes landfill, which the village had considered buying for development but decided against. She took issue with the village not following up on a consultant's report that raised questions about possible contamination of groundwater.

Stone's side

Stone doesn't see herself as the problem. She says she is being persecuted because she is questioning areas the board would rather avoid, such as the potential problems posed by the Land and Lakes landfill.

"I won't tolerate BS and I'll stand up for what I know is truthful," she said. "If that's a reason to remove someone from government, that's a very sad state of our government, that's a very sad message."

And that's all the more reason why the village needs someone like her in office, she said.

Supporter Francis Ladonne said Stone is doing what an elected official should do _ "look out for the good and

welfare of the residents to the best of her ability.”

When people bring issues to Stone's attention, she does the best she can to follow through, Ladonne said. “She is admittedly a little rough around the edges and perhaps a little unorthodox, but as I said, I think she is doing what I would expect an elected official to do.”

And if voters remove her from office, “in my opinion, they don't have an interest in fair and transparent and honest government,” Ladonne said.

Lincolnshire resident Brenda Weiss, who describes herself as an environmental activist, came to Stone's defense at a recent village board meeting.

She upbraided trustees for what she saw as rude treatment of Stone, saying that to minimize concerns about the Land and Lakes landfill does not negate their relevance.

Stone sees the recall as an effort to maintain status quo village government, without anyone meddling into their business. She said the recall group is closely tied into government. “Very many of them are involved in the various commissions. They're taking offense on behalf of the officials I'm questioning.”

Stone said voters need someone who will watch over the public safety — the very reason she contacted Congressman Mark Kirk about the landfill.

“I'm pursuing something of substance,” she said. “The answer to all of this is, ‘Let's remove her from government. What she's doing is crazy. She doesn't know what she's talking about.’”

Stone said the fact that a home rule authority can pass such a recall ordinance is very dangerous “because you can have runaway boards.”

She sees herself as honest, forthright and direct.

But board members see her behavior as insulting and attacking.

Trustee Jeffrey Berman, who drafted the recall ordinance, cited Stone's relentless attacks on board members, village staff and even volunteers.

Rubin, her former backer, said he does not dislike Stone, but criticized her lack of decorum. Rubin said that when he served on the board with trustees he often disagreed with, “We would discuss it. We would agree to disagree and we would go across the street and have a beer.”

Rubin said Hartstein and the trustees have tolerated Stone and given her more room than they would the average human being.

Berman said he has no problem with trustees criticizing staff. He said he has done it during his entire tenure.

“But the difference is that I haven't accused them of being crooks and I haven't gone after them without basis and I haven't sat up and publicly humiliated people with little regard for who they are and what they are and the services they provide our community.”

Resident Stan Zoller is among those on the recall side. He has a blog called “Gaggin' in the Grove” that's been called required reading by some trustees and has a devoted following among recall supporters. Zoller, a Rolling Meadows High School teacher who once covered Buffalo Grove as a reporter, said, “It has been probably one of the most unusual performances I have seen by a village official.”

The man who filed the petition for her recall, David Wells, said, “Ultimately I think it comes down to gross incompetence. She comes to these board meetings very unprepared. She acts very unprofessional.”

So how does all of this play outside Buffalo Grove? Perhaps not as negatively as it might, were there not big problems elsewhere, says Cynthia Canary, executive director of the Illinois Campaign for Political Reform.

"Buffalo Grove, with this turmoil, may be benefiting from the fact that our entire state is in turmoil and our media is in turmoil," so it hasn't been at the top of everyone's mind, she said.

However, she said, "It certainly isn't a good example to set in a community where you want new leaders and new blood and new ideas. That kind of animosity doesn't make local government look like the most inviting place in the world."

Berman insists the board did not rush into recall. At first attempts were made to keep the entire board, not just Stone, disciplined, including the codification of a code of conduct. When the recall ordinance was drafted, it was meant as a warning to the board to be on its best behavior, he said. Months of fine tuning followed.

For Stone, the last episode of the reality TV show known as the Buffalo Grove village board could be Nov. 2, when voters will play the role of Donald Trump and decide whether she will be fired or survive for future episodes.

"I hope to win the recall because I think I'm really good at representing the people," she said.

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Article updated: 11/3/2010 10:58 AM

Stone turned out of office in Buffalo Grove

By Steve Zalusky

History was made in Buffalo Grove Tuesday, as voters turned out a sitting village board trustee who has been in office only 18 months.

With all 38 of Buffalo Grove precincts counted, Lisa Stone lost her seat on the board, 8,728 to 3,853.

Elected to a four-year term in 2009 with the support of residents who appreciated her activist style of getting things done, Stone's decline in favor was almost a free fall fueled by an acrimonious relationship with other trustees and some administrators that started almost on day one.

Stone released a statement Tuesday night: "I'm disappointed, yet I know I did my best and always put the health and safety of the residents first.

"I had the courage to stand up for what is right and face the consequences, but the citizens have spoken and I accept their decision.

"To those who supported me throughout the last 18 months, thank you, it meant the world to me."

Mayor Elliott Hartstein said despite his support for Stone's recall, he doesn't take any satisfaction from winning.

"I'm saddened the community had to go through this particular experience," he said. "I'm pleased the community took it upon themselves to try to rectify a problem."

Hartstein's demeanor wasn't all sober assessment tonight at one point inside the Village Grill where the recall forces gathered, he donned a dark wig and mimicked Stone.

"I was just having a little fun," he said. "I knew Lisa wouldn't be there so I stood in for her."

Stone pledged to see the landfill issue through, from her position as a citizen. That issue is more important to her than being an elected official, she said tonight.

Meanwhile, she said she'll take a few days to absorb the vote. She knew it was risky not to campaign on her own behalf, she said, adding that 30 percent of the vote is "still a formidable portion of our community." "Obviously if I campaigned significantly that percent would be raised to a number that would be competitive."

Stone said she won't be a regular at village board meetings, and doesn't have any plans right now to run for anything else, just enjoy life.

"I really do believe in good government and transparent government," Stone said. "If (this) is what it takes to make people start to think about their community (and) their local government, which is what affects their life, then I think that's important to do. If it's at the sacrifice of an elected official who was trying to fight for the safety of people, then

so be it.”

Hartstein said that presuming the election results are certified by Nov. 25, he will have 60 days to appoint a temporary board member to fill Stone's seat. That seat will then be up for election in April 2011, as a two-year term.

Candidates running for the village board in April will have to declare whether they are running for a 4-year, or the two-year term.

“Anyone who suggests the recall is not democracy ignores the fact that the community had the opportunity to vote,” Hartstein said, “and it appears the community has spoken loud and clear in large numbers, saying enough is enough.”

Hartstein said although he doesn't have anyone in mind to fill the seat temporarily, it won't take him 60 days to make the appointment.

Jim Pawlak, who worked for recall, was among the recall supporters gathered at the Village Grill at the Buffalo Grove Park District.

“We now have to look toward the future and start to rebuild our reputation as a community to restore what was destroyed during the last 18 months,” Pawlak said. “I consider this a major victory for BG; I'm sorry we had to do this. I'm grateful it's done and tomorrow is a new day.”

Given it will take a week or more to certify the results, Stone may have one more village board meeting to attend, should she choose to.

The vote ends at least one chapter of the strange trip that began with her election in April 2008. Stone, an activist who made a name for herself by challenging the community to deal with rising heroin use among teenagers and by getting tighter restrictions on pit bulls and Rottweilers, won election to the board with the support of prominent Buffalo Grove leaders, predominantly Lake County Board member David Stolman, Hartstein, state Rep. Sid Mathias and former trustee Brian Rubin.

Once she was on the inside, though, the confrontational tactics that worked on the outside didn't win her the same support they once did. People like Stolman said they were disappointed she didn't work to build consensus; and instead openly attacked people who disagreed with her.

Gradually her support began to dwindle, as people complained that what she called her push for truth and greater openness in village government looked to them like grandstanding.

Stone, however, argued she was exposing abuses by trustees and staff, calling out Hartstein for what she called false statements and Brimm for an alleged altered e-mail. She also said she was acting as a watchdog on behalf of residents, when she called the village's attention to an environmental report on the Land and Lakes landfill and succeeded in getting a hearing from the IEPA.

Her fellow trustees and some village employees argued she abused her power, insulting Hartstein and driving longtime Village Manager William Brimm from office, while consuming village staff time in sorting through Freedom of Information Act requests and costing taxpayers money in legal fees for what some saw as a frivolous challenge to signatures on the petition for her recall.



Reviewed By:	
Legal	☐
Finance	☐
Engineer	☐
City Administrator	☒
Human Resources	☐
Community Development	☒
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

PC #1

Tracking Number

PC 2016-12

Agenda Item Summary Memo

Title: Grace Holistic Center for Education (Special Use)

Meeting and Date: City Council/June 28, 2016

Synopsis: Request for Special Use approval for a trade school within an M-1 zoning district.

Council Action Previously Taken:

Date of Action: N/A Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Vote

Submitted by: Krysti Barksdale-Noble, AICP Community Development
Name Department

Agenda Item Notes:

See attached memo.

Have a question or comment about this agenda item?

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Memorandum

To: City Council
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Date: June 13, 2016
Subject: **PC 2016-12 – Grace Holistic Center for Education (Special Use)**

Background & Request:

The petitioner, Tairi Grace, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a Commercial/Trade School for a private, non-profit school with an emphasis on holistic health education within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 210 Beaver Street, in Yorkville, Illinois.

The subject property is currently zoned M-1, Limited Manufacturing. The City recently approved a text amendment to the Zoning Ordinance which would allow trade/commercial schools as a special use in the M-1 and M-2 manufacturing districts. Additionally, the City revised the commercial/trade school definition to state the following, “A school established to provide for the teaching of academic, industrial, clerical, managerial, artistic skills or alternative education. This definition applies to schools that are owned and operated privately for profit or not for profit and that may offer a complete education curriculum.”

The petitioner is looking to utilize a portion of the building located at 210 Beaver Street, Units B & C, for a private not-for-profit school for special and regular education students. The interior remodel will consist of constructing six (6) classrooms and new bathroom facilities. The school is looking to house approximately 50 children with a staff of 6 adults. The initial primary focus will be elementary and junior high students. Access for the site will be located off of Beaver Street and the petitioner is looking to create onsite signage that will outline the flow of traffic for drop off and pick up traffic. Additionally, school staff will be onsite to direct traffic within the site for drop off and pick up. At this time, there is no indication of bus use for the school. All signage will require a permit with the City and will be reviewed at that time.

Plan Commission Action:

The Plan Commission reviewed the Petitioner’s requests at a public hearing held on June 8, 2016 and made the following action on the motion below:

In consideration of testimony presented during a Public Hearing on June 8, 2016 and discussions conducted at that meeting, the Plan Commission recommends approval to the City Council a request for special use permit approval for a Commercial/Trade School for a private, non-profit school with an emphasis on holistic health education within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 210 Beaver Street, Units B and C, in Yorkville, Illinois, subject to the following staff recommendations and conditions listed in a memo dated May 25, 2016:

- 1. A traffic flow plan be submitted as part of the Building Permit application which illustrates the proposed pattern of traffic for drop-offs and pick-ups for the school which will be subject to staff’s approval.***

2. *If bussing is later implemented as part of the school transportation plan, a revised traffic flow plan and traffic analysis will be provided to the City's Community Development Department for review and authorization prior to establishment of the service.*
3. *The fourteen (14) parking stalls located along the western side of the building be striped prior to the operation of the school use. This will be a condition of building permit occupancy.*

Action Item:

Harker – aye; Kraupner – aye; Goins – aye; Horaz – aye – **4 ayes; 0 no.**

Attachments:

1. Draft Ordinance.
2. Copy of Plan Commission Memo.
3. Copy of Petitioner's Application w/exhibits.
4. Copy of Public Notice.

Ordinance No. 2016- _____

**AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL
COUNTY, ILLINOIS, APPROVING A SPECIAL USE
FOR A COMMERCIAL/TRADE SCHOOL WITHIN UNITS B AND C
AT 210 BEAVER STREET**

WHEREAS, the United City of Yorkville (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, under section 11-13-1.1 of the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*), the Mayor and City Council of the City (collectively, the “*Corporate Authorities*”) may provide for the classification of special uses in its zoning ordinances; and,

WHEREAS, pursuant to the United City of Yorkville Zoning Ordinance (the “*Zoning Code*”), any person owning or having an interest in property may file an application to use such land for one or more of the special uses provided for in the zoning district in which the land is situated; and,

WHEREAS, Tairi Grace (“the Lessee”) is leasing Units B and C of the property located at 210 Beaver Street, legally described in Section 2 of this Ordinance (the “Subject Property”); and,

WHEREAS, under the authority of the Zoning Code, the Subject Property is located in a designated M-1 Limited Manufacturing District, and a commercial/trade school is allowed in this district with a special use permit; and,

WHEREAS, the Corporate Authorities have received a request from the Lessee for a special use permit for the Subject Property to allow a commercial/trade school; and,

WHEREAS, a legal notice of publication regarding a public hearing before the Plan Commission on the proposed special use permit was duly published in a newspaper of general circulation in the City, not more than thirty (30) nor less than fifteen (15) days prior to the public hearing; and,

WHEREAS, notice to property owners within 500 feet of the Subject Property identified for the special use permit was delivered by certified mail; and,

WHEREAS, the Plan Commission convened and held a public hearing on the 8th day of June, 2016, on the question of the special use application; and,

WHEREAS, the Plan Commission reviewed the standards set forth in Section 10-4-9(F) of the Zoning Code; and,

WHEREAS, upon conclusion of said public hearing, the Plan Commission recommended the approval with conditions of the special use for the Subject Property for a commercial/trade school use of the Subject Property.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: The above recitals are incorporated herein and made a part of this Ordinance.

Section 2: That the Corporate Authorities hereby approve a special use of the Subject Property, legally described as:

The existing Units B and C of the building on Lot 5, Block 1 of Fox Industrial Park, Unit 2, in the City of Yorkville, Kendall County, Illinois,

PIN 05-04-152-004,

for use as a commercial/trade school with an emphasis on holistic health education.

Section 3: That the special use granted herein shall be constructed, operated and maintained in accordance with the following plans, diagrams and conditions:

- A. That a traffic flow plan illustrating the traffic pattern for drop-offs and pick-ups of students shall be submitted as part of the building permit application which shall be reviewed for safety, efficient flow and compliance with the City's Zoning Code and approved by the City staff.
- B. That if bussing is later implemented as part of the school transportation plan, a revised traffic flow plan and traffic analysis shall be provided to the City's Community Development Department for review and authorization by the City staff prior to the establishment of the bussing service.
- C. That the 14 parking stalls located along the western side of the building shall be restriped prior to the operation of the school use.
- D. That of the total shared parking spaces on the subject Property, the proposed use of Units B and C shall have six (6) of those shared parking spaces assigned for this use. Amendments of the use may require that additional parking spaces be assigned from the total of unassigned shared parking spaces.

Section 4: This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this _____ day of _____, 2016.

CITY CLERK

CARLO COLOSIMO	_____	KEN KOCH	_____
JACKIE MILSCHEWSKI	_____	LARRY KOT	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
DIANE TEELING	_____	SEAVER TARULIS	_____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this
_____ day of _____ 2016.

MAYOR



Memorandum

To: Plan Commission
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Date: May 25, 2016
Subject: **PC 2016-12 – Grace Holistic Center for Education (Special Use)**
210 Beaver Street – Units B & C

Background & Request:

The petitioner, Tairi Grace, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a Commercial/Trade School for a private, non-profit school with an emphasis on holistic health education within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 210 Beaver Street, in Yorkville, Illinois.



The subject property is currently zoned M-1, Limited Manufacturing. The City recently approved a text amendment to the Zoning Ordinance which allows trade/commercial schools as a special use in the M-1 and M-2 manufacturing districts. Additionally, the City revised the commercial/trade school definition to state the following, *“A school established to provide for the teaching of academic, industrial, clerical, managerial, artistic skills or alternative education. This definition applies to schools that are owned and operated privately for profit or not for profit and that may offer a complete education curriculum.”*

Proposed Project:

The petitioner is looking to utilize a portion of the building located at 210 Beaver Street, Units B & C, for a private not-for-profit school for special and regular education students. The interior remodel will consist of constructing six (6) classrooms and new bathroom facilities. The school is looking to house approximately 50 children with a staff of 6 adults. The initial primary focus will be elementary and junior high students. Access for the site will be located off of Beaver Street and the petitioner is looking to create onsite signage that will outline the flow of traffic for drop off and pick up traffic. Additionally, school staff will be onsite to direct traffic within the site for drop off and pick up. At this time, there is no indication of bus use for the school. All signage will require a permit with the City and will be reviewed at that time.

Parking

There are currently 5 striped parking stalls located at the front (North) of the building under a canopy. There appears to be room for an additional 14 parking stalls located along the western side of the building. They are currently not striped, but when staff observed past aeriels, according to the Kendall County GIS maps, it appeared to be striped in 2010 (as illustrated in the aerial image on page 1). Per the zoning ordinance, an elementary and junior high school requires 1 space per classroom. This would require the site to have a minimum of six (6) parking stalls.

The City recently approved a special use for a church located in Unit A of the building. The current requirement for a religious institution is 1 space per 6 seats. According to the petitioner, they will be proposing 50 seats within the facility. Based on these numbers, the petitioner will be required to have a total of 9 parking stalls located on the property. As part of the approval of this special use, there were two (2) conditions regarding the parking. The first is that the parking stalls located along the western side of the building be restriped in compliance with the current standards in the Yorkville City Code. The second is that the owner of the Subject Property includes language in all other leases of portions of the building acknowledging that there is shared parking for the tenants of the building. The second condition will be placed on this special use request as well. The building owner has provided proof that such shared parking language has been included in the lease to the church.

Shared Parking

The proposed trade school use would also fall within the appropriate shared parking regulations found in Section 10-16-4 of the zoning ordinance. Shared parking is the use of a parking space for two (2) or more individual land uses without conflict or encroachment. According to the regulations for shared parking, all uses within this structure, including the recently approved church use and the currently vacant units, are to be accommodated by the existing parking stalls. Since churches typically are a nighttime and weekend use and the proposed school and manufacturing uses are primarily conducted in daytime and used during the

weekday, the uses would be considered complementary. Therefore, appropriate to permit shared parking.

The total number of parking stalls need to accommodate each use (recently approved church and proposed school) is 15 spaces. The existing site has the potential to accommodate approximately 19 spaces when the additional 14 stalls are striped. Therefore, the subject property could more than adequately accommodate parking for both uses simultaneously should each facility operate on the same day and time.

It should also be noted, however, that Section 10-16-4-C-3 of the zoning ordinance requires that a legal document between property owners outlining the shared parking requirements. Since the petitioner is looking to lease Unit B & C and there is only one property owner involved, staff would require that as part of the special use approval, the owner provide language in the lease that acknowledges the shared parking for the tenants of the building.

The proposed use at this location could impact the traffic flow or increase the traffic in the area. The hours for the school will be similar to those of the surrounding businesses. There will be increased traffic at certain peak times of the day due to the drop off and pick up of the students. If bussing is required in the future, the petitioner would need to provide a traffic analysis to determine if traffic will increase or impede traffic patterns. This will be a condition for approval.

Utilities

The property is in the Fox Industrial subdivision and water and sewer utilities are located along Beaver Street. The proposed use will not impact the current water or sewer capacities. Stormwater management has already been accounted for within the development of the subdivision and no additional storage would be required as part of this special use.

Existing Conditions:

The existing zoning and land use for properties surrounding the subject property are as indicated below:

	Zoning	Land Use
North	M-1, Limited Manufacturing District	Industrial Buildings
East	M-1, Limited Manufacturing District	Industrial Buildings
South	M-1, Limited Manufacturing District	Industrial Buildings
West	M-1, Limited Manufacturing District	Industrial Buildings

Comprehensive Plan:

The City's Comprehensive Plan Update 2008 had designated this parcel as "Industrial" which is intended to allow limited and general manufacturing, assembly, wholesale and warehouse uses in distinct areas that can be adequately served by transportation and other infrastructure. As part of the Comprehensive Plan Update, this area is intended to remain as an Industrial use category.

However, as part of the recently approved text amendment, staff felt that allowing trade/commercial schools as a special use within the manufacturing districts is consistent with

current zoning and land use trends which is detailed in the attached staff memo to the Plan Commission presented at the April 13, 2016 meeting which outlines the research utilized in recommending the recently approved text amendment.

Special Use Criteria:

Section 10-4-9F of the City's Zoning Ordinance establishes standards for special use requests. No special use shall be recommended by the plan commission unless said commission shall find that:

1. The establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage or other necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the city council pursuant to the recommendations of the plan commission.

The applicant has provided written responses to these special use standards as part of their application and requests inclusion of those responses into the public record at the June 8, 2016 Plan Commission meeting.

Staff Comments:

The special use request for an alternative school is supported by staff. The current bulk regulations (setbacks, lot coverage, building height) are being met and the proposed use is not in conflict with the current comprehensive plan or recently amended zoning ordinance.

However, to ensure the orderly development of the area is not compromised by the proposed special use; **staff recommends the following conditions to this petition:**

1. A traffic flow plan be submitted as part of the Building Permit application which illustrates the proposed pattern of traffic for drop-offs and pick-ups for the school which will be subject to staff's approval.
2. If bussing is later implemented as part of the school transportation plan, a revised traffic flow plan and traffic analysis will be provided to the City's Community Development Department for review and authorization prior to establishment of the service.

3. The fourteen (14) parking stalls located along the western side of the building be striped prior to the operation of the school use. This will be a condition of building permit occupancy.

Proposed Motion for Special Use:

In consideration of testimony presented during a Public Hearing on June 8, 2016 and discussions conducted at that meeting, the Plan Commission recommends approval to the City Council a request for special use permit approval for a Commercial/Trade School for a private, non-profit school with an emphasis on holistic health education within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 210 Beaver Street, Units B and C, in Yorkville, Illinois, subject to staff recommendations and conditions in a memo dated May 25, 2016, and further subject to {insert any additional conditions of the Plan Commission}...

Attachments:

1. Copy of Petitioner's Application w/exhibits.
2. Plan Commission memo for text amendment.
3. Copy of Public Notice.

Application For Special Use

STAFF USE ONLY

Date of Submission 4/19/16 PC# 2016-09
 Development Name ~~Grace Center for Holistic~~ Grace Holistic Center for Education

Applicant Information

Name of Applicant(s) TAIRI GRACE
 Business Address 135 VAN EMMEN STREET
 City Yorkville State IL ZIP 60560
 Business Phone 630-881-1095 Business Fax
 Business Cell Business E-mail TAIRI KEARNS LCSW@ATT.NET

Property Information

Name of Holder of Legal Title KEITH WARPINSKI / 210 BEAVER LLC

If Legal Title is held by a Land Trust, list the names of all holders of any beneficial interest therein:

Property Street Address 210 BEAVER STREET, Yorkville IL 60560

Description of Property's Physical Location

Zoning and Land Use of Surrounding Parcels

North	M-1, LIMITED MANUFACTURING
East	M-1, LIMITED MANUFACTURING
South	M-1, LIMITED MANUFACTURING
West	M-1, LIMITED MANUFACTURING

Current Zoning Classification M-1

Kendall County Parcel Number(s) of Property

<u>05-04-152-004</u>	

Application For Special Use

Special Use Standards

Please state how adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets:

CONSIDERATION FOR LOT AND LOCAL TRAFFIC WILL BE ADDRESSED BY SIGNAGE INDICATING WHERE BOTH DROP OFF AND PICK UP LOCATIONS ARE, LOT STRIPING TO INFORM VEHICLES ENTRANCE AND EXIT LOCATIONS, AND STAFF SUPERVISION DURING PEAK TRAFFIC HOURS.

Please state how the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Plan Commission:

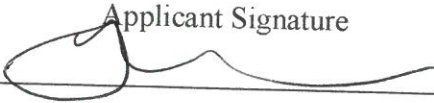
Everything BUT THE ZONING issue meets all current District regulations -

Agreement

I verify that all the information in this application is true to the best of my knowledge. I understand and accept all requirements and fees as outlined as well as any incurred administrative and planning consultant fees which must be current before this project can proceed to the next scheduled committee meeting.

I understand all of the information presented in this document and understand that if an application becomes dormant it is through my own fault and I must therefore follow the requirements outlined above.

Applicant Signature

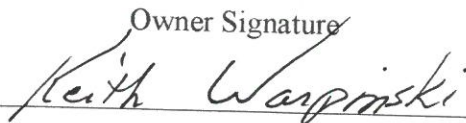


Date

4-17-16

Owner hereby authorizes the applicant to pursue the appropriate entitlements on the property.

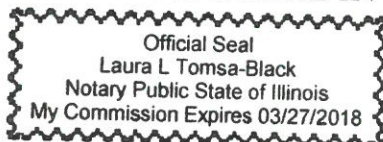
Owner Signature



Date

4/18/16

THIS APPLICATION MUST BE NOTARIZED
PLEASE NOTARIZE IN THE SPACE BELOW:





Application For Special Use

Additional Contact Information

Attorney

Name
Address
City State ZIP
Phone Fax
E-mail

Engineer

Name
Address
City State ZIP
Phone Fax
E-mail

Land Planner/Surveyor

Name
Address
City State ZIP
Phone Fax
E-mail

Attachments

Applicant must attach a legal description of the property to this application and title it as "Exhibit A".

Applicant must list the names and addresses of any adjoining or contiguous landowners within 500 feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".

Application For Special Use

Special Use Standards

Please state how the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare:

THIS Request is For A TYPICAL SCHOOL USE, with GRADES PRE-K THROUGH HIGH SCHOOL, Holding General BUSINESS HOURS. THERE IS NO RISK TO PUBLIC HEALTH, SAFETY, MORALS, COMFORT OR GENERAL WELFARE IN ANY CAPACITY IN THE ESTABLISHMENT OF THIS SCHOOL.

Please state how the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood:

SPECIAL USE WILL NOT COMPLICATE THE ENJOYMENT OF ANY LOCAL PROPERTIES.

Please state how the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district:

THE BUILDING IS ALREADY ESTABLISHED, THERE WILL BE NO EXTERNAL DEVELOPMENTS TO CONSIDER.

Please state how adequate utilities, access roads, drainage or other necessary facilities have been or are being provided:

ALL CURRENT INFRASTRUCTURE SUPPORTS THE NEEDS OF THE BUILDING CURRENTLY.



United City of Yorkville
County Seat of Kendall County
800 Game Farm Road
Yorkville, Illinois, 60560
Telephone: 630-553-4350
Fax: 630-553-7575
Website: www.yorkville.il.us

Petitioner Deposit Account / Acknowledgment of Financial Responsibility

Development/Property Address: 210 BEAVER	Project No.: FOR CITY USE ONLY	Fund Account No.: FOR CITY USE ONLY

Petition/Approval Type: check appropriate box(es) of approval requested

- ☐ Concept Plan Review ☐ Amendment (Text) (Annexation) (Plat) ☐ Annexation
☐ Rezoning ☒ Special Use ☐ Mile and 1/2 Review
☐ Zoning Variance ☐ Preliminary Plan ☐ Final Plans
☐ P.U.D. ☐ Final Plat

Petitioner Deposit Account Fund:

It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the **INVOICE & WORKSHEET PETITION APPLICATION**. This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15th of the month in order for the refund check to be processed and distributed by the 15th of the following month. All refund checks will be made payable to the Financially Responsible Party and mailed to the address provided when the account was established.

ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

Name/Company Name: Tairi Grace Address: 105N 44th City: Yorkville IL State: IL Zip Code: 60560
Telephone: 630 981 1045 Mobile: 630 981 1045 Fax: _____ E-mail: _____

Financially Responsible Party:

I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.

Print Name: Tairi Grace Title: owner
Signature*: [Signature] Date: 7/12/10

**The name of the individual and the person who signs this declaration must be the same. If a corporation is listed, a corporate officer must sign the declaration (President, Vice-President, Chairman, Secretary or Treasurer)*

FOR CITY USE ONLY

ACCOUNT CLOSURE AUTHORIZATION:

Date Requested: _____ ☐ Completed ☐ Inactive
Print Name: _____ ☐ Withdrawn ☐ Collections
Signature: _____ ☐ Other

DEPARTMENT ROUTING FOR AUTHORIZATION: ☐ Comm Dev. ☐ Building ☐ Engineering ☐ Finance ☐ Admin.

**Property Details**

Price	\$524,900
Building Size	14,400 SF
Lot Size	1 AC
Price/SF	\$36.45 /SF
Property Type	Industrial
Property Sub-type	Industrial-Business Park
Additional Sub-types	Flex Space Office Showroom Warehouse
Property Use Type	Vacant/Owner-User
Occupancy	0%
No. Stories	1
Year Built	1974
Clear Ceiling Height	12 FT
No. Drive In / Grade-Level Doors	1
Features	Electricity/Power
Status	Active

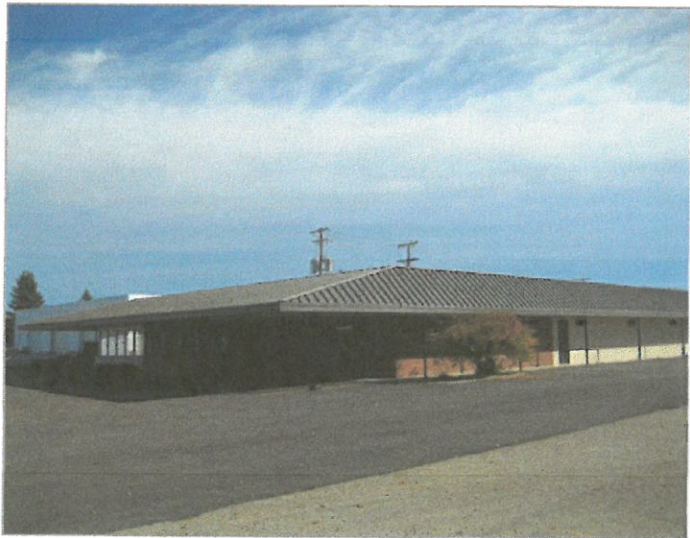
Property Notes**Property Description**

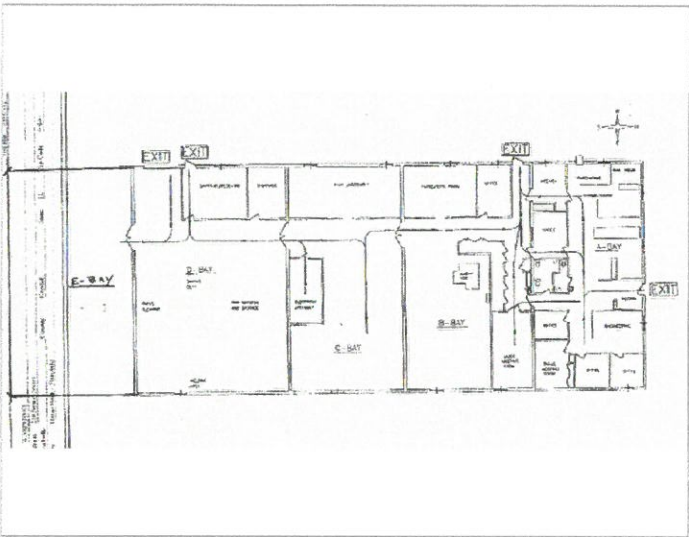
Choice 14,400 square foot office warehouse in fast growing Yorkville Illinois. Features include: 2900 sq ft finished office with several inner offices. Two bathrooms, kitchen area and conference rooms. Back warehouse features several warehouse bays with additional office and storage rooms. Ready to move in. Newer paint and parking lot. All city services. Brick and block building. Zoned M-1 manufacturing. Agent interest.

Location Description

Located at 210 Beaver Street in the Fox Industrial Park in Yorkville Illinois. Easy access to Metro Chicago via Rt. 126 to I-55. State Rt. 47 is two blocks west.

Photos









Memorandum

To: Plan Commission
From: Chris Heinen, Planner
CC: Bart Olson, City Administrator
Krysti Barksdale-Noble, Community Development Director
Date: March 31, 2016
Subject: **PC 2016-06 Trade Schools (Text Amendment)**

Background:

As the Plan Commission will recall, the Zoning Ordinance was adopted on November 25, 2014 and placed into effect on January 1, 2015. Since that time, staff has been approached by a citizen looking to incorporate a private, non-profit alternative school within an M-1 zoning classified property. Our zoning ordinance currently does not allow trade schools or commercial schools within a manufacturing district. Staff researched several surrounding municipalities (see chart below) and found that several of them either permitted trade schools as an outright allowable use or required a special use in manufacturing districts. Staff felt that allowing trade schools in the Manufacturing Districts as a special use is consistent with current zoning trends and would allow, on a case-by-case basis, additional review of surrounding land uses, site layout, parking, utilities, and traffic.

Trade School Uses in Manufacturing Districts				
Municipality	Use	Permitted	Special Use	Not Permitted
Plainfield	Trade school, music school, dance school.			X
Oswego	Schools; music, dance, business, commercial or trade.		X	
Plano	Schools of dance, music, business or trade.		X	
Montgomery	Personal and Business Services.	X		
Naperville	Vocational and trade schools.	X		
Aurora	Technical, trade, and other specialty schools.	X		
Sugar Grove	Schools, commercial or trade.	X		

The City of Yorkville currently defines Trade schools only and is defined as, “A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school). Staff researched other definitions similar to trade schools and found the following:

- **Montgomery** - Personal & Business Services: An establishment that provides services to consumers (for example, insurance, salon, attorney, veterinarian, teaching facilities for trades, gymnastics, martial arts etc., consulting and contracting firms etc.).

- **Sugar Grove** - SCHOOL, VOCATIONAL: A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting Illinois' requirements as a vocational facility.
- **Naperville** - SCHOOL, TRADE OR VOCATIONAL: A school which offers career based instruction in skilled subjects such as computer repair, network development, graphic design, multimedia, arts, shorthand, carpentry, drafting and automobile mechanics as part of a certificate or degree program.

While all of these definitions are similar in nature, there is a growing trend that will need to be addressed in alternative schools. Currently, Yorkville only allows schools, public or private, in residentially zoned districts. This creates a burden on smaller, alternative schools. Finding a location and building a new school is economically unfeasible for these uses. It is also not a permitted home occupation, so a single family dwelling would not be able to have a school. A majority of these alternative schools are typically operated in business areas or manufacturing areas. The City currently has a few schools operating under the trade school definition that are located in business zoned properties and staff feels that expanding them into the manufacturing districts seems to be a logical trend.

Staff Recommendation Summary:

Staff has worked with the City Attorney to revise the definition of trade schools to add commercial school and allow such schools as a special use in the M-1 & M-2 zoning classifications. The following proposed text amendments would be:

1. Chapter 2: Rules and Definitions in the Zoning Ordinance to revise the definition of trade school to include commercial school and define it as "A school established to provide for the teaching of academic, industrial, clerical, managerial, artistic skills, or alternative education. This definition applies to schools that are owned and operated privately for profit or non profit and that may offer a complete education curriculum."
2. Chapter 6: Permitted and Special Uses in the Zoning Ordinance to identify Commercial school, trade school as special uses in the M-1 Limited Manufacturing and M-2 General Manufacturing districts.

This item was discussed at the April 5, 2016 Economic Development Committee meeting. The committee had some concern that it may be better suited in the M-1 zoning district only and not a special use in the M-2 zoning district. Staff would like the input from the Plan Commission regarding this concern. Staff will be available to answer any questions the Plan Commission may have regarding the proposed text amendment. A recommendation from Plan Commission will be forwarded to City Council for consideration at the April 26, 2016 regularly scheduled meeting.

Proposed Motion for Amendment:

In consideration of testimony presented during a Public Hearing on April 13, 2016 and discussions conducted at that meeting, the Plan Commission recommends approval to the City Council a request for a text amendment to Chapter 6: Permitted and Special Uses in the Zoning Ordinance to identify Commercial school, trade school as special uses in the M-1 Limited Manufacturing and M-2 General Manufacturing districts and proposing a text amendment to Chapter 2: Rules and Definitions in the Zoning Ordinance to redefine the

definition of trade school to “A school established to provide for the teaching of academic, industrial, clerical, managerial, artistic skills, or alternative education. This definition applies to schools that are owned and operated privately for profit or non profit and that may offer a complete education curriculum.” This text amendment will provide regulations for the establishment and operation of such uses in these zoning districts, subject to staff recommendations and conditions in a memo dated March 31, 2016, and further subject to {insert any additional conditions of the Plan Commission}...

Attachments:

1. Current Chapter 6 of the United City of Yorkville’s Municipal Zoning Ordinance.
2. Research on Trade Schools.
3. Copy of Public Notice.

Order ID: 4178740

* Agency Commission not included

GROSS PRICE * : \$171.11

PACKAGE NAME: IL Govt Legal Aurora Beacon

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
BEFORE THE UNITED CITY OF
YORKVILLE
PLAN COMMISSION
PC 2016-12**

NOTICE IS HEREWITH GIVEN THAT Tairi Grace, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting special use permit approval for a Commercial/Trade School for a private, non-profit school with an emphasis on holistic health education within the M-1, Limited Manufacturing District pursuant to Chapter 6, Table 10.06.02 of the Yorkville Zoning Ordinance. The real property is located at 210 Beaver Street, in Yorkville, Illinois.

The legal description is as follows:

LT 5 BLK 1 FOX INDUSTRIAL
PARK UNIT 2 CITY OF YORKVILLE

Permanent Index Number:
05-04-152-004

The application materials for the proposed Special Use are on file with the City Clerk.

NOTICE IS HEREWITH GIVEN THAT the Plan Commission for the United City of Yorkville will conduct a public hearing on said application on Wednesday, June 8, 2016 at 7 p.m. at the United City of Yorkville, City Hall, located at 800 Game Farm Road, Yorkville, Illinois 60560.

The public hearing may be continued from time to time to dates certain without further notice being published.

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville City Clerk, City Hall, 800 Game Farm Road, Yorkville, Illinois, and will be accepted up to the date of the public hearing.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

BETH WARREN
City Clerk
BY: Lisa Pickering
Deputy Clerk
5/19/2016 4178740