



United City of Yorkville

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

NOTICE

I, Mayor Gary J. Golinski, call a Special City Council meeting on Tuesday, October 25, 2016 at 5:30 pm., pursuant to the Open Meetings Act (5 ILCS 120/). The agenda for this meeting shall include the following:

1. Call to Order
2. Roll Call
3. Establishment of Quorum
4. Citizen Comments
5. Business
 - a. Home Rule – Discussion
6. Adjournment

Dated this 19th day of October, 2016.



Mayor Gary J. Golinski



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AGENDA
SPECIAL CITY COUNCIL MEETING
CITY CONFERENCE ROOM

5:30 p.m.

Tuesday, October 25, 2016

1. Call to Order
2. Roll Call
3. Establishment of Quorum
4. Citizen Comments
5. Business
 - a. Home Rule – Discussion
6. Adjournment



Home Rule Referendum FAQs

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

Background

At the general election on November 8, 2016, the City Council would like you to vote on whether the United City of Yorkville should become a home rule unit of government or should continue to be a non home rule unit of government.

What does it mean if I vote yes?

Voting yes on this referendum question means you want the United City of Yorkville to become a home rule unit of government. By state statute, the United City of Yorkville is currently a non-home rule unit of government as it does not meet the population threshold of 25,000 residents.

What does it mean if I vote no?

By voting no on this question you are opting to have the United City of Yorkville retain its status as a non home rule unit of government. If the United City of Yorkville ever reaches a certified population of 25,000 residents, the City will become a home rule unit of government automatically.

What is Home Rule?

In Illinois, home rule is the State constitutional authority of local governments to self-govern provided the General Assembly did not explicitly limit that power or maintain the exclusive exercise of authority in a specific area. Essentially, home rule communities may do anything they deem necessary, unless the state specifies they cannot. This is contrary to non-home rule communities which only have the authority that is specifically granted to them under state statutes. Having home rule authority results in decision making being shifted from the state level to the local level.

How can a community become Home Rule?

A municipality can become a home rule unit of government in one of two ways. First, municipalities with certified populations over 25,000 are automatically granted home rule status. Otherwise, communities under this population threshold, such as the United City of Yorkville can place a referendum question on a ballot and let the voters decide.

What nearby communities are Home Rule?

Oswego, Aurora, Joliet, Plainfield, and Shorewood are all home rule communities. In fact, in April 2015, Shorewood passed a home rule referendum.

What limitations do Home Rule municipalities have?

One example of a limitation is that home rule municipalities cannot issue debt with a maturity period longer than 40 years. Further, the General Assembly has and in the future may impose additional limits on home rule units by preemption or declaration that certain actions are an exclusive power of the State. Preemption by the State has included certain licensing powers, pensions, the Open Meetings Act and the Public Labor Relations Act. In addition

any home rule action would still be subject to all of the restrictions in the federal and State constitutions such as due process requirements.

What are the potential advantages of Home Rule?

The City would have more flexibility and authority to address local issues as they present themselves. Additionally, while no formal plans have been established and new and innovative uses of home rule authority can be developed to solve future problems, the City Council has endorsed a list of eight possible actions and outcomes as follows:

1. Improve the City's Bond Rating. This could possibly save thousands of dollars in interest costs on future bond issuances.
2. Incur debt beyond 20 years. Stretching out payments over several years lowers the burden on residents.
3. Reduce property tax burden on residents by shifting tax burden to non-residents. This could be done through multiple ways including an increase in amusement taxes or the enactment of a food and beverage tax that would also be imposed on those that are visitors to the City.
4. Changing the size of the City Council. Permanently setting the number of wards and aldermen would result in a cost savings as the population grows. Having home-rule status would simply allow the City to authorize a referendum to let the voters decide.
5. Administrative Adjudication Improvements. Implementing a monthly hearing process instead of a weekly process would save the City money.
6. Reduce residential speed limit default to 25 mph. This is one of the most requested ordinances by residents. Under Home Rule Authority, the City would be able to do this.
7. Opt out of certain state unfunded mandates as they are created unless preempted by the State.
8. Modify the zoning and planning process

What are the potential disadvantages of Home Rule?

Typically, home rule municipalities have broad taxing and regulation authority, including the ability to increase property taxes without a referendum, to issue an unlimited amount of debt, to create new taxes and fees, and to regulate property.

Because of these concerns, the City Council has passed a resolution of broad restrictions on home rule authority, if the referendum is passed. This resolution commits the existing City Council to continue to follow the property tax caps, to issue debt within current restrictions, and to conduct public hearings if any new taxes are approved or any existing taxes are increased.

How do residents oversee the use of Home Rule?

Residents oversee the use of home rule through the normal election process. Every two years half of the aldermen are elected and every four years the Mayor is elected. Additionally, participating in City Council and Committee meetings is another forum in which to enact oversight. Citizens have the right at every meeting to address the governing body. Furthermore, all ordinances are published, discussed, and acted upon in open session and all agendas and ordinances are posted on the City's website at least 48 hours before a vote. Finally, voters can file a petition to rescind Home Rule by referendum.

UNITED CITY OF YORKVILLE
**HOME RULE
INFORMATION
SESSION**

UNITED CITY OF YORKVILLE
HOME RULE REFERENDUM
NOVEMBER 8, 2016

“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?”

What is Home Rule?

- ◉ Established by the adoption of the 1970 Illinois Constitution, Article VII, Section 6: Powers of Home Rule Units: Home Rule shifts greater responsibility and authority for local government decision making from the state level to the local level.
- ◉ Municipalities with a population of more than 25,000 are automatically Home Rule Units. Municipalities that do not meet that requirement require approval by referendum to achieve Home Rule status.
- ◉ The United City of Yorkville's 2010 Census Population was 16,921

Who has Home Rule?

Nearby Home Rule Municipalities:

- ◉ Aurora
- ◉ Bolingbrook
- ◉ Carol Stream
- ◉ Downers Grove
- ◉ Joliet
- ◉ Kankakee
- ◉ Manhattan
- ◉ Oswego
- ◉ Plainfield
- ◉ Romeoville
- ◉ Shorewood – 2015 by referendum

What does Home Rule Change for the City?

- The City will have more flexibility and authority to address local issues as they present themselves, and can selectively opt out of unfunded state mandates.
- The Mayor and the City Council agreed to pledge to exercise any of the Home Rule Powers only to the extent deemed necessary with a view to the long term impact upon the community.
- The City Council has approved broad restrictions on the use of home rule authority, including but not limited to:
 - limiting the power to incur debt;
 - holding a public hearing prior to the adoption of any new tax or increase in existing tax;
 - and continuing to follow property tax caps under the Property Tax Extension Limitation Law (PTELL).

Possible Concerns

- Increased Taxing Powers
 - The City Council agreed to follow the same non-home rule procedures to hold a public hearing prior to any increase in existing tax or when implementing a new tax.
- Increased Property Taxes
 - The City Council agreed to follow the current practice to levy property taxes, which is to follow property tax caps under PTELL.
- More regulations on businesses

New Possibilities for the City

- Improve the City's bond rating.
 - Thus saving dollars in interest costs on future bond issuances.
- Incur debt beyond 20 years
 - Stretching out payments over several years lowers the burden on residents.
- Reduce property tax burden on residents by shifting tax burden to non-residents.
 - Increases of amusement taxes could shift tax burdens to visitors.
- Changing the size of the City Council.
 - Saving costs by authorizing a referendum to permanently set any number of wards and alderman.

New Possibilities for the City continued...

- Administrative Adjudication improvements.
 - A monthly hearing process would save City dollars.
- Reduce residential speed limit default to 25 mph.
 - This is one of the most requested ordinances by residents. Under Home Rule Authority the City could reduce its default speed limit.
- Opt out of state unfunded mandates as they are created.
 - Mandates affect City coffers as there is no authority to opt out of them.
- Modify the zoning and planning process.
 - Setting up special commissions to address new issues. Establishing criteria for hardships based on local specific criteria, rather than state and case law.

Moving Forward

- There are limits on Home Rule Municipalities
 - Issued debt may not have a maturity period longer than 40 years
 - The General Assembly can also vote to impose additional limits on Home Rule units.
 - Home Rule status can be reversed through referendum, in the same way that it was created

Sample Ballot November 8, 2016

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

Next Meeting

- Tuesday, October 25, 2016 at 5:30 pm
City Council Chambers, 800 Game Farm
Road, Yorkville, IL

More Information

- www.yorkville.il.us/2016homerulereferendum
- General Questions can be directed to Bart Olson, City Administrator:
 - 630-553-4350
 - bolson@yorkville.il.us