

COAL CITY VILLAGE BOARD MEETING

**WEDNESDAY
OCTOBER 26, 2016
7 P.M.**

**COAL CITY VILLAGE HALL
515 S. BROADWAY, COAL CITY, ILLINOIS**

REVISED AGENDA

1. Call meeting to order
2. Pledge of Allegiance
3. Approval of Minutes October 12, 2016
4. Approval of Warrant List
5. Public Comment
6. Presentation Hope Helps Brittney Kaluzney
7. Presentation Coal City Civic Academy Report
8. Ordinance 16-29 Vacating a Portion of Public right-of-Way
Adjacent to 760 S. Broadway

9. Resolution 16-14 A Resolution Initiating the Submission of a Binding Public Question Concerning Whether the Village of Coal City Shall Become a Home Rule Unit to Appear on the Ballot of the Electors of Such Village at the Consolidated Election to be Held on April 4, 2017

10. Small Business Saturday Promotion Participation

11. Report of Mayor

12. Report of Trustees: T. Bradley
 J. Wren
 D. Togliatti
 D. Greggain
 R. Bradley
 N. Nelson

13. Report of Village Clerk

14. Report of Village Attorney

15. Report of Village Engineer
 A. Reed Road Pavement Stabilization

16. Report of Chief of Police

17. Report of Village Administrator

18. Executive Session to Discuss Personnel and Potential Litigation

19. Adjourn

MEMO

TO: Mayor Halliday and the Board of Trustees

FROM: Matthew T. Fritz
Village Administrator

MEETING

DATE: October 26, 2016

RE: PURCHASE OF ADDITIONAL 6' ADJACENT TO 760 S. BROADWAY

Bob Davis, the owner of Bob's Advance Auto & Tire received a variance in order to erect a fence along the property that was formerly the Car Wash at the northwest corner of Walnut & Broadway. Upon applying for a fence permit, it was discovered that the former building was located within the Village right of way as well as a portion of the parking lot located north of the sidewalk along the property's south side. The presentation before the Planning & Zoning Board that was recommended and approved by the Board included eth fence being constructed along the sidewalk.

In order to have the ability to legally place the fence along the sidewalk, Mr. Davis shall acquire a 6'x 125' strip of land adjacent to the former car wash property within the sidewalk on the north side of Walnut; the cost to acquire this strip of land shall be \$2,087.50. Upon the Board's consideration and the ability to acquire this portion of land, Mr. Davis will call the fencing company once again and have the fence installed according to the petition for variance that had already been approved, earlier this year.

Recommendation:

Adopt Ordinance No. _____: Vacating a portion of right of way adjacent to 760 S. Broadway.

THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER _____

**AN ORDINANCE VACATING A PORTION OF PUBLIC RIGHT-OF-WAY
COMMONLY KNOWN AS WALNUT STREET, IMMEDIATELY ADJACENT TO
PROPERTY COMMONLY KNOWN AS 760 S. BROADWAY**

TERRY HALLIDAY, President
PAMELA M. NOFFSINGER, Village Clerk

ROSS BRADLEY
TIMOTHY BRADLEY
DAN GREGGAIN
NEAL NELSON
DAVID TOGLIATTI
JUSTIN WREN
Village Trustees

ORDINANCE NO. _____

**AN ORDINANCE VACATING A PORTION OF PUBLIC RIGHT-OF-WAY
COMMONLY KNOWN AS WALNUT STREET, IMMEDIATELY ADJACENT TO
PROPERTY COMMONLY KNOWN AS 760 S. BROADWAY**

WHEREAS, the Village of Coal City (“Village”) is an Illinois non-home rule municipal corporation, organized and operating pursuant to the Constitution and laws of the State of Illinois; and

WHEREAS, the Village is granted the authority and power to vacate streets and alleys or portions thereof pursuant to Section 11-91-1 of the Illinois Municipal Code, 65 ILCS 5/11-91-1, upon a finding that the public interest will be served by such vacation;

WHEREAS, the Village has identified a portion of Walnut Street right-of-way located within the corporate limits of the Village generally described as the northernmost six feet (6’) of the Kankakee Street right-of-way, extending for 125’ from the western boundary to the eastern boundary of certain real property commonly known as 760 S. Broadway, bearing PIN 09-03-432-008 and as legally described in Exhibit A (the “Adjacent Property”), all as more particularly depicted in the legal description and depiction of the area of vacation attached hereto as Exhibit B (the “Area”); and

WHEREAS, the owners of the Adjacent Property has petitioned the Village for the vacation of the Area in order to erect a fence immediately north of the existing northern boundary of the Adjacent Property and to maintain the Area as their own; and

WHEREAS, the Village President and Trustees (the “Corporate Authorities”) hereby find and determine that the Area is not now and will not be required for public street purposes in the future, and that the relief to the public from the further burden and responsibility of maintaining the Area constitutes a public use and vacating the Area is in furtherance of the public interest; and

WHEREAS, the vacation may be contingent upon receiving the fair market value for the property as determined by the Corporate Authorities; and

WHEREAS, the Corporate Authorities of the Village hereby find and determine that the fair market value of the Area is \$2,087.50 (“Price”); and

WHEREAS, the Village has received the Price from the owner of the Adjacent Property; and

WHEREAS, after due investigation and consideration, the Village Board of Trustees has determined that there is no current or future public use for the Area and the public interest would be served by the vacation of the Area; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Coal City, Counties of Will and Grundy, Illinois, as follows:

SECTION 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. Vacation. For adequate consideration, the receipt of which is hereby acknowledged, the Village hereby vacates that certain portion of Village right-of-way located within the corporate limits of the Village generally described as the northernmost six feet (6’) of the Walnut Street right-of-way, extending for 125’ from the western boundary to the eastern boundary of certain real property commonly known as 760 S. Broadway, bearing PIN 09-03-432-008 and as legally described in Exhibit A (the “Adjacent Property”). It is hereby declared that the Area is no longer required for public use and that the public interest will be served by such vacation. The vacation provided for herein shall be subject to and conditioned upon the following:

1) Upon payment to the Village of \$2,087.50, the Village shall have prepared a Plat of Vacation for the Area being vacated herewith, and said Plat of Vacation, along with a certified copy of this Ordinance, shall be recorded with the Grundy County Recorder of Deeds.

2) The owner of the Adjacent Property shall reimburse the Village for its costs associated with procuring the plat of vacation and with recording this ordinance and plat on the title of the Adjacent Property.

3) That this vacation is subject to all existing easement rights of others whether apparent or not apparent, of record or not of record, aerial, surface, underground, or otherwise in accordance with Section 3.

SECTION 3. Reservation of Easements.

Easements are hereby reserved for and granted to the Village of Coal City, County of Grundy, and to utility companies operating under franchise from the Village of Coal City, and the respective successors and assigns jointly and severally, over all of the areas marked "Public Utilities" or Access Easement", if any, on the plat of vacation of the Area as described herein for the perpetual right, privilege and authority to construct, reconstruct, repair, inspect, maintain and operate the utility transmission and distribution systems and all necessary connections, appliances and other structures and appurtenances as may be deemed necessary by said Village and for any and all municipal purposes, over, upon, along, under and through said indicated easements, together with right of access across the Area to do any of the above work. The right is also granted to cut down, trim or remove any trees, shrubs or other plants that interfere with the operation of the utilities. Easements are further hereby reserved for and granted to the Village of Coal City and other governmental authorities having jurisdiction over the land subject to the easement, if any, for ingress, egress and the performance of any and all municipal or other governmental services.

SECTION 4. Repealer.

All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Saving Clause. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 6. Effectiveness. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SO ORDAINED this _____ day of _____, 2016, at Coal City, Grundy and Will Counties, Illinois.

VILLAGE OF COAL CITY

Terry Halliday, President

Attest:

Pamela M. Noffsinger, Clerk

AYES:

NAYS:

ABSENT:

ABSTAIN:

EXHIBIT A

Legal Description of Adjacent Property

LOTS 18 AND 19 IN BLOCK 19 IN THE ORIGINAL TOWN OF COAL CITY (EXCEPT COAL AND OTHER MINERALS UNDERLYING SAID PREMISES AND THE RIGHT TO MINE AND REMOVE THE SAME), IN GRUNDY COUNTY, ILLINOIS.

PIN: 09-03-432-008

Common Address: 760 S. Broadway, Coal City, IL 60416

EXHIBIT B

Legal Description & Plat of Vacation

Warrant/EFT#: EF 0000295

Fiscal Year: 2017

Issue Date: 10/11/16

Warrant Total: \$3,590.31

Warrant Status:

Agency	Contract	Invoice	Voucher	Agency Amount
492 - REVENUE		0322400018	7S1732115	\$3,590.31

IOC Accounting Line Details

Fund	Agency	Organization	Appropriation	Object	Amount	Appropriation Name
0802	492	27	44910008	4491	\$3,590.31	DISBURSE PPRT TO LOCL TAXING

Payment Voucher Description

Line	Text
1	IL. DEPT. OF REVENUE AUTHORIZED THIS PAYMENT ON 10/05/2016
2	TAX TYPE DESCRIPTION: PERSONAL PROPERTY REPLACEMENT TAX
3	ALLOC PRD: OCTOBER COLL PRD: AUGUST-SEPTEMBER
4	TAXING DIST. NO.: 0322400018
5	PLEASE PROVIDE TAXING DIST. NO. WITH ALL INQUIRIES
6	?S PHONE: 217 785-6518 EMAIL: REV.LOCALTAX@ILLINOIS.GOV
61	PERSONAL PROPERTY REPLACEMENT TAX

MEMO

TO: Mayor Halliday and the Board of Trustees

FROM: Matthew T. Fritz
Village Administrator

MEETING

DATE: October 26, 2016

**RE: ADOPTION OF HOME RULE INITIATIVE FOR THE
APRIL, 2017 BALLOT**

The Village Board has been considering putting the question to the Village's residents of becoming a home rule municipality as a means of providing greater flexibility as the Village grapples with sustaining its existing programs and infrastructure repair requirements along with the added burden of paying for the tornado restoration without assistance from other levels of government. Some of the information that has been provided in the past has been provided within this evening's packet, which provides some details regarding home rule versus non-home rule advantages and disadvantages.

In short, becoming a home rule municipality will provide additional means of increasing revenues without utilizing property taxes and provides the benefit of averting some of the requirements and unfunded mandates that are handed down from Springfield. Due to the Constitution, this authority exists automatically when a municipality's population exceeds 25,000 residents, but is something that can be attained through a vote of its residents. The closest municipality, which adopted this authority via a ballot initiative is Channahon.

This evening's consideration merely places the question on the upcoming ballot to be voted upon on April 4, 2017. This ordinance follows years of consideration by the Village Board; the Board desires the public to consider acquiring more power locally rather than being restrained by the limits of Coal City's current status as a non-home rule municipality.

Recommendation:

Adopt Resolution No. ____: Initiating the Question of Becoming a Home Rule Municipality to Coal City's Voters in the April, 2017 Election.

THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

RESOLUTION NUMBER _____

**A RESOLUTION INITIATING THE SUBMISSION OF A BINDING PUBLIC
QUESTION CONCERNING WHETHER THE VILLAGE OF COAL CITY
SHALL BECOME A HOME RULE UNIT TO APPEAR ON THE BALLOT OF
THE ELECTORS OF SUCH VILLAGE AT THE CONSOLIDATED ELECTION
TO BE HELD ON APRIL 4, 2017**

TERRY HALLIDAY, President
PAMELA M. NOFFSINGER, Village Clerk

ROSS BRADLEY
TIMOTHY BRADLEY
DANIEL GREGGAIN
NEAL NELSON
DAVID TOGLIATTI
JUSTIN WREN
Village Trustees

RESOLUTION NO. _____

A RESOLUTION INITIATING THE SUBMISSION OF A BINDING PUBLIC QUESTION CONCERNING WHETHER THE VILLAGE OF COAL CITY SHALL BECOME A HOME RULE UNIT TO APPEAR ON THE BALLOT OF THE ELECTORS OF SUCH VILLAGE AT THE CONSOLIDATED ELECTION TO BE HELD ON APRIL 4, 2017

WHEREAS, the Village of Coal City (“Village”) is an Illinois non-home rule municipal corporation, organized and operating pursuant to the Constitution and laws of the State of Illinois; and

WHEREAS, Article VII, Section 6(a) of the Constitution of the State of Illinois provides that a municipality with a population of fewer than 25,000 may elect by referendum to become a home rule unit; and

WHEREAS, Article VII, Section 6(a) of the Constitution of the State of Illinois and Sections 28-7 and 28-8 of the Election Code, 10 ILCS 5/28-7 and 28-8, authorize the Village to enact a resolution to submit by referendum to the voters of the Village the proposition of whether or not the Village shall become a home rule unit; and

WHEREAS, the President and Board of Trustees of the Village of Coal City (the “Corporate Authorities”) hereby find and determine that the Village has a population of fewer than 25,000 and further, that it is advisable, necessary and in the best interests of the Village that there shall be submitted to the qualified electors of the Village of Coal City on the April 4, 2017 consolidated election ballot, a binding public question concerning whether the Village of Coal City shall become a home rule unit; and

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Coal City, Counties of Will and Grundy, Illinois, as follows:

SECTION 1. RECITALS. That the foregoing recitals shall be and are hereby incorporated into and made a part of this Resolution as if fully set forth in this Section 1.

SECTION 2. AUTHORIZATION FOR PROPOSITION. A public question in substantially the form hereinafter set forth (the “Proposition”) shall be printed upon the official ballot and submitted to the voters of the Village of Coal City, Counties of Grundy and Will, State of Illinois, in accordance with the general election law at the consolidated election to be held on Tuesday, April 4, 2017 between the hours of 6:00 a.m. and 7:00 p.m. (the “Election”) and at all times and locations that early voting will be conducted by the Clerk of Grundy County and the Clerk of Will County (cumulatively, the “County Clerks”):

Shall the Village of Coal City, Illinois, become a home rule unit?	YES _____	NO _____
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SECTION 3. CERTIFICATION OF PROPOSITION. After the adoption of this Resolution, the Clerk of the Village of Coal City (the “Village Clerk”), acting in the capacity of the Local Election Official, is hereby directed to certify a copy of this Resolution and Proposition and to submit said certification to the County Clerks no later than 68 days prior to the date of the Election, on or before Thursday, January 26, 2017, pursuant to section 28-5 of the Election Code. Such certification shall include the form of the public question to be placed on the ballot, the date on which the public question was initiated by the adoption of this Resolution, and a certified copy of this Resolution.

SECTION 4. ELECTION NOTICE. The County Clerks shall give notice of the Election (the “Notice”), including notice of the Proposition, in accordance with section 12-5 of the Election Code by (i) publishing Notice at least once, not more than 30 nor fewer than 10 days prior to the date of the Election, in a local newspaper with general circulation within the Village, and (ii) posting a copy of the Notice at least 10 days before the date of the Election at the principal offices of the County Clerks. The Notice shall appear over the name or title of the election authorities (the County Clerks) and shall be in substantially the form provided in section 12-5 of the Election Code.

SECTION 5. LOCAL NOTICE. The Village Clerk, acting in the capacity of the Local Election Official, is hereby directed to post a copy of the County Clerks’ Notices pursuant to section 12-5 of the Election Code immediately after the County Clerks makes such Notices available to the Village and the public, but in no event later than 10 days prior to the Election. The local Notice shall be posted at Village Hall in the same manner and locations as the Village Clerk generally posts notices of public meetings of the Village’s Corporate Authorities. The Village Clerk may additionally publish the local Notice on the Village’s website.

SECTION 6. FORM OF THE BALLOT. The County Clerks shall create the ballot to be used at the Election in the form and composition as set forth in Article 16 of the Election Code, and it shall include the Proposition with the language and in substantially the form as set forth herein, with such necessary alterations, changes, deletions or insertions as may be required by Articles 24A, 24B or 24C of the Election Code if an electronic, mechanical or electric voting system is used at the Election.

SECTION 7. VOTING PRECINCTS AND POLLING PLACES. The Election shall be held in the

voting precincts and at the polling places established by the County Board of Grundy County, Illinois and the County Board of Will County, Illinois (cumulatively, the “County Boards”), respectively, for duly registered voters residing within the Village.

SECTION 8. ELECTION JUDGES. The Election shall be conducted by the election judges appointed by the County Boards to act in the precincts and at the polling places in which the Proposition will be submitted to the voters of the Village.

SECTION 9. CANVASS OF ELECTION. The Election shall be held and conducted by the election authorities, and the returns thereof duly canvassed, in the manner and at the times provided by the general election law.

SECTION 10. CERTIFICATION OF RESULTS. Within forty-five (45) days after the Election, by May 19, 2017, the Village Clerk shall file with the Illinois Secretary of State a certified statement showing the results of the referendum and the resulting status of the Village as a home rule unit or a non-home rule unit, in accordance with Section 28-8 of the Election Code.

SECTION 11. SAVING CLAUSE. If any section, paragraph, clause, or provision of this Resolution shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Resolution, which are hereby declared to be separable.

SECTION 12. EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage, approval and publication as provided by law.

SECTION 13. RESOLUTION OF CONFLICTS. All resolutions or ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SO RESOLVED this _____ day of _____, 2016, at Coal City, Grundy and Will Counties, Illinois.

AYES:

NAYS:

ABSENT:

ABSTAIN:

VILLAGE OF COAL CITY

Terry Halliday, President

Attest:

Pamela M. Noffsinger, Clerk

Illinois Municipal League



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Home Rule Municipalities

There are currently 211 home rule municipalities in Illinois.

Addison	Dolton	Markham	Riverdale
Algonquin	Downers Grove	Mascoutah	Riverwoods
Alsip	DuQuoin	Maywood	Robbins
Alton	East Dundee	McCook	Rock Island
Arlington Heights	East Hazel Crest	McHenry	Rockdale
Aurora	East St Louis	Melrose Park	Rolling Meadows
Bannockburn	Edwardsville	Mettawa	Romeoville
Barrington Hills	Elgin	Midlothian	Rosemont
Bartlett	Elk Grove Village	Moline	Round Lake Beach
Bartonville	Elmhurst	Monee	Saint Charles
Batavia	Elmwood Park	Monmouth	Sauget
Bedford Park	Elwood	Morton Grove	Schaumburg
Belleville	Evanston	Mound City	Schiller Park
Bellwood	Evergreen Park	Mount Prospect	Sesser
Belvidere	Fairview Heights	Mount Vernon	Sherman
Benton	Flora	Muddy	Shorewood
Berkeley	Forest View	Mundelein	Skokie
Berwyn	Freeport	Murphysboro	South Barrington
Bloomington	Galesburg	Naperville	South Holland
Bloomington	Gilman	Naples	Sparta
Bolingbrook	Glen Ellyn	Nauvoo	Springfield
Bridgeview	Glendale Heights	New Lenox	Standard
Bryant	Glenview	Niles	Stickney
Buffalo Grove	Glenwood	Normal	Stone Park
Burbank	Golf	Norridge	Streamwood
Burnham	Granite City	North Chicago	Sycamore
Cahokia	Gurnee	North Utica	Thornton
Calumet City	Hanover Park	Northbrook	Tilton
Calumet Park	Harvey	Northfield	Tinley Park
Carbon Cliff	Harwood Heights	Northlake	Tuscola
Carbondale	Hazel Crest	O'Fallon	University Park
Carlock	Herrin	Oak Forest	Urbana
Carol Stream	Highland Park	Oak Lawn	Valmeyer
Carpentersville	Highwood	Oak Park	Vernon Hills
Cartersville	Hillside	Oakbrook Terrace	Volo
Champaign	Hodgkins	Old Mill Creek	Warrenville
Channahon	Hoffman Estates	Onarga	Washington
Chicago	Homer Glen	Orland Park	Watseka
Chicago Heights	Hopkins Park	Oswego	Waukegan
Chicago Ridge	Inverness	Palatine	West Chicago
Christopher	Jacksonville	Park City	West City
Cicero	Johnston City	Park Forest	West Dundee
Collinsville	Joliet	Park Ridge	West Frankfort
Country Club Hills	Kankakee	Pekin	Wheaton

Home Rule Municipalities

Countryside	Lake Barrington	Peoria	Wheeling
Crainville	Lake Bluff	Peoria Heights	Williamsville
Crystal Lake	Lake Forest	Peru	Wilmette
Danville	Lake in the Hills	Phoenix	Winnetka
Darien	Lansing	Plainfield	Woodridge
Decatur	LaSalle	Posen	
Deerfield	Lincolnshire	Prairie Grove	
DeKalb	Lincolnwood	Quincy	
DePue	Manhattan	Rantoul	
Des Plaines	Marion	River Grove	



Street Address:

Illinois Municipal League
 500 East Capitol Avenue
 Springfield, IL
 62701

Mailing Address:

Illinois Municipal League
 P.O. Box 5180
 Springfield, IL
 62705-5180

Office Hours:

9:30 am - 4:30 pm
 Monday - Friday

Contact Us

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 Fax: (217) 525-7438
 Email: inquiry@iml.org
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Home Rule By Referendum In Nine Illinois Municipalities

By KURT P. FROEHLICH, Research Associate
Institute of Government and Public Affairs
University of Illinois

In Illinois any municipality — city, village, or incorporated town — may become a home rule unit with the corresponding constitutional right to exercise any power and perform any function pertaining to its government and affairs. Municipalities with populations greater than 25,000 automatically become home rule units. Other municipalities may elect by referendum to become home rule units.

The Illinois General Assembly has acted to provide procedures through which a municipality under 25,000 population may, by resolution of its governing body or by petition of the voters, conduct a referendum to become a home rule unit. (Ill. Rev. Stats., 1973, ch. 46, secs. 28-4 and 28-5).

Since the 1970 Illinois Constitution went into effect on July 1, 1971, there have been 16 municipal home rule referenda. Of these, 9 have been successful:*

Municipality	(County)	1970 Popula- tion	Vote	Date
McCook	(Cook)	366	165-17	Nov. 1971
Bedford Park	(Cook)	583	254-36	Dec. 1971
Rosemont	(Cook)	4,825	229-72	Jan. 1972
Countryside	(Cook)	2,888	598-317	Nov. 1972
Stone Park	(Cook)	4,451	206-18	Dec. 1972
Mound City	(Pulaski)	1,177	130-56	April 1973
Norridge	(Cook)	13,043	2,387-710	April 1973
Park City	(Lake)	2,906	243-33	Sept. 1973
Bryant	(Fulton)	346	41-1	Jan. 1974

Mayors, village presidents, attorneys, clerks, and in several instances members of the governing boards of these nine referendum units recently discussed their experiences with home rule. They answered or suggested answers to several questions about home rule in their communities. How does home rule use in these cities and villages compare with its use as envisioned by the delegates to the Sixth Illinois Constitutional Convention? Why did these nine small muni-

*Data on the seven unsuccessful referenda are as follows:

Municipality	(County)	1970 Popula- tion	Vote	Date
Arthur	(Douglas-Montrieu)	2,214	161-219	Mar. 1972
Worth	(Cook)	11,999	494-557	April 1972
Lincolnshire	(Lake)	2,531	255-381	Aug. 1972
Forest View	(Cook)	927	181-361	Nov. 1972
Stickney	(Cook)	6,601	375-904	Dec. 1972
Long Grove	(Lake)	1,196	209-208	April 1973
Bloomington	(DuPage)	4,434	311-118	April 1974

icipalities choose home rule status? How did municipal officials approach the voters about increased powers to tax and to incur debt under home rule? What are the plans for home rule use in these communities? What actions involving home rule have they taken?

Con-Con: Operational Home Rule. That home rule powers should be available by some means to all Illinois municipalities was never a serious issue at the constitutional convention. However, the majority of the Local Government Committee believed that home rule was best suited to large municipalities. The majority also believed that in smaller communities the expense and difficulty of a referendum should be placed on local officials who desire the additional powers and responsibilities of home rule. A major problem confronting convention delegates was in deciding upon whom extra burdens would be placed in acquiring home rule.

A compromise worked out by the delegates turned on two key issues: the size of the municipalities receiving automatic home rule and the vote necessary for preemption of home rule powers by the General Assembly. A population of 25,000 for automatic home rule and a referendum procedure for other municipalities was linked to the provisions in sections 6(g) and (h) of article VII, which state that the General Assembly may deny or limit home rule powers by a three-fifths vote and may declare state exclusivity by a majority vote. Had there been no compromise, had all communities been given home rule status automatically, it was thought that the preemption provisions might be amended so that all home rule powers would have been subject only to a simple majority vote of the General Assembly.

An analysis of home rule in the nine referendum home rule units shows that those municipalities are, for the most part, very much like the larger municipalities for which home rule was automatic. They have problems similar to those of larger municipalities. They responded to these problems by assuming the difficulties and expense of a referendum for home rule.

Adoption of Home Rule. The constitution and the Election Code provide that a home rule referendum may be initiated by resolution of the governing board or by petition of the voters. Five of the nine successful home rule referenda were initiated by resolution and

four by petition of the voters. In the referenda initiated by petition, as well as in those initiated by resolution, municipal officials — rather than the voters — generated the idea that home rule could help their community. In none of the referendum units was any organized opposition to home rule noted.

Why Home Rule? So far the adoption of home rule by municipalities with populations under 25,000 has been a response to special local problems. Some patterns can be discerned in the types of initial problems faced by these units.

The 1971 referenda, in McCook and Bedford Park, concerned industrial environmental problems. The 1972 referenda, in Rosemont, Countryside and Stone Park, were in response to possible advantages in taxing and regulating local commercial interests. The 1973 referenda, in Norridge, Mound City, and Park City, were substantially influenced by the "home rule amendment," often added to bills in the General Assembly to clarify that they do not apply to or are not limits upon home rule units. The 1974 referendum in Bryant concerned use of the Industrial Project Revenue Bond Act for pollution control facilities in a local factory.

The first five referenda, all in Cook County, were initiated in the belief that home rule would insulate municipalities from the county's power to tax. Those five referenda preceded the denial for rehearing in *City of Evanston v. County of Cook* (53 Ill. 2d 312 [1972]), which held that the county and home rule municipalities may simultaneously impose identical privilege taxes.

In some cases the initial reasons for adopting home rule are gone. The potential to use home rule in other ways remains. Other actions and plans, as well as some already noted, will be considered in the areas of taxation, licensing and regulation, debt and local improvements, and officers and employees.

Taxation. The constitution grants home rule units a broad power to tax. Although voters in the nine referendum communities were aware of this power, they nevertheless adopted home rule.

Bedford Park President Ernest Martin and Attorney Don Moore reacted in an identical way to the relationship of taxation under home rule to their referendum: "Everyone knows everyone — that instills responsibility." Mr. Moore noted that there was a general fear of greater local taxing power, but that the trustees' personal contact with voters during the petitioning and referendum process may have accounted for the overwhelming approval of home rule.

Officials in McCook, Mound City, Norridge, Park City, Rosemont, and Stone Park told their voters that they were not yet using all of the taxing authority already available to them under the statutes. Home rule proponents in McCook claimed, according to Village Attorney Louis Cairkar, that the village has one of the lowest tax rates in Cook County.

Rosemont and Mound City were able to go from

a defensive to an offensive position on home rule taxing power. At the time of the referendum, Rosemont was proposing a hotel-motel privilege tax on the consumer's rental of a room (Rosemont ord. nos. 72-2-16B (25 cents), 72-4-19 (50 cents), and 74-1-16B (\$1.00)). Fifty cents of the current one dollar tax rate is earmarked to offset initial planning expenses for a convention center. Since this tax would be paid mainly by those who would fly into O'Hare Field, use the village's facilities, and then leave, proponents of home rule in Rosemont were able to take advantage of a recognized tax maxim, "The only fair tax is the one the other fellow pays." Because there is no large shopping complex in Rosemont to generate sales tax revenues from visitors, the hotel-motel tax is the only way, stated Village President Donald Stephens, "to make those who use our fire and police services help to pay the costs." Stone Park has also adopted a hotel-motel privilege tax (ord. no. 73-8 (50 cents)).

Except for Rosemont and Stone Park, the power to tax in ways other than provided by statute has not been exercised in the communities which have voted for home rule. Under consideration in Stone Park is a mobile home privilege tax, but the tax has village officials in a quandry: mobile homes place a great burden on municipal facilities yet, because Cook County also taxes mobile homes, the proposed tax may be an unfair double tax. The village is also considering a one cent per gallon gasoline tax.

In March 1973, just before the April referenda in Mound City and Norridge, the General Assembly was considering House Bill 525, later tabled. H.B. 525 would have required two policemen in each patrol car at night. Mound City and Norridge officials learned that the bill might be amended so as not to apply to home rule units. Both Mound City Mayor Frederic Winkler and Norridge Village President Joseph Sieb acknowledge the important role this played in the adoption of home rule in their communities. Mayor Winkler observed, "If we had not adopted home rule, we might have had to choose between a large tax increase and no night police. . . . H.B. 525 sold home rule for us." Norridge is in Cook County and apparently would not have been affected by H.B. 525 as amended. Home rule, however, may give the village an opportunity to accept or reject, on its own, the yet unknown effects of that or similar proposed legislation.

The effect of the amendment exempting home rule units was also considered by Park City. The Mobile Home Park Act contains the provision that it does not apply within the jurisdiction of home rule units. Park City is in a non-home rule county, Lake County. According to City Attorney Eugene Snarski, the city adopted home rule primarily to take advantage of the exemption, and thus gain control over mobile homes and mobile home parks within municipal boundaries.

Licensing and Regulation. None of the nine referendum units have instituted any licensing provisions clearly based upon home rule powers, but there has been use of home rule powers in the area of regulation.

Attorneys Moore of Bedford Park and Patrick Lucansky of Countryside believe that home rule is still a benefit to licensing in their communities despite the absence of any new ordinances. Both attorneys believe that some of their municipalities' licensing provisions, enacted prior to home rule, may have exceeded statutory authorization. Home rule, they agree, has clarified the status of some licensing provisions in favor of the municipalities.

Bedford Park imposes a one dollar license fee as part of a program to assure that zoning is properly observed by industry. Industries must report their use of property, and that use is subject to the annual license (ord. no. 159). Attorney Moore believes that home rule is a firmer basis for this licensing and reporting device.

The highly industrialized villages of Bedford Park and McCook are very concerned about environmental protection. In both communities, home rule was proposed in order to gain greater local control over environmental matters. Bedford Park has not exercised any home rule authority over environmental matters. According to Attorney Moore, all of the village's environmental ordinances are in accord with state laws. Mr. Moore believes that the potential in home rule for Bedford Park lies in the resolution of possible intergovernmental conflict.

For industry to operate in Bedford Park, permits are required from the state, Cook County, and the village. So far, all three governments have been able to agree. The time may come, however, when a village permit or denial of a permit conflicts with a state or county ruling. Attorney Moore believes that section 6(c) of article VII of the constitution would seemingly resolve a village-county conflict in favor of the village and that home rule would result in a village-state conflict being similarly resolved. Concerning a possible village-state conflict, Mr. Moore noted with optimism the recent appellate decision in favor of a home rule unit in *City of Des Plaines v. Metropolitan Sanitary District of Greater Chicago* (16 Ill. App. 3d 23 [1974]).

McCook officials are also concerned about environmental protection. Although McCook's Environmental Control Ordinance (ord. no. 72-6) prescribes standards much like the state statutes and regulations, there are several points which may be exercises of home rule powers.

The Environmental Control Act limits the money remedy for each continuing environmental offense to \$1,000 per day (Ill. Rev. Stats., 1973, ch. 111½, sec. 1042), while McCook's ordinance allows the village to fine violators as much as \$5,000 per day. The ordinance also establishes a local Environmental Board to enforce the ordinance. Consistent with section 6(c)(1) of article VII of the constitution, the ordinance provides that responsible corporate officers may be imprisoned up to six months for violations. Citing home rule authority expressly, the ordinance allows the village to acquire structures and property used in violation of the environmental standards. Some of

the emission standards and compliance periods required by the ordinance are more stringent than provisions of the Environmental Control Act.

Village officials in Bedford Park and McCook stated that industry would rather work within local than state environmental regulations, even though the local regulations may impose more severe regulations and remedies. According to Bedford Park President Martin, industries "would rather deal with us because we can better understand the problems." McCook's Attorney Cankar echoed this, and noted that cooperation with local environmental enforcement is more likely where corporations deal with people they regularly confront.

Apparently the small populations of Bedford Park and McCook do not adversely affect their ability to administer environmental control programs. Many retired environmental experts and engineers live in both communities. Officials of both villages indicate that their programs are so well respected that local approval of an operation results in automatic state and county approval.

In another aspect of regulation, the minimum drinking age, Rosemont and Norridge have enacted ordinances prohibiting 19- and 20-year-olds from drinking beer and wine (Rosemont ord. no. 73-11-21D and Norridge ord. no. 603). Rosemont Village President Donald Stephens stated, "Sure, we lose some business because of this, but it is preferable to the problems our bartenders would have."

Discussed above was Park City's adoption of home rule so that it would not be governed by provisions in the Mobile Home Park Act. Park City is one of the newest referendum home rule units and, with the recent election of a new mayor, the community has not yet done anything with its home rule powers. Therefore, at this time there are no regulations on mobile homes in Park City. City Attorney Snarski commented: "The city is not trying to get away with anything. . . . A uniform state law does not really work very well in Park City where 70 percent to 80 percent of the residents live in mobile homes."

Debt and Local Improvements. The 1970 constitution expanded the ways in which local governments may incur debt and proceed with local improvements. Several of the referendum home rule units have used, or plan to use, nonreferendum debt, special service areas, the Industrial Project Revenue Bond Act, and their broader general powers for local improvement.

Although Norridge Village President Sieb promised voters in the home rule election that nonreferendum debt would not be used, home rule may have added a \$2 million flood control bond issue. Village Attorney Peter Schultz believes that home rule clarifies Norridge's authority to proceed with the project. Of even more importance, said Mr. Schultz, is recognition by Chapman and Cutler, the bond counsel, of the additional power which home rule gives the village in the flood control matter.

Rosemont currently plans a \$3.9 million nonreferendum bond issue to construct a stadium-sports com-

plex (ord. no. 74-1-16A). Already issued are \$150,000 in nonreferendum bonds for waterway improvements (ord. no. 73-7-9A). Another Rosemont plan involves the construction of a convention center. Noted already is the earmarking of hotel-motel tax proceeds for initial expenses in the development of the plan. Ordinance number 74-3-30A defines the village's authority to license use of the proposed convention center and the stadium-sports complex. A license has been granted to the Cougars for hockey games in the stadium.

A further aid to Rosemont's financial capability is a home rule ordinance which allows borrowing from banks and savings and loans institutions up to five years (ord. no. 73-1-17A). A similar ordinance is being considered in Mound City. By the authority of only a local resolution in March 1974 the city negotiated a \$15,000 bank loan. Stone Park is currently working with a bank to borrow \$30,000 for a small computer and an aerial truck.

Mayor Winkler of Mound City stated that his community would incur substantial amounts of debt only with referendum approval. He thought that voters would be justifiably suspicious if there were no referendum on debt. To avoid some of the inflexibilities of the statutory referendum procedure, however, Mayor Winkler indicated that Mound City may incur debt with an advisory referendum.

People ex rel. City of Salem v. McMackin (53 Ill. 2d 347 [1972]) clarified the use of the Industrial Project Revenue Bond Act by home rule units. The Illinois Supreme Court decided that, in spite of the home rule amendment, home rule cities and villages may adopt the provisions of the act. Of the referendum units, Bedford Park and Bryant have used the act (Bedford Park ord. no. 610, \$2.5 million for pollution control equipment, and ord. no. 612, \$3 million for new plant construction and equipment; Bryant, \$25 million for pollution control facilities).

Mound City Mayor Winkler is giving some thought to using the Industrial Project Revenue Bond Act in conjunction with the city's plan to develop a tourist trade around Civil War sites in the area. Mayor Winkler would like to make the old shipyards and dry dock functional. There would then be an improved local industry in barge repair. Such an industry would be similar to the shipbuilding and repair of the 1860s, and might be an additional attraction for tourists.

The 1970 constitution defines a new concept in local financing for both home rule and non-home rule units — special service areas and differential taxation (art. VII, sec. 6(1)). In response to *Oak Park Federal Savings and Loan Association v. Village of Oak Park* (54 Ill. 2d 200 [1973]) the General Assembly passed enabling legislation for special service areas (Ill. Rev. Stats., 1973, ch. 120, sec. 1301 et seq.). To date no referendum home rule municipality has used the special service area legislation, although Bedford Park has plans for special service areas in its industrial area.

Because of the potential for numbers of industrial accidents, the village needs better ambulance service,

Industry, the major user of this service, must bear the major part of the financial burden. Village Attorney Moore believes that this may be possible by creating a special service area and using the intergovernmental cooperation section of the constitution (art. VII, sec. 10). In May 1974 the village will begin operating under a contract for a general ambulance service.

Another proposed special service area in Bedford Park would renovate a water loop system for fire protection. Because the property involved is privately owned, intergovernmental cooperation may also be involved in this project.

Mr. Moore believes that a special service area, rather than special assessment procedures, would work satisfactorily on the water loop. A special service area may be more flexible, particularly when the proposed improvement is privately owned. Corporate finance also favors a special service area over special assessments. Special assessments by installments are for 10 years in some cases and for 20 years in others. Mr. Moore believes that the special service area procedures will guarantee almost any amortizable period for the water loop improvement.

Concerning local property construction and repair, Mound City has several problems. There is no money available for loans to repair or remodel private homes, no local banking facility, and no insurance on 50 percent of the city's homes because of their low value. To help solve these problems and to aid in the development of a tourist trade, Mayor Winkler proposes a Mound City Development Corporation. The development corporation would insure local property; insurance premiums would provide enough money for home repair loans. Mr. Winkler indicated that he would prefer private sponsorship for lending and insuring in Mound City. He hopes that the city's actions in this area will attract outside money: "You have to show that the city cares and can act before individuals will care and act. With home rule we can do anything to develop."

Another problem in Mound City is drainage, linked to the need to separate water and sewage. The drainage problem, according to Mayor Winkler, is linked to federal policies related to insuring home construction loans and granting money for the sewage system. The mayor hopes that home rule will allow the city to work freely with governmental agencies of all kinds on drainage, sewage, and related problems.

Countryside passed an ordinance adopting the Municipal Code's provisions for local improvements (Ill. Rev. Stats., 1973, ch. 24, sec. 9-1-1 et seq.). Section 6(1) of article VII of the constitution provides that the General Assembly may not deny a home rule unit's power to levy special assessments. There is no corresponding provision stating that the General Assembly may not deny a non-home rule unit's special assessment powers in section 7(1), dealing with non-home rule units. Countryside City Attorney Arthur Thorpe feels that Section 9 of the constitution's Transition Schedule would not carry forward any home rule power to levy special assessments. Mr. Thorpe be-

believes that the existing statutory special assessment procedures could be interpreted as denials or limitations, and therefore may not apply to home rule units. Although this point is arguable, Mr. Thorpe believes that an adoption of special assessment provisions by the local unit insures against a challenge of home rule authority in local improvements.

Through the home rule amendment the General Assembly is affecting Norridge's home rule actions. The village recently passed an ordinance (ord. no. 608) providing local authority for demolition or acquisition of dangerous and unsafe buildings in Norridge. The ordinance was necessary because the state's law on the subject "does not apply within the jurisdiction of any home rule unit" (Ill. Rev. Stats., 1973, ch. 34, sec. 429.8). Since Norridge is in Cook County, a home rule unit, the county may not act within the village. Attorney Schultz views the planned demolition ordinance as another example of how the village can "get a choice — to take advantage of the home rule amendment." There is also concern in Mound City over the demolition or repair of dangerous and unsafe buildings because Pulaski County cannot statutorily act within the city.

Officers and Employees. Specifically referring to its home rule authority "to exercise any power and perform any function pertaining to its government and affairs." Rosemont passed an ordinance (no. 73-12-19A), without a referendum, adopting the firemen and policemen pension fund provisions of the statutes (Ill. Rev. Stats., 1973, ch. 108^{1/2}, arts. 3 and 4). The statutes require a referendum for adoption of the pension fund provisions by a municipality under 5,000 population. (Rosemont's population is 4,825.)

Another Rosemont ordinance concerns the disciplinary remedies available to the Board of Fire and Police Commissioners. The Municipal Code (Ill. Rev. Stats., 1973, ch. 24, sec. 10-2.1 17) allows the board only two disciplinary measures: to suspend firemen and policemen for 30 days or to discharge them. Rosemont has the highest crime rate in the state and has a high potential for fire in its many hotels and motels. Officials felt that the board should be allowed to impose some disciplinary measure between suspension and discharge. Rosemont ordinance number 72-5-17 allows the board to demote firemen and policemen one rank or grade.

Rosemont ordinance number 74-3-9 provides that 20-year-olds may take the fire and police board examinations, but only applicants over age 21 may be sworn into service. Non-residents may take the examinations, but they must be residents when sworn in. The statutes provide varying age qualifications for policemen and firemen and are unclear about residency while in municipal service (Ill. Rev. Stats., 1973, ch. 24, sec. 10-2 1-6).

All Rosemont municipal employees participate in a village funded program which provides payment for medical prescriptions and prescription eyeglasses (resolution no. R74-4-17). This program is considered as additional compensation.

Stone Park currently has no pension program for its firemen and policemen. Village President Francione believes that a less expensive program than that required by statute (Ill. Rev. Stats., 1973, ch. 108^{1/2}) may be privately contracted as an exercise of home rule power. According to Mr. Francione, "The firemen and policemen have nothing now. Any low cost program we can find would be welcome." Village officials view such a program as necessary to keep good personnel.

Mr. Francione is Stone Park's first full-time village president. By ordinance no. 72-9, passed before his taking office but effective during his term of office, Mr. Francione's salary was increased to reflect the change in the village president's office from part-time to full-time. State law (Ill. Rev. Stats., 1973, ch. 24, sec. 3-13-6) and the constitution (art. VII, sec. 9) provide that no change in a village president's salary may take effect during his term of office. Section 3-13-6, however, "does not apply to any municipality which is a home rule unit." Mr. Francione believes that the change in salary is permissible as an exercise of home rule power.

Conclusion. The constitutional convention delegates conceived of home rule adoption by smaller communities as a response to special local problems. Six of the nine referendum home rule units are located in Cook County. The first five successful referenda were in Cook County. Apparently the problems of an urban setting — traffic, fire and police protection, economic development, and severe environmental concerns — were the original stimuli for home rule adoption by referendum. The report of the convention's Local Government Committee indicated that special problems in an urban setting were the major focus for home rule by referendum. At least six of the referendum units seem to meet the committee's and the convention's expectations. In addition, several of the referendum communities have nonresident daily populations exceeding 25,000, when commercial traffic and work forces are included (Rosemont, Bedford Park, and McCook).

In addition to the six referendum units in Cook County, Park City may in fairness be added as exemplifying home rule adoption as a response to special problems in an urban setting. Although it is in Lake County, a non-home rule county, Park City is part of the Chicago metropolitan area. With 70 to 80 percent of its residents living in mobile homes, the community has the crowded living conditions associated with an urban setting.

The apparent anomalies are Mound City and Bryant. They are not in urban areas, and their economic resources are few. However, they do have special problems. Bryant Village Attorney Oral Kost believes that home rule may make Bryant's industrial revenue bonds more marketable. Mound City's many economic problems were presented above.

Another anomalous feature concerns intergovernmental relations. The seven Chicago-area communities

see home rule as a way to resolve intergovernmental conflicts more favorably to themselves. Mound City, however, sees home rule as a way to work with other governmental entities to resolve severe economic problems.

Perhaps intergovernmental cooperation places home rule in a proper perspective in Mound City. Without financial resources and without an influence over a greater area, the city cannot grow as Mayor Winkler pictures it. Intergovernmental cooperation, together with the power to work with any governmental entity or person in any way, is how Mr. Winkler would prefer to attack Mound City's drainage and economic problems. As he noted, however, "We are getting little cooperation -- that is why we need home rule to help ourselves."

Nine Illinois municipalities have acquired home rule by assuming the difficulties and expense of a referendum. They now have additional powers—and additional responsibilities. They have adopted many ordinances and have plans for even more actions. Perhaps the ultimate test of the success of home rule in these nine communities would be the success or failure of a referendum to undo what the voters have done in the last few years to acquire home rule status.

An earlier version of this article appeared in the February 1974 issue of the **Home Rule Newsletter**, part of the Illinois Home Rule Clearinghouse and Policy Analysis Project. (The project is conducted at the Institute of Government and Public Affairs, University of Illinois. The project is funded in part through a comprehensive planning grant from the federal Department of Housing and Urban Development under an agreement with the Illinois Department of Local Government Affairs.) This article contains references to home rule actions through April 1974.

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Home Rule

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Institute of Government and Public Affairs
Department of Local Government Affairs

SPRING 1975
University of Illinois
State of Illinois

TEN MORE HOME RULE MUNICIPALITIES

As the result of a special census and nine successful referenda, there are now 87 home rule units in Illinois—86 municipalities and Cook County. In the village of Long Grove a referendum on home rule failed for the second time. In Stickney and Lincolnshire, however, home rule was adopted by the voters despite unsuccessful referenda two years ago. The results of an October 1974 census in Elk Grove Village (Cook County) showed a population of 25,303 for the village. (A population of 25,000 qualifies a municipality for automatic home rule status.)

Until the successful referenda in Standard and Waukega, Mound City was the only downstate municipality to vote affirmatively on the home rule question. The concept of home rule is apparently becoming acceptable to voters outside the six-county Chicago metropolitan area.

The results of the 10 municipal home rule referenda are summarized below:

Municipality (County)	1970 Population	Vote (Yes-No)*	Date
Deerfield (Cook-Lake)	18,876	1,056-872	April 1975
Lincolnshire (Lake)	2,531	871-229	April 1975
Lisle (DuPage)	6,921	305-133	April 1975
Long Grove (Lake)	1,196	192-265	April 1975
Park Forest South (Cook-Will)	3,232	674-434	April 1975
South Barrington (Cook)	348	101-63	April 1975
Standard (Putnam)	290	97-4	April 1975
Stickney (Cook)	6,601	1,432-641	Nov. 1974
Waukega (Iroquois)	5,294	511-412	April 1975
Woodridge (DuPage)	15,316	943-317	April 1975

* Figures received from municipal clerks.

Telephone conversations with municipal officials and material from other sources indicated some of the reasons for holding the home rule referenda and some of the characteristics of the elections.

Referenda Campaigns. A home rule referendum may be initiated either by petition of the voters or by resolution of the governing body (*Ill. Rev. Stats.*, 1973, ch. 46, secs. 28-4 and 28-5). All 10 of the referenda under discussion were initiated by the governing bodies.

Local officials in all 10 communities noted that their citizens were especially concerned over home rule taxing and debt powers, fearing that home rule would result in higher taxes. In most cases local officials were careful to point out to voters that present taxation and debt levels are below those possible under existing state laws. In Stickney, however, a primary reason for becoming a home rule unit was to allow the village to impose a tax on attendance at Hawthorne Race Course. Such a tax would be paid in large measure by nonresidents. Within two weeks of its home rule

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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

MEMO

TO: Mayor Halliday and the Board of Trustees

FROM: Matthew T. Fritz
Village Administrator

MEETING

DATE: October 26, 2016

RE: 11/26 SMALL BUSINESS SATURDAY PARTICIPATION

The Grundy Chamber has been focusing its effort in the Coal City/Diamond area via quarterly business managers' meetings. At the last offering, Sarah Beach informed those in attendance of the power of Small Business Saturday. This day, which is the Saturday after Thanksgiving, has gained its place nationally, thanks in part to a promotional campaign by American Express, as a day to shop locally and plan local purchases rather than leaving town to get those "big box special holiday deals" and keep the sales tax local.



Sunshine Gardens has been a strong advocate of this program and has been able to shepherd other businesses within the area – including Wilmington and Braidwood to participate in the day and take part in a passport program. Its success depends upon continual growth in the total number of participants and a variety of options in which residents can participate that day.

To show its support for Small Business Saturday, staff has created a plan whereby Village Hall will be open to receive utility bill payments and for every \$100 spent on payments, the Village would provide a \$10 Grundy Chamber Check in return (limit of 3). For its first year, 11/26 would be a pilot program wherein the offering was not advertised in the October Utility Billing Cycle and regular utility bills are to be paid by November 1st. This program would not just be open to those who have late payments; those in the village who have paid their bill can pay ahead and have a credit on the upcoming December utility bill in order to take advantage of this offer. Awareness will be increased within the downtown by hanging 6 light pole banners on Broadway (with the Shop Small Logo included) and the Village participating in the Free Press advertising for the day.

The total budget for these promotions is expected to be \$1,250. Any Chamber checks that are not distributed shall be reimbursable to the Village for full face value in case the public does not take advantage of this offering. These expenditures will be taken from the Administration Budget and will not cost the Utility Fund any expenditures. Sarah Beach of Sunshine Gardens is planning upon providing her Shop Small presentation to the Village Board at its November 9th Regular Board Meeting to increase interest in the upcoming event as Thanksgiving nears.

Recommendation:

Authorize the Village Administrator to participate with local businesses and promote Small Business Saturday, 2016.