

8/28/13
9/17/13
10/28/13

105-O-13

AN ORDINANCE

**CALLING FOR A BINDING REFERENDUM QUESTION TO BE
SUBMITTED TO THE ELECTORS OF EVANSTON TOWNSHIP TO
DISCONTINUE AND ABOLISH TOWNSHIP ORGANIZATION
IN EVANSTON TOWNSHIP**

WHEREAS, the City of Evanston and Evanston Township are coterminous, and the Township is a blended unit of local government within the City, with the City Council sitting as the Town Board and exercising all powers vested in it by law, 60 ILCS 1/15-50, 60 ILCS 1/80-5; and

WHEREAS, Section 5 of Article VII of the Illinois Constitution provides:

Townships may be consolidated or merged, and one or more townships may be dissolved or divided, when approved by referendum in each township affected.

; and

WHEREAS, Section 11(a) of Article VII of the Illinois Constitution provides:

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.

; and

WHEREAS, Section 11(b) of Article VII of the Illinois Constitution provides:

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...

; and

WHEREAS, pursuant to Public Act 98-0127, the City Council of Evanston, is empowered and authorized to adopt an ordinance authorizing that a proposition regarding Evanston Township be placed on the ballot for the March 18, 2014 General Primary election to be held in the township; and

WHEREAS, in the case of coterminous Evanston Township, the City Council has the constitutional and statutory authority to adopt this ordinance, and for the public policy question regarding township dissolution to appear on the ballot; and

WHEREAS, the language of new sections 27-5, 27-10 and 27-15 of the Township Code of Illinois, as amended by Public Act 98-0127, are incorporated via reference as if fully set forth herein; and

WHEREAS, under the separation-of-powers doctrine, courts must respect units of local government, such that the City Council's mandate in adopting this ordinance calling for this referendum is entitled to high deference. See *Board of Education of Dolton School District 149 v. Miller*, 349 Ill.App.3d 806 (1st Dist. 2004); *Moore v. Grafton Township*, 2011 WL 3524417 (2nd Dist. 2011); and

WHEREAS, Section 27-10 of Public Act 98-0127 is entitled: "Petition and referendum to discontinue and abolish a township organization within a coterminous municipality."; and

WHEREAS, following an advisory referendum voted upon by the voters of Evanston Township in 2012, the Town Board convened numerous meetings in 2013, all

properly noticed under the Township Code and the Open Meetings Act, to consider the interrelated questions of township governance, budget, and dissolution; and

WHEREAS, all persons desiring to be heard on these matters were heard, legislative findings made, a legislative Record created, and this matter was considered by the City Council of Evanston, exercising its powers granted to it under Public Act 98-0127.

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: Pursuant to Public Act 98-0127 and the Election Code, the proposition in substantially the following form shall be submitted to the electors of Evanston Township, for approval by a majority of the electors in the township voting on the question, at the March 18, 2014 General Primary Election, the referendum in such election to be conducted and notice thereof given in the manner provided by general election law:

Shall the township organization be discontinued and abolished in Evanston Township?	YES	
	NO	

SECTION 2: That this Ordinance 105-O-13 shall be in full force and effect from and after its passage and approval in the manner provided by law.

SECTION 3: The terms and provisions of this Ordinance shall be liberally construed so as to effectuate the purposes set forth in the recitals to this Ordinance. Each and every recital and legislative finding regarding this Ordinance is to be construed and interpreted severally.

SECTION 4: That the foregoing findings and recitals contained herein, as well as the meeting minutes and legislative Record regarding the issue of township

discontinuation, are found as fact and incorporated herein by reference. The findings, recitals, and legislative Record are declared to be prima facie evidence of the law of Evanston Township and the City of Evanston, and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 5: That if any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 6: That the City Clerk shall, and is hereby directed to, certify this Ordinance and the proposition as set forth herein to the Cook County Clerk no later than seven (7) days after passage and approval of this Ordinance.

Introduced: September 23, 2013

Approved:

Adopted: October 28, 2013

October 30, 2013

Elizabeth B Tisdahl

Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, Corporation Counsel