

4/17/2014
03/31/2014
03/28/2014

40-O-14

AN ORDINANCE RECOGNIZING THE CESSATION OF THE TOWNSHIP ORGANIZATION IN EVANSTON TOWNSHIP, AND CODIFYING THE CITY OF EVANSTON'S ASSUMPTION OF THE DUTIES AND OBLIGATIONS OF EVANSTON TOWNSHIP AS OF 12:00 A.M., MAY 1, 2014

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

SECTION 1: Legislative Statement.

At the time of passage of this ordinance, 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. Pursuant to 60 ILCS 1/27-10, the City Council adopted ordinance 105-O-13 which authorized that a proposition to dissolve Evanston Township be placed on the ballot for the March 18, 2014 General Primary election (the "election") to be held in the township. 63.56% of the registered voters who cast ballots at the election in Evanston Township voted "Yes" to discontinue and abolish Evanston Township. The City Council, in its legislative capacity, formally recognizes the Cook County Clerk's official certificate of election results, dated April 8, 2014, memorializing that 5,065 affirmative votes were cast in favor of the proposition to discontinue and abolish.

In recognition of this lawful election result, and recognizing the concurrent adoption by the Town Board of resolution 1T-R-14 dissolving Evanston Township, this

ordinance hereby codifies the City of Evanston's assumption of the duties and obligations of Evanston Township. Pursuant to Article VII(10) of the Illinois Constitution, and the Intergovernmental Cooperation Act, 5 ILCS 220 et seq., the City Council of the City of Evanston is authorized to approve an intergovernmental agreement or contract with Cook County and the State of Illinois to administer the duties and responsibilities of the Township for any township services. This legislative act also codifies the City's role in maintaining and assuming the township's general assistance and emergency assistance services, and continues the advisory services to residents related to Cook County property tax assessments.

Article VII, Section (6)a of the Illinois Constitution of 1970 states that, "a home rule unit may exercise any power and perform any function pertaining to its government and affairs." As a home rule unit, the City of Evanston's powers shall be construed liberally. *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992). This ordinance is presumed constitutional and the burden of rebutting that strong presumption is on the party challenging the validity of the statute to clearly demonstrate a constitutional violation. *Napleton v. Village of Hinsdale*, 229 Ill.2d 296, 306 (2008). It is well-settled law in Illinois that the legislative judgment of the City Council must be considered presumptively valid. *Glenview State Bank v. Village of Deerfield*, 213 Ill.App.3d 747, (2nd Dist. 1991). A court has a duty to uphold the constitutionality of a statute/ordinance when reasonably possible, and if a statute's/ordinance's construction is doubtful, the court will resolve the doubt in favor the statute's/ordinance's validity. *Id.* citing to *People ex rel. Sherman v. Cryns*, 203 Ill.2d 264, 291 (2003); and

The City Council finds that the assumption of duties, consolidation of

services, assumption of necessary taxing authority, and parameters enunciated herein shall contribute to fiscal stability for the City and promote the general welfare of residents.

SECTION 2: Ordinance 40-O-14 shall be in full force and effect as of 12:00 a.m. May 1, 2014.

SECTION 3: Pursuant to 60 ILCS 1/27-25, the City of Evanston Clerk is hereby directed to properly transfer and maintain all records of Evanston Township in the City of Evanston City Clerk's office.

SECTION 4: The office of Township Supervisor is abolished by operation of law. Pursuant to 60 ILCS 1/27-15, 1/27-20, and 305 ILCS 5/12-3.1, all the rights, powers, obligations, and duties of the Township Supervisor shall by operation of law vest in and be assumed by the City of Evanston.

SECTION 5: Pursuant to 60 ILCS 1/27-15, 1/27-20, and 35 ILCS 200/3-70, all the rights, powers, obligations, and duties of the Township Assessor shall by operation of law vest in and be assumed by the City of Evanston. Nothing in this ordinance shall be construed as obligating or requiring the City to create new full time or part time employee positions to comply with the Illinois statutes cited in this Section 5. The intent of this Section 5 is to conform to prior approved authorization to the City Manager to consolidate services that were previously provided by the Township Assessor.

SECTION 6: Pursuant to 60 ILCS 1/27-15 and 1/27-20, effective 12:00 a.m. May 1, 2014, all the rights, powers, assets, property, obligations, and duties of Evanston Township shall by operation of law vest in and be assumed by the City of

Evanston. All duties and responsibilities of Evanston Township, and any township officer as provided in the Township Code, the Illinois Public Aid Code, and Property Tax Code, are vested in, and shall be exercised by, the City of Evanston. The effective date of the vesting and transfer of duties and responsibilities called for in this Section 6 shall be 12:00 a.m., May 1, 2014.

SECTION 7: Pursuant to 60 ILCS 1/27-20,1/27-25, and this ordinance, The City Manager is hereby authorized and directed to close up all unfinished business of the township, and to sell and dispose of any township property as may be approved by the City Council, for the benefit of the residents of the City of Evanston.

SECTION 8: The City Clerk shall send a certified copy of this ordinance to Illinois Secretary of State Jesse White, the Director of the Illinois State Department of Revenue, the Director of the Illinois State Department of Human Services, Cook County Board President Toni Preckwinkle, Cook County Commissioner Larry Suffredin, Cook County Assessor Joe Berrios, Cook County Clerk David Orr, Commissioner Michael Cabonargi of the Cook County Board of Review, and the Executive Director of the Illinois Municipal Retirement Fund.

SECTION 9: All ordinances or parts of ordinances in conflict herewith are hereby unconditionally repealed in their entirety. 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 section in this Ordinance is to be construed and interpreted severally.

SECTION 10: The findings in this Ordinance, and the legislative Record, are declared to be prima facie evidence of the law of 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 11: 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 12: The City Clerk shall, and is hereby directed to, take all necessary steps to attest to and record this ordinance and comply with Section 8 of this ordinance.

Introduced: April 8, 2014

Adopted: April 28, 2014

Approved:

May 10, 2014

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form and legality:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

