

4/17/2014
03/31/2014

52-O-14

AN ORDINANCE AMENDING THE CITY CODE TO CREATE THE CITY OF EVANSTON GENERAL ASSISTANCE FUND, AND TO DEFINE CERTAIN OTHER DUTIES AND OBLIGATIONS OF THE CITY FOLLOWING THE CESSATION OF THE EVANSTON TOWNSHIP ORGANIZATION

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 creates the City of Evanston General Assistance Fund and defines certain other duties and obligations of the City following the cessation of the Evanston Township organization. This legislative act 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 52-O-14 shall be in full force and effect as of 12:00 a.m. May 1, 2014.

SECTION 3: Title 1 of the Evanston City Code of 2012, as amended, is hereby further amended and revised by adding a new Chapter 20, to read as follows:

CHAPTER 20: GENERAL ASSISTANCE FUND

1-20-1. CREATION AND COMPOSITION.

There is hereby created an account of the City which shall be known as the GENERAL ASSISTANCE FUND. This fund shall be administered by the City Manager or his/her designee and as set forth in Title 1, Chapter 11 of this Code. This fund shall consist of such estimated tax revenues, actual revenues, appropriations and expenditures for general assistance and emergency assistance services for the residents of the City of Evanston. This fund shall receive tax revenues in accordance with the annual tax levy ordinance and any ordinances or resolutions required by law. All revenues and appropriations that exist in the Evanston Township General Assistance Fund as of 11:59 p.m., April 30, 2014, shall be transferred by operation of law into this City GENERAL ASSISTANCE FUND. The City shall administer and provide funds for general assistance pursuant to 305 ILCS 5/12-3.1.

SECTION 4: All Evanston Township banking, investment, or other financial accounts shall be transferred to the City of Evanston. All such accounts shall be in the charge and custody of the City of Evanston as set forth in Title 1, Chapter 11 of the Evanston City Code. All such accounts shall be kept, managed, and audited as set forth in Title 1, Chapter 11 of this Code.

SECTION 5: All Evanston Township pension programs and accounts as required by the Illinois Municipal Retirement Fund, 40 ILCS 5/7-101 et seq., shall be transferred by operation of law to the City of Evanston. As a participating municipality, the City shall succeed to the functions of Evanston Township as provided by 40 ILCS 5/7-132(A)(c). The net accumulation balance in the Evanston Township reserve and the Evanston Township account receivable balance shall be assumed and transferred to the City. All participating and covered employees formerly employed by Evanston Township shall become participating and covered employees of the City. All such accounts shall be in the charge and custody of the City of Evanston, and be kept and managed as set forth in Section 1-9-7 of the Evanston City Code. The City Clerk is directed to send a certified copy of this Ordinance to the Executive Director of the Illinois Municipal Retirement Fund.

SECTION 6: All revenues and appropriations that exist in the Evanston Town Fund as of 11:59 p.m., April 30, 2014, shall be transferred by operation of law into the City of Evanston General Fund. All Evanston Town Fund banking, investment, or other financial accounts shall by operation of law be designated and become a component account within the City of Evanston General Fund. All such accounts shall be kept, managed, and audited as set forth in Title 1, Chapter 11 of this Code.

SECTION 7: 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 8: 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 9: 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 10: 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, and Cook County Clerk David Orr.

Introduced: April 8, 2014

Adopted: April 28, 2014

Approved:

May 16, 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

