

Decatur, Illinois, Thursday, March 15, 1979

# Wathan now against home rule

A review of his position on home rule led mayoral candidate Harold L. Wathan to say Wednesday he now "strongly opposes" it for Decatur.

Decatur voters will decide in a referendum at the April 17 election whether to allow the city to keep its home rule powers or to end them. Mayor Elmer Walton, who is seeking re-election, favors home rule.

Wathan said Wednesday that before the primary election, at which he was nominated to oppose Walton, he was "lukewarm" in favor of home rule.

"Since the primary, I have looked into it more deeply, and as a result of my findings I am strongly opposed to it for Decatur," he said.

Basically, Wathan said, he believes home rule takes too much authority away from the voters by giving it to "the politicians."

Broadly, home rule gives the city power to do some things not specifically authorized without it, and to do them



Harold L. Wathan

without voter approval.

Wathan listed several reasons for his opposition to home rule for Decatur.

First, he said, it enables the City Council to levy taxes without voter approval.

"For example," he said, "Chicago

now has a 'head tax' of \$3 per month on persons employed there, plus a city gasoline tax and vehicle tax, all of which were laid on the people under home rule.

"A city income tax could be next."

The idea of home rule, Wathan says, was originated in Chicago for the benefit of Chicago, and was adopted with the support of Chicago lawmakers. Many downstate legislators opposed it, according to Wathan.

"Under home rule, the City Council can pass as many bond issues as it wishes without a referendum of the people. The citizens would be compelled to repay these bonds in the event there is insufficient revenue to do so," Wathan said.

"Home rule is a dupe — a misnomer. It is not rule by the taxpayer citizens, it is the rule of big government on the local level.

"Basically, I am opposed to anything that tends to take power from the voters and put it into the hands of politicians, government administrators, special interest groups," he said.

Spectrum  
Karen Jensen  
April 1979

### Council-Manager Form of Gov't

The League of Women Voters, after studying the several possible alternative forms of city government, finds that the Council-Manager form of government is best for the city of Decatur.

Council-Manager government provides the professionalism and administrative capabilities not as likely to be found under other forms. Because the city of Decatur is in many ways similar to a big business, it needs to be governed in an economic and efficient way. By separating the policy making body, (the elected council), from the administrative body, (the appointed manager and staff), Council-Manager gov't provides balance between leadership and management.

Modifications can be made to Council-Manager gov't if desired. With citizen participation, some adaptations might be adopted to fit particular local needs and conditions. For example, the size of the council could be larger, it could be elected on a partisan basis, and it could be elected by districts or wards. None of these changes would affect the basic form, whereby the council designs the policies and programs for the city, to be carried out by a trained and experienced manager in charge of city operations.

The LWV of Decatur, after study, has found that the Home Rule power of the city, granted by the 1970 Constitution of Illinois, has not been misused. Rather, the council has been cautious in use of the Home Rule power, and careful to seek the community's specific needs. The home Rule power should be retained, in order that the local citizens can find solutions to their own local problems, and not be dependent on the Ill. legislative action.

... And this is K.G. for WSOX Spectrum...



1979

# REGAIN CONTROL OF YOUR LOCAL GOVERNMENT

Shall Decatur, Illinois cease to be a Home Rule Unit?	<b>YES</b>	<b>X</b>
	NO	

Shall Decatur, Illinois adopt the Strong Mayor form of government?	<b>YES</b>	<b>X</b>
	NO	

IT IS THE DUTY OF GOVERNMENT TO PREVENT INJUSTICE — NOT TO PROMOTE IT.

## ASK THEM THIS QUESTION:

"If Decatur's Political Machine has no intention of placing these new taxes on us, then why are they fighting so hard to keep Home Rule?"

## VOTE YES on APRIL 17

Citizens for Local Control — Thomas C. Allen, Chairman

**"EVEN THE STAUNCHEST HOME RULE  
ADVOCATES... DID NOT REALIZE THAT WE  
HAD GONE QUITE THAT FAR."** -Page 25

"It has long been a truism (fact) that home rule is an empty concept unless it includes. . . Local autonomy to raise revenue (taxes)." — Page 44

"The power to tax (without referendum) is initially recognized as a power of a home rule municipality." - Page 45

"Under the 1970 Constitution home rule units in Illinois may clearly impose retail sales taxes." - Page 83

"The door is closed, but it is not locked." - Page 22 - This referred to home rule "City Income Taxes".

The above statements are found in the final report, "HOME RULE IN ILLINOIS", published by The Institute of Government and Public Affairs at the University of Illinois.

## HOME RULE

Here is a partial list  
already levied without

- Amusement Tax
- Cigarette Tax
- Gasoline Tax
- Parking Tax
- Wheel Tax
- Water Use Tax
- Head Tax

There are about a  
paychecks.

Cook County went  
duties to an appoint

Yes, home rule units  
hide deficits.



# HOME RULE E THAT WE

Page 25

empty concept unless it  
— Page 44

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HOME RULE IN ILLINOIS",  
airs at the University of

# HOME RULE UNITS CAN TAX US WITHOUT LETTING US VOTE

Here is a partial list of home rule taxes which Illinois Home Rule Cities have already levied without letting their citizens vote.

- Amusement Tax
- Cigarette Tax
- Gasoline Tax
- Parking Tax
- Wheel Tax
- Water Use Tax
- Head Tax
- Utilities Tax
- Transaction Tax
- Tax on New Vehicles
- Hotel-Motel Tax
- Mobile Home Priviledge Tax
- Racetrack Admission Tax
- Beer, Wine, Spirits Tax

There are about a dozen additional taxes which can also be placed upon our paychecks.

Cook County went so far as to abolish the elected county clerk and transfer those duties to an appointed county comptroller.

Yes, home rule units can even transfer money from one account to another to hide deficits.

## WHY?

- Decatur was going to issue \$1.2 million in general obligation bonds for the Civic Center.
- Decatur lost the Hickory Point Mall.
- A Head Tax, Amusement Tax, and Hotel-Motel Tax have already been discussed.
- It has already been suggested that Decatur issue bonds for the Richland Community College and surrounding area.
- Our third serious winter with *still* inadequate street maintenance equipment.
- Decatur (the State's 5th largest city) has the State's 2nd highest Serious Crime rate.
- Decatur's appointed City Manager's Staff continues to grow, while Decatur's population remains the same, or less than in 1970.

**VOTE YES  
on  
APRIL 17**

## UNDER THE STRONG MAYOR SYSTEM

Decatur will be divided into ten equal squares (like a checkerboard) called, "Wards".

1	2	3	4
5	6	7	
8	9	10	

Under this system the Mayor will be a full-time elected official and can come from any area of the City. The difference will be, if you live in Ward 6, for example, the Alderman (Councilman) must live in your Ward 6. If he moves to another area, he forfeits his Council position. This system insures that all the people of the city are given equal representation in city government policies.



Northern Illinois University   
DeKalb, Illinois 60115

Center for Governmental Studies  
815 753 1901

April 19, 1983

Mrs. Edward Campbell  
3330 North Taylor  
Decatur, Illinois 62526

Dear Mrs. Campbell:

I am writing to ask for your help in gathering information for a study being done on the impact of home rule on municipalities in Illinois. Your community (or communities in your county) has had a referendum either to adopt or retain home rule. We are looking for copies of newspaper clippings, campaign brochures, and any other material, such as your own League Publications, which pertain to the home rule referendum campaign.

As a former local LWV president, I am aware that Leagues are often in the forefront of such campaigns, at least in the sense that the issues are closely followed and information carefully amassed. I am currently working with Dr. James Banovetz, a professor at Northern Illinois University, and Mr. Thomas Keltly, Associate Counsel for the Illinois Municipal League, on this home rule project. Your help in providing us with any pertinent material would be greatly appreciated.

If you incur copying costs for which you would like reimbursement, please enclose a statement with your materials. Send all information to:

Dr. James M. Banovetz  
Center for Governmental Studies  
Northern Illinois University  
DeKalb, Illinois 60115

Thank you for your help and cooperation.

Sincerely,



Carol B. Zar  
Research Assistant

CBZ:js

CITIZENS FOR GOOD GOVERNMENT

1460 W. William  
Decatur, IL 62522

April 19, 1979

Mrs. Karen Jensen, President  
League of Women Voters  
2180 Summit Court  
Decatur, Illinois 62526

Dear Mrs. Jensen:

As you are aware, our efforts to retain Home Rule and the Council Manager form of government in Decatur were most successful. The margin of victory for opponents to the proposition on April 17 was one of the widest for like referenda in Illinois.

Your assistance was instrumental in our success and the committee extends their appreciation for your support and participation. There is no doubt that Decatur will be a better place for us to live and work as a result of the vote on the 17th.

Thank you once again.

Sincerely,



Harold G. Meenen  
Chairman



LOCAL GOVERNMENT

The League of Women Voters of Decatur, after studying the several possible alternative forms of city government, finds that the Council - Manager form of government is the best for the city of Decatur.

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Modifications can be made to Council - Manager government if desired. With citizen participation, some adaptations might be adopted to fit particular local needs and conditions. For example, the size of the council could be larger, it could be elected on a partisan basis, and it could be elected by districts or wards. None of these changes would affect the basic form, whereby the council designs the policies and programs for the city, to be carried out by a trained and experienced manager in charge of operations of the city.

The League of Women Voters of Decatur, after study, has found that the Home Rule power of the city of Decatur, granted by the 1970 Constitution of Illinois, has not been misused. Rather, the council has been cautious in use of the Home Rule power, and careful to seek the community's specific needs. The Home Rule power should be retained, in order that the local citizens can find the solutions to their own local problems, and not be dependent on the Illinois legislative action.





# ACTION LETTER

September, 1978

Nancy K. Muirheid, Editor

## CHAMBER BORAD ENDORSES HOME RULE AND COUNCIL-MANAGER GOVERNMENT

Directors of the Chamber voted at the September board meeting to endorse the concept of home rule in the City of Decatur and to endorse the council-manager form of government. The action was taken on the recommendation of a special committee, chaired by Urban Affairs Vice President William P. Shade, III, Bennett & Shade Co.

John W. Ziese, John Ziese, Inc., E. J. Arseneault, Soy Capital Bank and Trust Co., Richard J. Lutovsky, Millikin National Bank, Professor Larry Klugman, Richland Community College, Professor Robert McIntire, Millikin University, and Robert Kopetz, S.R. Kopetz, Inc., formed the committee which reviewed the two proposals to significantly alter local government by eliminating the Home Rule option and replacing the current council-manager form of government with a strong mayor-alderman type. Both proposals will be submitted to the voters in the near future.

In support of Home Rule, the committee cited the benefits of having the affairs of the City determined by a local body (City Council) which can respond to the needs of the citizens. Without Home Rule, cities can do only those things which are specifically allowed by State of Illinois legislation, and permission to act on some problems unique to Decatur would have to be sought from the General Assembly.

In recommending endorsement of the council-manager form of government, the committee listed five reasons: 1. As representatives of the city as a whole, council members have no reason to favor one geographic area over another. 2. The city-manager is directly responsible to the council, and the council has the power to replace the city manager whenever it deems necessary, whereas, under a strong mayor form the mayor can only be replaced at election time or by recall. 3. In Decatur, the council-manager form of government has eliminated party politics and patronage, two factors which tend to increase the city's roster of employees and increase cost of government. 4. When a paid professional manager runs the internal affairs fo the City, he can devote all his time to the job instead of taking "our time" to run for re-election, and there is no temptation to do favors for special interest groups in return for promises of votes. 5. During the 19 years of its existence in Decatur, the council-manager form of government has operated smoothly, without corruption or political in-fighting, and has been responsive to the needs of the community as a whole. There is no reason to change a system which works so well.

**LUTOVSKY TO ASSUME CHAMBER POSITION** Richard J. Lutovsky, recently appointed executive vice president of the Chamber replacing Thomas P. Walsh, will take over the position about October 1, according to the Chamber President Kirtley E. Wilson. For the past year, Lutovsky has been an investment officer with Millikin National Bank. Prior to assuming that position, he was administrative assistant to City Manager Leslie T. Allen.

Lutovsky has indicated his intent to meet as many Chamber members as possible after assuming his post, to discuss concerns of businesses and the community in general. In the future, he expects to communicate those concerns to the general membership through several means, including the *ACTION LETTER*.

Kirtley E. Wilson, President

PUBLISHED BY THE  
**CHAMBER OF COMMERCE**  
Decatur, Ill. 62525

250 N. Water, P.O. Box 1031

Phone 217/429-5167



SERVICE ORGANIZATIONS  
TO HEAR GOV. THOMPSON

A combined meeting of service clubs at 12:15 p.m. on Thursday, September 28 at Holiday Inn of Decatur will feature Governor James R. Thompson as guest speaker, according to Lester J. Gran Architectural and Engineering Service Corp., chairman for Noon Lions Club, who is handling arrangements for the luncheon. Individuals who are not members of a service club will be welcome, and may purchase tickets for the luncheon at the Chamber of Commerce office. Service Club members should make reservations and buy tickets for their guests through their club secretary. Reservations for the luncheon must be made by September 21. Cost of luncheon tickets is \$4.00.

ORGANIZATIONS HEAR FROM  
GOVERNOR THOMPSON ABOUT DECATUR

A letter from Governor James R. Thompson sent to presidents of state and regional associations is the introduction to a convention promotion package recently developed by the Convention & Visitors Bureau under the direction of Gary Nichols, Robert Nichols and Associates, Inc. The package itself is called Convention Planning Kit and includes a letter of welcome from Mayor Elmer Walton and brochures about Decatur and the facilities available for convention activities, as well as a guide for planning conventions. Representatives of groups interested in scheduling conventions in Decatur are invited to visit the City, view a new audio-visual presentation and tour convention facilities.

UPDATE ON  
LEGISLATION

During the last days of the 80th General Assembly several matters of interest to business were passed and sent to Governor Thompson. His action is reported here, along with the effective date of the legislation.

S 736 -- exempting new industrial machinery and equipment from state sales tax; designed to encourage capital expansion in Illinois and increase the number of available jobs. Signed by the Governor; effective January 1, 1979.

H 1333 -- Product Liability -- Limits to 12 years after manufacture or 10 years after the date of sale the time during which a manufacturer or seller can be held responsible for accident or injury unless the seller has expressly warranted the product for a longer period. Signed by the Governor; effective January 1, 1979.

S 1705 -- Removes the double sales taxation now imposed on a common carrier for material purchased in Illinois for his own use out of state, but transported by the carrier in state. Vetoed August 18, 1978.

H 2655 -- Provides for a deduction from State base income for the amount of Federal jobs tax credit not presently allowed as a deduction on the Federal return. Sent to the Rules Committee for further study.

S 1519 -- Removes the presently existing constraint against work assignments on the seventh consecutive day for eight weeks each year when such assignments are not mandatory. The bill eliminates the requirement that an employer obtain special permission from the Department of Labor each time work is scheduled for a seventh consecutive day, but the employees right to refuse such an assignment is protected. Signed by the Governor; effective August 2, 1978.

H 3225 -- Allows the State Environmental Protection Agency to issue new source performance standard permits, eliminating a dual system that required both Federal and State approval. The bill enables the State EPA to grant variances which are consistent with the Federal Safe Drinking Water Act. Signed by the Governor; effective August 2, 1978.

*Your Chamber of Commerce dues are tax deductible. Your financial investment in the Chamber of Commerce is recognized by the Internal Revenue Service as a business expense, not a charitable contribution.*



# Group forms to back city's current form of government

By Al Stamborski

A group supporting Decatur's current form of government as well as its home rule powers was formed this week.

An organizational meeting of Citizens for Good Government, attended by Mayor Elmer Walton and several city councilmen, among others, took place Thursday night in the Sheraton Inn, according to organizer and chairman Harold G. Meenen.

Meenen, a retired Illinois Power Co. executive, said the group has two purposes. One is to "point out to the people what's good about our present council-manager form of government" and home rule, and the other is to get people out to vote April 17.

That's when voters will decide whether to abolish home rule powers and whether to substitute the strong mayor-aldermanic form of government for the current council-manager form.

Home rule power allows the city to take certain actions which are not granted to it by the Legislature.

City Council candidate Thomas C. Allen leads the petition drive to get the two proposals on the ballot.

While Meenen said he does not believe either proposal will pass, "I am afraid to take any chances."

He said he and "a group of people who are just concerned" met last fall to talk about a citizens group to oppose Allen's efforts.

Thursday's meeting turned that talk into action. The group is believed to be the first formed to oppose the challenge to the current type of government.

Walton said he is not one of the organizers of the group. But, he said he does support its efforts. At Thursday's meeting, he talked about the issues, he said.

Walton said he does not feel there is anything unethical about himself and city councilmen attending the meeting without notifying the media.

He said no official city business was discussed and the city officials who attended probably didn't even know that their colleagues would be there.

Councilmen William Oliver, Larry Foster and Charles McCaulla said they attended the meeting and support the group's efforts.

Councilman Carol Brandt also reportedly attended the meeting.

About 35 to 40 persons were there, Meenen said. Invitations were issued, but anyone could have come, he said. "It was an open meeting."

Harold L. Wathan, a candidate for mayor, said he was not invited by the organizers but attended the meeting anyway. He questioned the way in which it was conducted.

"If they were going to discuss this, why didn't they have a town meeting and discuss it in the open?" he asked.

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this morning, ar  
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# Debaters agree strong-mayor form costs

By Jan Gilarski

The extra cost of a strong mayor form of government is worth it, City Council candidate and strong-mayor proponent Thomas C. Allen argued Wednesday night.

Allen was participating in a Decatur Jaycees forum, and both he and his opponent agreed that the strong-mayor form historically has been more expensive than the city council-manager system.

But, Allen noted, "Cost is measured in other things, too.

"In communities with an elective

structure, people are more pleased," he said. "They don't mind spending extra dollars for the services they receive."

B. Zink Sanders, representing Citizens for Good Government, a group which supports the council-manager system and home rule, said studies of cities which have adopted the strong mayor system show the costs of government increased 50 percent after the change.

"People have known for years that the best way to get things done is to go to a professional," Sanders said. "A city manager is a professional."

The presentation by Allen and Sanders was the first public forum on the change-of-government issue. The question will appear on the April 17 city election ballot. Voters also will decide whether to abolish the city's home rule powers at that time on a separate ballot.

Allen acknowledged that "professionals have their place. But they do not belong in an elected, accountable man's chair."

Under the strong-mayor system, the mayor would be the chief administrative officer. Statutes provide for two

aldermen to be elected in each city ward.

Allen said elected officials are the cause of a genuine desire

"Do professionals share the burden? If so, would the substantial cut in salary if the financial crunch?"

Sanders pointed out that the manager is replaced by a simple majority vote.

He said under the strong-mayor system, the mayor by law hires an administrative officer

## Walsh

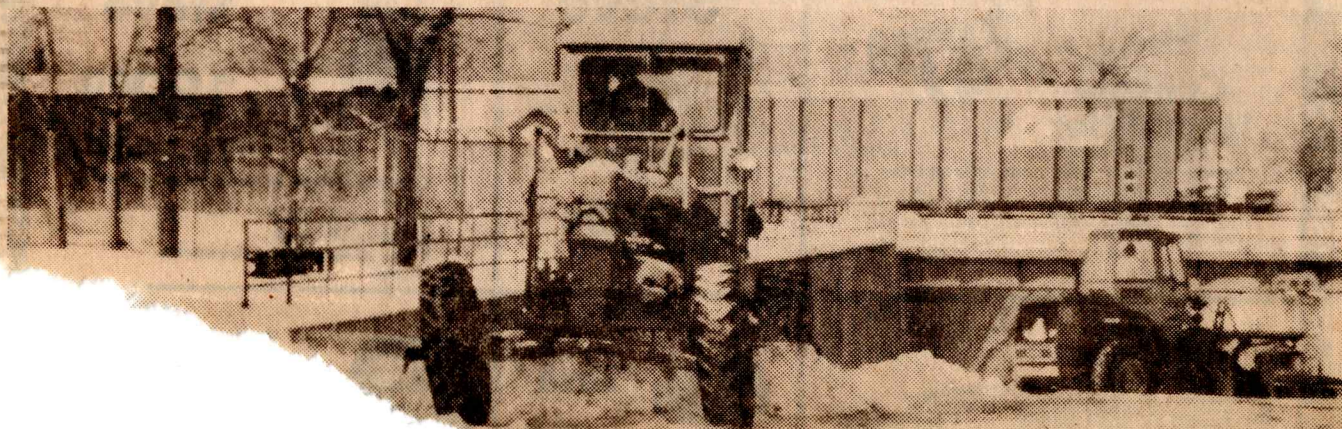
By John Harp

Copies of a Champaign County Court decision which, if upheld, would prohibit closed meetings of the County Board's Republican Party have been requested by the State's Attorney Patrick Walsh.

The Champaign County Court Judge Robert Steigman ruled against the Urbana City Council the result of a Champaign County Board's Republican Party story that the council had been holding closed meetings.

Steigman ruled, in the case of Champaign County State Representative Thomas Difanis, that the council violated the state's Open Meetings Act.

The act requires that all public agencies, except for certain





Carole B. Zar  
Northern Sec Unit

Dear Ms. Zar, <sup>on Home Rule</sup>

Information in our files <sup>is</sup> ~~are~~ dated 1979  
& earlier.

There was some contravense about a referendum  
on the Nov. 1982 ballot, but the League <sup>did not</sup> ~~had taken~~  
no public position. <sup>Large Decatur has H.R.</sup> The referendum would have  
been to retain or not to retain Home Rule.

I would suggest you check with The Library  
for copies of late Oct issues of Decatur Herald & Review.

~~The~~ Decatur League has no publications on  
Home rule. I suggest you contact The State League  
office; however, LWIL <sup>public</sup> are also dated.

Other state universities have researched  
the issue of home rule, I suggest you  
contact them.



LEAGUE OF WOMEN VOTERS OF ILLINOIS  
67 East Madison St., Chicago 60603

July, 1977

TO: Local League Presidents

FROM: Dorothy O'Neill, Vice President,  
Program

RE: Action on local government  
without a State LOGO item

## LOCAL LEAGUES AND LOCAL GOVERNMENT

### What Can You Do About It?

Under the 1870 Constitution the state held a strangle-hold on units of local government. The Constitution did not contain any general grant of powers to local government nor did it expressly determine the manner in which local government powers were to be created, limited or abolished. Having only those powers granted by the legislature, local governments had to appeal to the General Assembly on numerous matters of essentially local concern. The restrictions on taxing powers and debt limitations, moreover, contributed to the proliferation of governmental units and to fragmentation of authority.

These were the conditions in Illinois when the 1967 LWV State Convention adopted the LOGO item, the study of the structure and finance of local governments. They are the reasons the League supported a local government article in the 1970 Constitution with strong "home rule" provisions. The purpose of home rule is to vest increased authority in local officials and local citizens to determine the powers, functions, structure and organization of local government units. The 1970 Constitution does not require much change in local governments; rather, it allows local option for change.

The arena for action in local government, then, has effectively switched from the State legislature to local communities. Dropping the LOGO item from the State Program in 1977 acknowledged that primarily local decisions would affect the structure and inter-relationships of the many units of local government in Illinois. With the exception of enacting an orderly transfer process for changes in governmental structure (supported by LWVILL in the Constitutional Implementation and Amendments item), the legislature has implemented the major provisions of the local government article, and there is no ground swell of interest evident to encourage the General Assembly to take further action.

## LOCAL LEAGUE PROGRAMS AND LOCAL GOVERNMENT

Many Leagues who have had long-time concerns with their units of local government and have been observing them with great dedication either now already have, or will want to have, local program items that deal with specific governmental units. When more than one local League is involved with a government, however the guidelines for action when one or more Leagues are affected must be followed. All concerned Leagues should be informed of the study and must be in agreement, following joint study/consensus or concurrence or grant permission to act.

The 1970 Constitution and its legislative implementation provide enormous opportunities for change in government structure and officers through citizen initiative and referendum in both home rule and non-home rule units. Intergovernmental cooperation, along with the special assessment and differential taxation powers of counties and municipalities (all supported by LWVILL and included in the State Fiscal Policies item adopted in 1977) provide a world of opportunities to make local government more effective, efficient and responsive.



In Intergovernmental Cooperation in Illinois, a handbook prepared by the Department of Local Government Affairs, the following statement is made: "Through the terms of an agreement, accountability can remain in the hands of familiar local leadership. Local government decisions and the decision-making process remain close to the people whose lives are directly affected by them. Instead of the cumulative, crazy-quilt pattern which adds layer upon layer of governmental units, cooperative agreements can reverse pyramiding. Existing governments make agreements and in the process provide a more rational response to the needs of their constituencies."

The Local Government Article provides that local governments may contract or otherwise associate among themselves, with the State of Illinois, and with other states and the national government to "obtain or share services and to exercise, combine or transfer any power or function in any manner not prohibited by law or by ordinances." Intergovernmental cooperation can be used to address the problems of: fragmentation of responsibility in the delivery of services; overlapping jurisdictions, lack of rationalization of boundaries, uncoordinated and conflicting planning and implementation, and the need for economies of scale or increased purchasing power.

Establishment of a special assessment area by either a county or a municipality can be exercised jointly or in combination with two or more local government units to make local improvements.

Differential taxation permits a county or municipality to levy taxes at different rates upon property within its boundaries in order to pay off indebtedness for a capital improvement, or to pay the operational costs of providing special services. With these powers, unincorporated areas within a county can be provided services at their own expense by the county. There is no longer a need to establish a special district to avoid taxing uniformly throughout the county for a service that benefits a limited area.

#### A SPECIAL WORD ABOUT TOWNSHIPS

Local Leagues may continue to work for the elimination of township government for specific townships only if they have a local position for such elimination which is reached after local study and consensus. They may work for improvement in the delivery of township services which come under local, ILO, state or national positions.

When taking action relating to township government, local Leagues must be aware of the following state positions:

- \* Assessors should be appointed, not elected (Fiscal Policy position)
- \* The geographic base for property assessment should be broadened (minimum sized assessment jurisdictions, or assumption of assessments by the county.) (Fiscal Policy position)
- \* General assistance should be administered by level of government other than the township. (State position under National H.R.-Welfare Reform)
- \* The geographic base for property assessment should be broadened (minimum-sized assessment jurisdictions, or assumption of assessments by the county)
- \* General assistance should be administered by a higher level of government than the township.



## EXAMPLES OF LOCAL GOVERNMENT STUDIES

- \* Home rule in a county or in a municipality with less than 25,000 people.
- \* A special assessment district in a municipality to create a downtown mall or neighborhood street lighting; or in a county to provide police, fire or ambulance service to an unincorporated area.
- \* Solid waste disposal landfill agreements between municipalities or between a municipality and a county.
- \* Sharing of administrative services such as purchasing, a data processing service, or even a city manager.
- \* Flood control and water supply agreements between units of government.
- \* Mass transit districts.
- \* Elimination of elected, non-policy-making county officers such as coroner or auditor, by referendum.
- \* Land use planning among governmental units.

The list could go on for pages! What is important is that local Leagues make the decision, based on their communities' needs priorities.

## RESOURCES

The LWVUS produced a series of three Updates on Community Issues for citizens concerned with governmental issues at local and state levels. They are full of ideas and bibliographies and should be in every president's files. (See LWVUS publications catalog for ordering.)

Each local League should have a copy of Illinois Local Government Under the 1970 Constitution, by Thomas Wilson, in its files. It can be obtained from the Division of Continuing Education and Public Service, Illinois State University, Normal 61761, \$1.00.

The State Office will serve as a clearing house for League activity in local government. Please send us reports of any study or action you undertake, and news of governmental changes or activities that you consider significant or helpful to other communities. We will also appreciate notice of any helpful resources you find, and we will pass on any similar information to you.

Our clearing house will be only as good as the material put into it. We would like it to become the first step for a local League contemplating some local government activity, and looking for direction. Share your information and we will all help each other.

# # # # #



March, 1975

TO: LOGO Chairmen

FROM: Colleen Holmbeck  
State LOGO Chairman

RE: Home Rule

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Local Leagues have been receiving the Home Rule Newsletter from the University of Illinois and have thus been kept abreast of developments in this area. In a speech before a reunion of Con Con delegates, Louis Ancel gave an appraisal of Home Rule after three years. He summarizes some of the court cases that have been milestones in Home Rule Law and then he gives a summary of various actions taken by home-rule municipalities in the past three years. LOGO Chairmen should know the range of options available and perhaps may find in Ancel's summary possibilities for your own communities. He says:

With our new powers, we are modifying our civil service systems to better serve us; we are redrafting the texts of our zoning ordinances and the functions of the advisory commissions and boards. We have passed ordinances which will allow conditional and contract zoning, presently prohibited by reason of lack of statutory authority. This type of zoning control allows municipalities to assure that new developments will possess necessary parks and school sites and utility services. We are entering into pre-annexation agreements beyond the present statutory ten-year limit and which allow for innovative arrangements in land development. We are purchasing real estate payable over longer periods of time than presently permitted by statute; we are executing mortgages where necessary; we are borrowing money directly from banks and other lending agencies by the mere issuance of a note instead of the cumbersome general obligation bond procedure; we have revised leasing arrangements to better fit our needs. In response to public desires, we have even declared some of our municipalities, such as Evanston, Oak Park and Maywood, wet, although years ago, they had been voted dry...We are writing new annual budgeting procedures, in lieu of the present rigid statutory appropriation procedures. We have enacted public employee labor relations ordinances and consumer fraud ordinances.

In some municipalities, we have increased the gasoline tax; in others, we have levied or increased hotel and motel taxes, and in several instances, where they are particularly productive, we have pledged the hotel tax to aid in paying off revenue bonds issued to build recreation facilities and convention centers. We are writing our own ordinance form of industrial revenue bond ordinances and we are now moving toward issuing revenue bonds for the construction of shopping centers where top-flight tenant leaseholds are involved. These revenue bond issues, as well as many general obligation bond issues, are issued only after sound in-depth feasibility studies have first been made to assure the financial soundness of a proposed project.



The Home Rule units have also used the ability to issue non-referendum general obligation bonds for a variety of public purposes that we would not have found possible under previous legislative powers. Having sufficient power and revenue sources, we have tailored our actions to fit our needs and have created more responsive government. It should be noted that, despite our unlimited power to tax that, at least in Cook County, according to my friend Jack Beatty of the Civic Federation, property taxes of Home Rule units have evidenced a smaller increase over the past three years than the property taxes of non-home rule units within the County.

The one thing that Home Rule has made available to us is the ability to use our imagination, our ingenuity and resourcefulness in meeting the individual needs of our communities. Also, we now have the ability to experiment with and test various ideas of government. Both are essential ingredients in my view of things in order to improve our local governments and our democratic way of life.

Another area in which we hope to see activity in the years ahead is the adoption of Home Rule by counties. The counties can play an important role on an intergovernmental cooperation basis, and by rendering county-wide services that are now being rendered by a multiplicity of special governmental units. We are looking forward with interest to the report being prepared by the Cook County Home Rule Study Commission, which is presently investigating the expanded role Cook County might play in its relationship with its underlying units of government. Also, I believe it timely for citizens in the 101 non-home rule counties in the State to likewise create commissions to probe the function and benefits of Home Rule in their respective counties.

The history of home rule in Illinois to date is one of caution, careful drafting, conferences among municipalities, and appellate review prior to widespread implementation. I cannot think of a more positive scenario.

Great flexibility in our ability to function has been provided by granting the powers to tax, without limitation as to rate or amount in the property tax area. Perhaps even more important, however, has been a flexible provision allowing each home rule unit to seek out the particular kind of non-property taxes which best suits its local needs and conditions. Home rule municipalities have used and not abused the powers given them to tax and to regulate and license business and professional enterprises. Above all, we have the powers we need to carry out the daily governmental functions and affairs of our municipalities, without spending hours upon hours of research to first determine whether we have the legislative power to act. Presently, if the question of power to act arises, we ask ourselves, could the Legislature by legislative enactment have provided us with the power? If the answer is yes, then we, too, have the plenary power to act.

Mr. Ancel's full speech is reprinted in the January, 1975 Illinois Municipal Review.

July 23, 1974  
111 Westdale  
62522

Thomas D. Wilson  
Dept. of Political Science  
Illinois State University  
Normal, IL

Dear Professor Wilson,

Mrs. Holmbeck, of the League of Women Voters of Illinois,  
forwarded your questions about local government to me.

I have answered them as they pertain to Macon County.

I went over these questions with the County Clerk, William  
Tangney.

Sincerely,

Mrs. Robert Ohlsen



# What 'strong mayor' means

By Jan Gilarski

There have been three referendums in the last 25 years on changing the form of government in Decatur.

Only one has been successful. It was a 1958 effort that resulted in Decatur adopting its present council-manager form of government.

Decatur residents may be faced with a fourth referendum if petitions calling for a vote to adopt a strong mayor form of government are ruled valid during a Sept. 6 hearing by Chief Circuit Judge Rodney Scott.

If no objections are noted at the hearing and the petitions are found to be in order, Scott could direct the city to hold the referendum on April 17.

There would be some major changes in the structure of municipal government if the voters adopted a strong mayor form of government.

Provisions for a strong mayor government were added to the state statutes in 1969, although on an informal basis it had been in practical use in many Illinois communities before that time, according to the Illinois Municipal Handbook.

No communities have adopted the strong mayor form of government, at least the statutory definition, since 1969.

The title — "strong mayor form of government" — implies just that. The mayor, elected to a four-year term, is the chief administrative officer, having the power to appoint and dismiss all department heads and commission members without the consent of the city council. He also has the power to veto all council-passed ordinances.

Unlike the council-manager form of government, the mayor cannot vote under the strong mayor system except in certain cases.

Those instances would be a tie vote by the aldermen, where one-half of the elected aldermen have voted in favor of an ordinance or where a vote greater than a majority is required to pass certain ordinances, resolutions or motions.

The state statutes call for the mayor to "appoint one or more administrative assistants to assist him in the direction of the operations of the various city departments. . . . Such administrative assistants shall serve at the pleasure of the mayor, and shall have qualifications equivalent to those of a city manager. . . ."

If the referendum were to pass, Decatur would be divided into 10 wards. Two aldermen from each ward would be elected during the 1981 municipal election. A city clerk and a city treasurer also would be elected. Under the present system, those two officials are appointed.

The mayor would have to appoint a budget and finance director and a board of police and fire commissioners, according to statute. However, if a city is under civil service regulations, which Decatur is, the requirement for the board would not have to be met.

David Cannon, chief of the office of community services for the Illinois Department of Local Government Affairs, said cities can make changes in the statutory definitions of forms of government under their home rule powers. Such changes could include the number of aldermen and whether they can be elected at large, rather than from wards.

He described the strong mayor form of government as being set up "like a governor or president." He theorized Illinois residents may have been reluctant to adopt that form of government

because of the implications of its name — "strong" mayor.

"It sounds like a dictatorship to some people," he said.

Under the council-manager form of government, the city manager is the chief administrative officer. He serves at the pleasure of the city council, which sets his salary.

The city council, the legislative body which sets city policy, is comprised of six councilmen and the mayor. Present salary of the mayor is \$4,000 a year, while councilmen receive \$1,800 annually.

Under the strong mayor form, the mayor, clerk, treasurer and aldermen receive compensation, with the salaries to be fixed by the city council.

Although the city manager form of government for Decatur was voted in in 1958 by a vote of 7,000 for and 5,942 against, it was not the first time the question has been brought to the voters.

A referendum was held in 1954 to replace the commission form of government with the council-manager system, but it was defeated by a vote of 9,645 persons against the manager system to 4,258 persons for it. The commission form was established in Decatur in 1911.

Four years after the council-manager system went into operation in Decatur, petitions were filed calling for a referendum on whether the city should retain it or revert to the commission form.

That referendum, which was held in 1965, resulted in the city keeping the council-manager plan by a vote of 10,419 for and 7,884 against.

If the 1979 referendum fails, the question could not be brought to the voters again until the 1981 municipal election.





THIS LETTER WAS SENT TO THE 24 MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES IN ILLINOIS

December 5, 1973

We urge you to oppose House Bill 9950, which would add two township officials to the Advisory Commission on Inter-governmental Affairs. We feel that such officials do not belong on a commission now consisting of city, state, county and federal officials. These officials have national counterparts; Township officials do not.

As you know, Township government does not exist in twenty-nine states. In only eleven states do they have important functional responsibilities. There are ten states like Illinois in which their functions are minor and in which they are not regarded as general purpose governments.

Prior to the 1970 Illinois Constitutional Convention, the League of Women Voters of Illinois studied Township government as it has developed in Illinois and all of our eighty-five local Leagues studied their own local Township governments. The strong consensus developed after this study favored the elimination of Township government in Illinois with its functions to be transferred to the County or the Municipality.

Many of us interested in local government follow the work of the Advisory Commission on Inter-governmental Affairs closely and we find their publications very helpful. However, we feel that township officials have no place on such a commission.

Very truly yours,

Donna Schiller, President

Colleen Holmbeck, Chairman  
Constitutional Implementation and Local Government



Pres file

LEAGUE OF WOMEN VOTERS OF ILLINOIS  
67 East Madison St., Chicago 60603

CEntral 6-0315

March, 1972

TO: League Presidents and  
County Communicators

FROM: Mrs. James Brandt, Chairman  
Task Force on County Government

DISCUSS WITH PUBLIC RELATIONS CHAIRMAN

Public Relations Mileage through the New County Publications

The Illinois League, through the Task Force on County Government, has published the only written summary of County Executive-Home Rule Government that is available for distribution at this time.

Orders are coming in. We have had appreciation expressed from the following quarters after local or county Leagues have sent them complimentary copies of County Clearinghouse #3 (The County Executive Form of Government: Requirements for Home Rule):

- . newspapers
- . radio stations
- . county board members
- . candidates for county boards
- . other county officials
- . city and village officials
- . state senators and representatives in your county
- . candidates for state senator and representatives in both new and redrawn districts
- . party leaders (who may wish to give you an order so they can supply their committeemen)

Have you covered these people? Do you have publications for sale at every meeting - public - League - other organizations where possible?

Do members of your local board have copies?

We plan to continue to issue material relevant to county government. Plan now how to use this accurate, easily understood material in your community.



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LEAGUE OF WOMEN VOTERS OF ILLINOIS  
67 East Madison St., Chicago 60603

Central 6-0315

January 28, 1972

MEMO TO: County Communicators

FROM: Mrs. James Brandt, Chairman  
County Task Force  
2260 Sheridan Road  
Highland Park, Illinois 60035

COPIES TO: League Presidents and  
County Task Force State Committee

We know there will be important issues to be voted on in some counties at the March 21 primary. A few will be voting on the county executive-home rule question; one other will be voting on whether to eliminate the office of recorder of deeds, as a first step toward reorganization of the structure of county government. There may be other referenda about which we have heard nothing, perhaps to be held at another election time.

We wish to collect background information on each of these election campaigns in two stages. We would like to be able to put together a picture of the identity, actions, and motivations (if known) of those individuals or groups who initiate structural change; develop a comprehensive list of pro and con arguments on the issue as the campaign unfolds; determine the identity, and describe the activities of individuals and groups who support or oppose; and finally describe the post mortem judgment on the reasons for success or failure. I think you can see why such information would be invaluable to those who will be making their moves a bit later or in many years to come, or to those who are unsuccessful the first time around and want to try again.

The sources of information for county communicators will probably be

(1) attendance at county board meetings and candidates meetings or access to observer's reports when attendance is impossible.

NOTE TO LEAGUE PRESIDENTS: If your county communicator is not also the observer, please arrange for her to receive duplicate copies of the observer reports

(2) newspaper clippings from at least one daily paper with near county-wide circulation plus articles from local weeklies, as available. Please begin the clipping habit, if you are not hooked already. Representative articles can be photocopied, sometimes several to a page, to include with your reports to the County Task Force. Please identify clipping with date and name of paper.

(3) copies of any official campaign literature, or League voters service material that explains the election issue.

We hope to receive a preliminary report from everyone right away to help us follow the campaigns in various counties. Do not wait for more information at this time, but send what you have. We are including the Final Report Form so you will know what to be collecting in the interim.

SPECIAL NOTE: We have included two copies of each report form because there should be a duplicate set of these reports kept at the local level. If you have a county League, discuss with the president where these files should be kept. If not, the county communicator should contact the local League presidents to discuss the formation and continuation of meaningful files on your county government.



NOTE FOR LEAGUES WITH COUNTY EXECUTIVE-HOME RULE ELECTIONS IN MARCH: The County Task Force is planning a brief publication suitable for public distribution describing the county executive form of government. We will advise you of its availability as soon as we are able. If time permits, we will do an additional in-depth piece in Question and Answer form on some aspects of the county executive and home rule issues as an aid to Leagues or newspapers in answering questions.



Macou County

- 1) Any proposals to change county boundaries or county seats, under Section 2 of Article VII. *No*
- 2) Any proposals for an elected county executive since 1972. *No*
- 3) Any proposals for or adoption of an appointed county administrator.
- 4) Any proposals to change (to eliminate or appoint) various elected county officers under Section 4 (c) of Article VII. *No*
- 5) Any information on how the coroner's function is being handled in counties that have eliminated that office. *Not eliminated*
- 6) Any information on new county offices created by ordinance *No*
- 7) Examples of the County Treasurer serving as treasurer for other government units, as provided in Section 4(e) of ~~Article~~ Article VII. *No*
- 8) Any referenda to eliminate townships, other than in Northbrook and in smaller townships that fell under the consolidation act (PA 77-2746) *(consolidation referendum of Miami & Dixon - defeated)*
- 9) Any use of special assessment powers by counties under Section 7 of Article VII. *No* Have many counties established a Committee of Local Governments, as provided for in PA 77-27363 approved August 18, 1972. *Regional Plan Commission has done so*
- 10) Any proposals or use of the power under Section 7 of Article VII to have special service areas and differential taxation within counties *No*
- 11) Proposals for and examples of innovative intergovernmental cooperation under Section 15 of Article VII. *4 townships (of 17) have contracted with the county for engineering*
- 12) Proposals for joint election of State's Attorneys under Section 19 of Article VI *No*
- 13) Proposals for any counties that have:  
Merit systems for all or most employees *only sheriff's deputies under me*  
Central purchasing *Yes - all county offices*  
Consolidated township road districts *No*  
Consolidated local welfare systems *No*  
Any type of innovative programs or services, particularly "urban type services"

Thomas D. Wilson  
Dept. of Political Science  
Illinois State University  
Normal, Ill. 61761



March, 1972

COUNTY GOVERNMENT

*THIS SPEECH WAS PREPARED FOR A PEORIA MEETING BY JOAN ANDERSON,  
SPECIAL CONSULTANT TO THE DIRECTOR, DEPARTMENT OF LOCAL GOVERN-  
MENT AFFAIRS, STATE OF ILLINOIS. IT IS PRINTED WITH PERMISSION  
AS BACKGROUND AND DISCUSSION MATERIAL ON COUNTY GOVERNMENT.*

Peoria Speech, February 1, 1972

Joan Anderson  
Special Consultant to the Director  
Department of Local Government Affairs

WORKING DRAFT  
(Revised 2/28/72)

COUNTY GOVERNMENT -- A NEW ERA

The provisions concerning counties in the Local Government Article of the 1970 Illinois Constitution have not begun to capture the attention, say, that municipal home rule is getting. Yet these provisions regarding counties stand every chance of exerting a more significant influence on the future of local government. And these provisions were no accident. They were generated by three realities:

1. Force of Tradition: Counties are an old structure of government. Only municipalities can trace their ancestry farther back in time. They are a part of our English heritage. The 1870 Illinois Constitution, with its detailed county provisions, left little discretion to following generations of citizens or their legislatures to fall prey to the foolish whims of change. The citizens could choose only two forms of county structure - - township or commission form - - with the latter restricted to a maximum size board of three commissioners. The role of county officers was constitutionally inflexible. County boundaries were frozen by highly restrictive provisions. County governments in rural Illinois of 1870 were considered so vital a part of state-wide services that the delegates to the 1870 Convention surely would have been stunned to know that these highly detailed provisions restricted counties to such an extent that they were called "The dark continent of American politics" some 50 years later. Nevertheless, the 1970 Convention felt that counties have inherent potential strengths that find their source in the counties' long history. This is a basic reason why counties, as well as municipalities, were given constitutional access to home rule.

2. The problems resulting from too many governments:-- this was the second reality. Illinois is at the top of the list of the 50 states in sheer numbers of local governments. The counties' future had to be evaluated in relation to the future of these numerous governments. There is a point reached in governmental numbers where more is not better. Our process of representative government simply becomes eroded. Even a conscientious citizen finds it almost impossible to find which government to turn to or hold accountable for what. The town of Park Forest is an example. It was created less than 20 years ago and sits astride all, or part, of the following governments: two counties, four townships, three elementary school districts, one high school district, one unit school district, one sanitary district, one fire protection district, two forest preserve districts, one TB sanitarium district, and one mass transit district. The average resident pays for services from 13 of these local taxing units.



The state has an average of one government per 1,600 inhabitants, most of them special, single-function districts, far more than all the counties and municipalities combined. It was only natural that the convention would consider the possibility that counties, in partnership with the municipalities, might come to the rescue.

3. And now for the third reality -- the need for regional services: The growth of Illinois as an urban, industrialized state, not only in the big cities but on the mechanized farms, has resulted in the need for services that simply have to be provided on a regional basis. Even now, new regional governments are being created to fill this need. The convention felt that counties, singly or together, should have the opportunity as general services governments to do the job. This decision was an essentially human one. It reflected a belief by the delegates that we as citizens would rather have our traditional governments, if at all possible, take on these new responsibilities.

The provisions of the 1970 Constitution leave the essential part of this decision up to the voters of each county. If they or the leaders they elect feel their county shouldn't perform these functions, then so be it; some other government would. But the delegates felt just as strongly that the counties needed to overhaul their rural structure to respond effectively to these potential responsibilities. This third reality, more than any other, is the reason for requiring the election of a county executive before securing home rule. The election of a county executive would separate the legislative from the executive or administrative responsibilities, leaving behind the rural county and proceeding forward with a government more closely resembling our traditional representative structure of checks and balances.

We in Illinois are not unique in taking this action. The elected county executive coupled with some form of home rule powers for the boards, though a relatively recent concept, is being increasingly utilized in other states. In fact, more than 70% of the county executive positions have been created in the last ten years.

However, before we pursue the subject of county executive and home rule, I would like to make clear that I am not here tonight to be a proponent or opponent of county executive and home rule for Peoria County. The intent of the home rule concept is to allow the counties to make this decision. At the same time, I would be less than candid if I didn't make clear that as a delegate I strongly supported the constitutional provisions giving counties access to home rule. As a matter of fact, I strongly supported the constitutional provisions that give all counties greater flexibility with or without home rule. For example, all counties have been given the powers of special assessment. Unincorporated areas badly need this. All counties, and this is an extremely important provision, have been given the power to levy or impose taxes upon areas within their boundaries for services desired only by those areas. Heretofore, special district governments had to be created to do this job since the county had to tax countywide or not at all. The citizens of all counties may, by referendum, change their boundaries, their form of government and their officers. We must recognize, however, that in spite of these powers, a non-home rule county still remains dependent upon a legislative grant of power to perform any function before it, for example, can use its area taxation powers.

It might be helpful at this point to make some observations about powers of home rule units. Precise answers regarding whether a home rule power could be exercised in a specific circumstance are not necessarily available at this time. We must accept the fact that both the legislature and the courts will have a significant say in defining just what home rule powers, in actual fact, are available to the counties and the municipalities. The courts are already involved, or soon to be, in making some determinations. For example, Cook County, our only home rule county at present, is going up the court ladder regarding its power to incur debt payable from property taxes without going to referendum. And three home rule municipalities are challenging Cook County's home rule power to collect a countywide tax on automobile sales, including collecting within a



municipality that objects or wants to impose such a tax itself. This challenge rests upon the provisions in Article VII, Sec. 6, (c):

"If a home rule county ordinance conflicts with an ordinance of a municipality, the municipal ordinance shall prevail within its jurisdiction."

The courts will have to determine whether the county is in conflict or whether either one or both can tax the same object. In the area of home rule taxation, a couple of observations can be made. First, the home rule units are seeking ways to provide relief for the property tax and, second, are having difficulty finding taxes that are politically possible to impose. Cook County has found that its intent to impose the tax mentioned above and a wheel tax in the unincorporated areas has triggered a great deal of highly publicized questioning about what the county needs the money for. Many suggestions have come forth as to ways in which the county can economize.

One municipal lawyer observed, "Home rule has not been quite the Valhalla we thought it would be." He noted that in his area gasoline and cigarette taxes are potentially ineffective because people go across the street to another municipality and "you end up with less revenue than you had before." His municipality decided on a real estate transfer tax as a potential alternative to a property tax increase.

Chicago is imposing a 5¢ cigarette tax and a 15¢/vehicle parking lot charge. The Illinois Supreme Court is now considering the constitutionality of Chicago's 5¢ cigarette tax. The deliberations include both the basic question as to the home rule power to tax and whether this tax is a tax upon occupations, which is not permitted home rule units without General Assembly permission under the Constitution (Article VII, sec. 6 (e): "A home rule unit shall have only the power that the General Assembly may provide by law... (2) to license for revenue or impose taxes upon or measured by income or earnings or upon occupations.")

Some of the most interesting actions are not, however, being taken in the area of taxation. One municipality has abolished curfew, feeling that its police, and the police agree, have plenty of state and local laws to maintain order regarding young persons. Two municipal boards, whose citizens voted by referendum at the end of Prohibition to stay dry, have recently decided to permit liquor to be sold on a limited basis -- no taverns, though. Another municipality has imposed a \$50 bingo license. Another municipality has set up its own local records commission, setting up criteria as to what records need not be retained and planning to microfilm the rest. Another municipality has added more public meeting and press notice procedures than required by the open meetings laws when exercising home rule powers different from the statutes. The ordinance even provides for the citizens to petition to hold a referendum on an issue if they so desire -- a so-called back door referendum. One municipality is considering a demolition of buildings ordinance to strengthen its ability to condemn vacant buildings that are fully constructed and abandoned. State law provides for condemnation of only incomplete and abandoned buildings.

All of the above actions were taken as a result of local decisions, without seeking prior General Assembly permission. The legislature has a perfect right under the new Constitution to preempt these and other actions by limiting or denying home rule powers. Presently, there are some proposed preemption bills being hotly debated. One bill would preempt home rule units by declaring that the regulation of certain professions, vocations, or occupations presently required to register with or be licensed by the State be exclusively a state function. These acts cover such professions, for example, as architects, dentists, funeral directors, doctors, nurses, pharmacists, psychologists, real estate brokers and salesmen, court reporters, tree trimmers, lie detectors examiners and well diggers.



Another series of bills cites both the exclusive and concurrent preemption sections of the 1970 Constitution to deny or limit home rule units' powers in areas that include, for example, public utilities, railroads, gas storage, credit unions, pawn shops, trust regulations, banks and alcoholic liquors. The proposed areas of preemption include about 50 occupations or enterprises. The legislature's power to preempt as well as the citizens' right to vote out home rule by referendum are basic checks on the powers of county or municipal home rule. I was amused by the remark by one local home rule official, who protested legislative preemption by asserting that home rule units ought to be able to "empt" before the legislature "preempts."

Now, after all these comments, an overall summary of the constitutional and legislative provisions regarding county executive and county home rule seems to be in order.

The new 1970 Constitution grants considerable self-determination to home rule counties and municipalities. Article VII, section (6) states that a home rule unit "may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt."

These powers are not absolute, however.

First, there are constitutional limitations on these powers:

Unless specifically permitted by the General Assembly, a home rule county may NOT (a) license for revenue (the license fee must bear some reasonable relationship to cost of regulations); (b) impose taxes in income, earnings or occupations; (c) punish by imprisonment for more than 6 months.

A home rule county does not have the power (a) to incur debt payable from property tax receipts to mature more than 40 years from time debt is incurred, or (b) to define and provide punishment for a felony.

Second, the state may preempt powers of home rule counties:

For example, the General Assembly may limit the amount of debt of counties; it may provide by specific law for the exclusive exercise by the state of any home rule power or function (note exceptions below); and, for example, by extraordinary majority of a 3/5 vote, it may limit or deny the power to tax.

On the other hand, the state may NOT limit or deny the power of home rule units:

- (1) to make local improvements by special assessment and to exercise this power jointly with other counties, municipalities, and units of local government; and
- (2) to levy additional taxes upon areas within their boundaries in order to provide special services and for payment of debt incurred therefrom. (The General Assembly is to provide procedures for this, however.) I commented earlier as might recall, concerning these and some other powers for all counties and municipalities.

Third, the voters of a home rule county by referendum may decide NOT to be a home rule county. I again remind you that:

The voters of all counties by referendum may adopt, alter, or repeal their forms of government, within the various forms prescribed by the legislature.

All counties have the same constitutional provisions for electing or appointing county officers (Article VII, sec. 4). Any office may be created or eliminated and terms of



office and manner of selection may be changed by countywide referendum.

Adoption of the county executive form of government essentially separates the executive and administrative functions (county executive) from the legislative functions (county board). The powers and duties of the county executive officer as defined by the legislature can be summarized as follows:

To see that all resolutions and regulations of the county board are carried out; coordinate all administrative and management functions of the county, except those of elected county officers; prepare an annual budget for approval by the county board and keep the county advised on its finances; appoint, with the advice and consent of the county board, employees and appointees, (except those of the county officers,) and persons to serve on various boards, commissions and special districts where the county has this responsibility; supervise and care for all county property; call special board meetings; approve and veto ordinances. (The county board may override a veto by a 3/5 vote). The county executive presides over but does not vote at county board meetings; he shall not be an elected member of the board. Additional duties may be granted to him by the county board. It should be emphasized here that home rule powers reside in the county board.

The following is a sampling of pro and con comments on county executive - home rule:

The county boards of the "township" counties are being changed - - many are reduced in size, all board members must be elected from districts of equal population - - in accordance with recent legislation, and there is some objection to making so many changes until the counties adjust to these other changes. Others feel that now is the ideal time to make a fresh start. Some fear increased powers, especially the broader taxing powers and would rather leave this power with the legislature. Others feel a county is better suited to providing a tax system adapted to local resources and with less reliance on the property tax. Some objections center around the office of county executive itself - - that the person elected to that office may not be competent as there are no specific qualifications for the job. Others say this is a hazard applying to other elected officials including the President, governors and mayors and that the voters have traditionally retained the right to judge qualifications. Some feel the county executive has too much power. Others point out that it is the board which gets the home rule power and the executive is needed as a check on these powers, and in any event his powers are comparable to the powers of the executive branch in municipal and state government. Another objection is to the manner in which candidates would be nominated. If the referendum passes in March, candidates would be nominated this one time by the county central committees of the political parties; hereafter, nomination would be by party primary. A candidate for chief executive, by the way, may run as an independent.

One thing is certain. Change will come: the county will not be able to continue "as is." Urbanization will increase: the problems of the rural areas are not likely to disappear. The county will become relatively less relevant if the state or other local governments assume responsibility for needed services.

The implications of home rule were thus expressed by one mayor. "We suddenly realized that the buck stops here. Being responsible for our actions rather than being able to blame the legislature is a very sobering experience."

Home rule, when you get right down to it, permits local officials to be creative and forces them to be more accountable for their actions. When a problem arises, they are able to concentrate their attention on local solutions rather than legislative strategy. Some knowledgeable observers feel that the Constitutional Convention was unrealistic in thinking that counties could adjust, or change enough, because of their long history of providing the political and service needs of a rural, not an urban economy. The convention decided



otherwise, feeling that county government could adjust and should be given an opportunity to do so.

Again, only the citizens of Peoria County are given the authority to decide what they feel is best for themselves and their county. I do know this, though: the county - its citizens and officials alike - has been challenged.

# # #



Pres file

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THIS PAPER WAS PREPARED BY STANLEY JOHNSON OF DEKALB, A DELEGATE TO THE CONSTITUTIONAL CONVENTION, WHERE HE SERVED ON THE REVENUE COMMITTEE. THE LEAGUE THANKS MR. JOHNSON FOR PERMISSION TO PRINT AND CIRCULATE HIS MATERIAL.

ADVANTAGES, DISADVANTAGES AND PROTECTIONS UNDER COUNTY HOME RULE

Introduction:

What are the powers of a county under home rule as compared to a non-home rule county?

A home rule county may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare, and the powers to license, to tax and to incur debt.

The major difference between home rule and non-home rule counties is this:

The powers described above may be exercised by non-home rule counties only as prescribed by laws passed by the state legislature. Home rule counties, on the other hand, may exercise these powers except as limited or denied by the state legislature or the constitution. Simply put, a non-home rule county can take action only if there is a state law or a constitutional provision allowing the action. A home rule county can take an action unless there is a state law or constitutional provision which says it can't.

Some powers are common to both:

- ...The power of special assessment and area taxation for special services.
- ...The power to make structural changes in county government.
- ...The powers of cooperation and contracting between units of government.

Advantages of Home Rule:

1. Would allow the people of DeKalb County to spend their tax money where it will do the most good, rather than only for those purposes the state allows:

State law limits the purposes for which the people may spend money and limits the amount that can be taxed for each of those purposes. Maybe this would be the year to spend more for parks, law enforcement, or health, less for roads. Limits on the general fund may not allow these increases, but there is no incentive to cut back in other areas of spending because money in one fund can't be used for needs in another. Community needs go unmet in some areas while surpluses build in others. Under home rule these state restrictions on how counties spend their own tax money would not apply.

2. Would eliminate the need to overtax to build surplus funds:

Without home rule, a county board is almost forced to tax the limit the law allows every year. It would be afraid not to, because a year might come along when more spending for a particular purpose might be needed than the law allows.



2. (cont.)

DeKalb County is a good example. At the beginning of this fiscal year, the county had more than \$3 million in cash and investments, almost twice the amount of an annual tax levy.

It is not good for a government agency to have surplus funds lying around in this amount because it encourages spending for unimportant activities.

Under home rule the ability to support all activities with a single tax levy will eliminate the need to overtax to create surplus funds.

3. Would put safeguards on taxing and spending:

No effective county board review over taxing and spending exists. The tax ordinance levies the full amount authorized by law. Spending in each of the county departments is supervised by a four or five-man committee of the county board. Rarely does a member of the board question the chairman of another committee over why spending may be different than what is budgeted. This would lead to questions of his own committee.

Under home rule there would be three reviews in the budget process.

- a. The county executive elected by all the people in the county would review the department budget requests, adjusting them in accordance with the overall priorities of the county. These would all be put together into a single financial plan for the county.
- b. The county board, first in its appropriation committee, then the board at large, would review the county executive's financial plan and budget request. It would make adjustments in accordance with its idea of what was most important. The budget appropriation and tax levy would be made after this review.
- c. The county executive would review the board action. He would have a veto power over items of spending in the appropriation or tax levy.
- d. If the county executive exercised a veto, the county board could override it with 3/5 vote of the members.

The reviews and checks on legislative and executive actions put far more safeguards against wasteful spending and taxation than we now have without home rule.

4. Would permit opportunity for fairer taxation:

The only taxes a county can levy are taxes on property. These have soared in recent years. Under home rule the county could levy other taxes which might be fairer, such as a wheel tax, instead of continuing to pile the burden on property.

5. Would make one person responsible for supervision of all the property in the county:

No system of property accountability exists in the county now. Nobody knows how much property the county owns because ownership is spread out to all departments.

Under home rule the county executive is required to supervise and account for all property of the county.

6. Would establish one person accountable and responsible to all the people of the county:



If things don't go right with the nation, we blame the President and vote for his opponent next time.

If things don't go right in the state, we blame the Governor and vote for his opponent.

If things don't go right with the county, whom do we collar?

Under home rule, the county executive will be elected by all the people of the county and won't be re-elected if he misuses the office.

7. Would establish one focal point, the county executive, to provide leadership in raising issues leading to improvement:

Collective governmental bodies, whether they be committees, legislatures, city councils, county boards, or Congress, do a poor job of initiating improvements and change. They do a better job of responding to the initiative of mayors, governors and presidents.

Under home rule a county executive will be elected by all the people of the county. He will have to demonstrate leadership or he won't be elected, at least in a county changing as rapidly as DeKalb. It will be his duty to develop programs for the county and build public support for them.

8. Would give county government more flexibility to provide for a combination of services, sharing of resources, and the eventual reduction in the number of special districts. Home rule does not give a county the power to compel a consolidation of townships or of governmental units. Home rule does provide the conditions that will permit a consolidation of governmental units whenever the people feel that such consolidation is desirable.

Illinois has more governmental units with taxing powers than any state in the union.

If we're worried about taxes and spending, we should be looking at possibilities of consolidation of certain functions.

9. Would make it easier for the people to understand their county government and its operation:

Under home rule the county executive would be required to do these things:

- a. Make an annual report to the county board on the affairs of the county. No annual report is made now.
- b. Prepare an annual budget and financial plan for the county. This budget would include all plans for expenditure, by department, setting forth the purposes for which the money would be spent. It would also include a statement of all unexpended balances in the county.
- c. Keep the board advised as to the financial condition of the county and future needs.
- d. Require reports and make examinations of the accounts, records, and operations of the county departments.



All of these required to be public records, open to public inspection.

Disadvantages:

The disadvantage of county home rule is the same as with county government without home rule: we may not elect people of good judgment to manage our affairs.

The argument that "the greater the powers, the greater the opportunity for mismanagement and abuse" can be countered with the knowledge that county government could no longer be hidden from public view.

Presently state law limits county taxing power to 10 different purposes, with a ceiling on each purpose. It limits debt to 5% of the assessed valuation of the property in the county. Those who feel such limits are a protection should realize the state legislature can change, remove, or add more limits at any time.

Protections against abuse:

What protection do the people have against abuse of home rule powers and mismanagement of county affairs?

A. Local citizen protection:

1. County government can no longer have a "low profile."
2. The citizens can replace the abusers at the next election.
3. They can elect to become a non-home rule county by petition and passing a referendum.

B. State legislative protections:

The state legislature, which now limits non-home rule counties, can also place limits on home rule counties:

1. It can pass a law by a 3/5 vote, denying or limiting nearly all home rule powers, including the power to tax.
2. It may limit by law the amount of debt a county can incur.
3. It can pass a law reserving jurisdiction over certain public affairs to the state.

C. Constitutional protections:

1. A home rule county may not license for tax purposes, nor impose a tax on income, earnings, or occupations, unless authorized by the state legislature.
2. A home rule county may not pass an ordinance providing for more than six months in prison unless authorized by the state legislature.
3. A home rule county may not define and provide for imprisonment of a felony.
4. A home rule county may not incur debt payable from property taxes with longer than 40 year maturities.



# Home Rule

HOME RULE NEWSLETTER NUMBER 5  
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University of Illinois

## COOK COUNTY HOME RULE STUDY COMMISSION

In September the 17-member Cook County Home Rule Study Commission was appointed by George W. Dunne, president of the county board. The commission chairman is Philip J. Carey, a Chicago attorney who was vice-chairman of the Local Government Committee at the Sixth Illinois Constitutional Convention.

As the only home rule county in the state, Cook "has been a leader in exercising . . . newly granted authority," according to Dunne. For more effective use of home rule, however, there must be a study "of the nature of home rule power and how it can be used to deal with the problems confronting Cook County," noted Dunne.

Detailed exploration of possible restructuring of county government, of new ways to raise revenue and to incur debt, and of the county's ability to cooperate inter-governmentally were the most important areas named by Dunne in his outline of the new commission's task. The commission was also given unrestricted authority to "survey the full scope of county government activities."

Home Rule Study Commission members include, besides Carey, several other attorneys, two Cook County commissioners, two Cook County League of Women Voters leaders, two Chicago professors, a union leader, and several business and community leaders.

The commission's report is due in May 1974.

## TWO NEW HOME RULE UNITS

On September 22 voters in Park City (Lake County, population 2,906) adopted home rule by a margin of 246 to 33. City Clerk Ruth Willcox noted that the city sought home rule in order to exercise more freedom in several areas, especially in regulating mobile homes. A special census held in October in Addison (DuPage County) showed a population of 25,645 (minimum population for automatic municipal home rule status is 25,000). There are now 74 home rule municipalities and one home rule county (Cook County) in Illinois. Eight municipalities have adopted home rule by referendum.

## URBANA COMMISSION ON ALTERNATIVE REVENUE SOURCES

The Urbana Commission on Alternative Revenue Sources was created last summer to study new sources of revenue available to the city under home rule. City officials have determined that additional revenue is needed if local government services are to continue at present levels of support.

Rather than recommending the adoption of particular sources of new revenue, the commission focused upon these matters: alternative revenue from existing sources, alternative revenue from new sources, prohibited taxes and sources of doubtful legality, and long-range considerations. In its report the commission detailed present and projected rates and receipts from various Urbana revenue sources. Comparable figures were given for other Illinois municipalities, including the neighboring home rule municipality of Champaign.

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The preparation of this report was financed 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.



The commission noted that as a home rule unit Urbana could adopt the following taxes: a motor vehicle wheel tax in excess of statutory limits, a general consumer sales tax, and selective consumer sales taxes (including taxes on cigarettes, alcohol, gasoline, rental space, amusements, and parking). Several additional revenue sources considered by the commission were discarded because of express constitutional prohibitions (licensing for revenue, taxes upon or measured by income or earnings, and taxes upon occupations). Other revenue sources were discarded because of their doubtful legality (payroll tax, value-added tax, and lotteries). The commission felt that it would be impractical to risk probable litigation by adopting any of these measures.

Chairman of the Urbana commission was Joseph P. Pisciotte, associate professor of political science, Institute of Government and Public Affairs, and member, advisory group, Illinois Home Rule Clearinghouse and Policy Analysis Project.

### INTERVIEWS OF HOME RULE OFFICIALS

In early 1974 staff members of the Illinois Home Rule Clearinghouse and Policy Analysis Project will be interviewing mayors, village presidents, managers, and attorneys of home rule units by telephone. Staff members will be asking questions about the use of home rule in various areas and seeking opinions regarding the course home rule has taken in Illinois. The purpose of the interviews is to gather data for the clearinghouse of information on home rule, which is a major concern of the project.

### DRINKING AGE IN HOME RULE UNITS

"It was the only bill that united the WCTU and the Tavern Owners Association," said State Representative Aaron Jaffe. He was referring to the opposition to his successful bill amending the Liquor Control Act to allow 19- and 20-year olds to buy beer and wine (H.B. 200, P.A. 78-26). Because of this new law, actions taken by home rule units on their liquor ordinances may test their right to set standards different from state statute. Some units have simply brought their ordinances into line with the new state law allowing persons aged 19 and 20 to purchase and consume beer and wine. Others, by taking no action, also allow the purchase and consumption of beer and wine by 19- and 20-year olds. Still other units have maintained the 21-year-old minimum drinking age or lowered the age to 19 for purchase and consumption of all alcohol. The council of Burbank voted to allow 19- and 20-year olds to buy beer and wine to take out, but prohibited them from being served in bars except

those serving beer and wine only. Mayor John Fitzgerald reported that most of the local restaurant and tavern owners do not want the patronage of 19- and 20-year olds.

The most widely publicized local action has been that taken by DeKalb, which on September 10 adopted two ordinances dealing with the 19-year-old drinking question. The first ordinance states that as of October 1, 19- and 20-year olds may drink and buy beer and wine, as provided by the new state law (ord. no. 73-53). Included in this ordinance is a section dealing with identification cards. It provides that any seller of alcohol can demand from the purchaser an identification card signed by the city clerk containing the holder's name, address, date of birth, and photograph. A person failing to produce such a card may be refused service. So far 400 cards, each costing \$1.25, have been issued by City Clerk Sam Rippi.

DeKalb's second ordinance concerning the drinking age, scheduled to go into effect on January 1, 1974, will allow 19- and 20-year olds to purchase all forms of alcoholic beverages (ord. no. 73-57). The city set the effective date of this ordinance at January 1 to give the DeKalb County state's attorney time to request and receive an opinion from the attorney general to ascertain the state's position on the legality of the ordinance. The "19 across-the-board" ordinance was passed because of the difficulty of keeping separate those who are able to drink only beer and wine and those who may drink whatever they wish.

Representative Jaffe says that he anticipated problems in differentiating between those aged 19 and 20 and those aged 21 and over. "I still feel," he said, "that it was a step in the right direction. My position on this was included in my first bill which allowed drinking across the board for those 18 and above." Jaffe feels that the drinking age will eventually become 19 for all alcohol for what he feels are the wrong reasons. "The tavern owners will push for the change not because it is right but because they are having problems."

Home rule units which have cited home rule powers in maintaining the 21-year-old standard include Berwyn, Calumet City, Maywood, and Norridge. Calumet City's action is being challenged in the Cook County circuit court (*Sell v. City of Calumet City*, no. 73 CH 6127).

Michael Berz, chairman of the Illinois Liquor Control Commission, has directed his attention toward municipalities which have kept the drinking age higher than that in the new state law. "We don't believe home rule was introduced to enable local governments to violate the civil rights of anyone on any basis," he said. On October 4, the commission asked the attorney general to file suit against home rule municipalities which held the drinking age to 21 and to hold that maintaining the standard of 21 for all drinking is a violation of section 133 of the Illinois Liquor Control Act, the civil rights section. "We want the attorney general to file suit for declaratory judgment saying that municipalities have violated their home rule powers and they should be enjoined from enforcing this restriction. It is a civil procedure," said Berz.

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## Of Special Interest

Drinking Age in Home Rule Units

Home Rule Profile:  
Bloomington and Normal

Illinois Attorney General  
and Home Rule



The commission has adopted no position to date regarding lowering the drinking age to 19 and 20 for all alcoholic beverages. "The local municipality may be able to broaden its code to cover this area. While it is questionable, it is not an immediate problem," stated Berz.

### **NONREFERENDUM GENERAL OBLIGATION BONDS FOR NON-HOME RULE UNITS**

Non-home rule municipalities in Illinois may now issue general obligation bonds without referendum approval up to one-half percent of equalized assessed valuation. This new power is provided in House Bill 1360 (P.A. 78-902), approved by the governor in September.

The new measure grants non-home rule municipalities the same "free debt" as home rule municipalities under 25,000 population. Commented the Taxpayers' Federation of Illinois, "At this time to automatically give all municipalities of 25,000 or less population home rule powers as to the issuance of ad valorem bonds, without referendum, will cost taxpayers dwelling in such municipalities higher property tax bills in the future. Then too, the precedent is established to give the same power to all the other local governmental units, school districts, townships, and special districts."

P.A. 78-902 also raises the total amount of indebtedness for municipalities under 500,000 population from 5 percent to 7 percent of equalized assessed valuation.

## Home Rule and the Courts

### **WHEEL TAX ORDINANCE UPHELD**

The Illinois Supreme Court recently upheld Chicago's power to tax automobiles against arguments that a city ordinance constituted licensing for revenue and that taxation of automobiles had been preempted by an amendment to the state Motor Vehicle Code. The court's opinion is particularly interesting for its brief discussion of the indication of legislative intent as a requirement for preemption by the state.

Chicago had amended its wheel tax ordinance in 1972 to increase license fees and to provide new uses for the revenue generated by those fees (Municipal Code of Chicago, ch. 29 amended, secs. 29-5 and 29-12). Those amendments were not within the city's statutory authorization (see *Ill. Rev. Stats.*, 1971, ch. 24, sec. 8-11-4). The Cook County circuit court had upheld the ordinance as an exercise of home rule powers, and the supreme court took the appeal directly.

Justice Walter V. Schaefer's opinion in the case (*Rozner v. Korshak*, no. 45689 [Sept. 25, 1973]) pointed out that "licensing for revenue" — forbidden by section 6(e) of article VII of the 1970 Illinois Constitution — describes only those situations in which a governmental unit does not have the power to tax. Chicago did not attempt, however, to conceal its wheel tax as regulation. The court upheld the tax as within the city's power under section 6(a) of article VII because the General Assembly had not denied the power by a three-fifths vote under section 6(g).

The plaintiff claimed that the legislature had limited the city's power in just that manner. Section 11-211 of the Motor Vehicle Code (*Ill. Rev. Stats.*, 1971, ch. 95½) was amended in 1971 to clarify the section's application to motor vehicle owners. The amended section states, "No owner of a motor vehicle shall be limited as to speed upon any public place . . . nor be required to comply with other provisions or conditions as to the use of such motor vehicles except as in this Chapter provided. . . ." (The Motor Vehicle Code incorporates in section 2-121 the wheel tax limits in section 8-11-4 of the Chicago Municipal Code.) The plaintiff argued that the 1971 amendment reinstated the limitation on wheel taxation by home rule units because the General Assembly had passed the amendment by a three-fifths vote.

Justice Schaefer's opinion stated,

While section 6(g) of article VII authorizes the General Assembly, by a law approved by three fifths of the members of each house, to deny or limit the power of a home-rule unit, it does not follow that every statute relating to powers of municipalities generally will, if adopted by a three-fifths vote, have a bearing upon the powers of those municipalities which are home-rule units. The powers which those units have received under section 6 of article VII of the constitution of 1970 are in addition to the powers heretofore or hereafter granted by the General Assembly to other municipalities. The kind of inadvertent restriction of the authority of home-rule units for which the plaintiff contends can be avoided if statutes that are intended to limit or deny home-rule powers contain an express statement to that effect. The statute before us contains no indication of a restrictive purpose, and we hold that it had no restrictive effect.

### **FEDERAL PREEMPTION OF PESTICIDE REGULATION**

The power of home rule units to regulate the use of pesticides was denied by the Cook County circuit court in *Northwest Mosquito Abatement District v. Villages of Palatine and Schaumburg* (no. 71 L 10291 [Aug. 7, 1973]). Palatine and Schaumburg passed ordinances which prohibited spraying the pesticide Malathion within their boundaries because they felt it to be harmful to the environment (Palatine ord. no. 0-7-70, Mar. 9, 1970, and Schaumburg ord. no. 743, May 25, 1971). After the two villages forbade the Northwest Mosquito Abatement District to spray within their boundaries, the district went to court to void the ordinances.

The district argued that statewide, areawide, or nationwide concern in the regulation of pesticides took the matter outside the villages' home rule powers. The court granted the district's motion for summary judgment on the issue of federal preemption.

Judge F. Emmett Morrissey examined Congress's intent in enacting the federal Environmental Pesticide Control Act of 1972 (7 U.S.C., sec. 136 *et seq.*), under which the federal Environmental Protection Agency had approved the use of Malathion. His order stated,

Said Act, inasmuch as it was meant to deprive political subdivisions and local authorities of or in the state of any and all jurisdiction and authority over pesticides and regulation of pesticides, preempts municipalities and other local subdivisions from regulating use of pesticides.



## CHALLENGE TO PCB JURISDICTION

The city of Chicago has again challenged the jurisdiction of the Illinois Pollution Control Board (PCB) over home rule units. That challenge was made as a defense in *Environmental Protection Agency v. Dillon and City of Chicago* (P.C.B. no. 73-216). In its suit the Environmental Protection Agency contends that the city's operation of a landfill violates the Environmental Control Act (*Ill. Rev. Stats.*, 1971, ch. 111½, sec. 1001 *et seq.*). Final resolution of the case is still pending, but the city's motion, based among other things upon immunity from the board's jurisdiction, was rejected by the PCB in an order adopted on July 12. The board stated that its ultimate jurisdiction could be determined only after a full hearing of the facts. At the same time, however, the board noted that home rule municipalities are not immune from state regulation in matters such as pollution, and it cited *Environmental Protection Agency v. James McHugh Construction Co.* (4 P.C.B. 511 [1972]).

In the *McHugh* case, the board had summarily rejected the same argument of home rule unit immunity, stating that the new Illinois Constitution clearly does not exempt local governments acting in proprietary functions from complying with state laws: "The State did not in adopting the new constitution abdicate its responsibility for the public health and welfare."

Chicago is still arguing the jurisdictional question in the Cook County circuit court, in a collateral suit seeking to enjoin the PCB from proceeding in the *Dillon* case (*City of Chicago v. Pollution Control Board*, no. 73-CH-4200).

## FURTHER LITIGATION ON H.B. 3636

House Bill 3636 (P.A. 77-1818, *Ill. Rev. Stats.*, 1972 Supp., ch. 127, secs. 901-903) declares that the regulation of 30 occupations associated with 30 acts listed in section 902 of chapter 127 is an exclusive state function under section 6(h) of article VII of the 1970 Illinois Constitution. Two circuit courts have already rendered conflicting decisions on H.B. 3636. *Johnson v. City of Urbana* (Champaign County circuit court, no. 72 C 945, June 29, 1973) upheld the constitutionality of the act. The consolidated case of *Fuehrmeyer v. City of Chicago* and *City of Evanston v. Department of Registration and Education of the State of Illinois* (nos. 72 CH 7115 and 72 L 7377, Cook County circuit court, July 23, 1973) declared the act unconstitutional.

The basic issues in *Johnson* and *Evanston-Fuehrmeyer* were (1) whether the act required a three-fifths vote for passage (sec. 6(g)) or a simple majority vote (sec. 6(h)), (2) whether the act amends other acts without properly setting out sections amended (art. IV, sec. 8(d)), and (3) whether the act improperly concerns more than one subject (art. IV, sec. 8(d)). The United States District Court for the Northern District of Illinois abstained in *Burns International Security Services, Inc. v. City of Chicago* (no. 73 C 1894, N.C. Ill., Sept. 27, 1973), a case involving issues similar to those in *Johnson* and *Fuehrmeyer*. In *Burns* Judge Bernard Decker stated, referring to the filing of the notice of appeal in *Fuehrmeyer*, "In light of the pendency of the aforementioned

appeal in the state courts, [unnecessary] duplication would occur if this court were to go forward with this litigation."

Since the opinion in *Burns*, two appeals have been filed in *Johnson*. Wheaton, Park Forest, and the Illinois Municipal League are challenging the Champaign County court's ability to hear the case against defendant municipalities outside Champaign County. Urbana is appealing the decision on the three issues in the case (Fourth District Appellate Court, no. 12397, filed Sept. 14, 1973, and no. 12415, filed Oct. 3, 1973).

On September 21, 1973, Judge Birch E. Morgan of the Champaign County circuit court found the cities of Evanston and Harvey in contempt of his injunction in *Johnson* prohibiting the regulation and licensing of real estate brokers, and fined each municipality \$500. In his order finding Evanston and Harvey in contempt, Judge Morgan noted that the plaintiff had withdrawn a contempt petition against Mount Prospect, and he found Park Forest not in contempt.

On October 30 the appeal in *Fuehrmeyer v. City of Chicago* was transferred to the Illinois Supreme Court (no. 46262). The appeal of *Evanston v. Department of Registration and Education of the State of Illinois* to the supreme court has been consolidated with that of *Fuehrmeyer*. On November 19 the court allowed a motion by Burns International Security Services, Inc., to file a brief in *Evanston-Fuehrmeyer* as amicus curiae. Thus, three cases involving H.B. 3636 are in the supreme court and two are in the appellate court. Another case, *Village of Oak Park v. Walter Kujawa and Cusack Realty Co.* (Cook County circuit court, no. 73 MC4-54043, filed July 25, 1973), concerns the provision in H.B. 3636 pertaining to real estate brokers and salesmen. In a pretrial hearing Judge Thomas Cawley upheld an Oak Park ordinance because it regulates not only agents, but any person who sells real estate.

## NO TRANSFER OF COMMISSIONER'S JURISDICTION

An East St. Louis ordinance passed last summer took jurisdiction over the city's Department of Health away from one city commissioner and transferred it to another (ord. no. 4518). That action was recently invalidated in *Bush v. Bush* (St. Clair County circuit court, no. 73 MR 002386). The plaintiff argued that the city's home rule power did not authorize the ordinance because under article VII, section 6(f), of the Illinois Constitution a home rule unit may alter its form of government or provide for its officers "only as approved by referendum or as otherwise authorized by law." No referendum had been held, and the plaintiff contended that the ordinance was unauthorized by statutory provisions which require a department of public health and safety in municipalities governed by commissions (*Ill. Rev. Stats.*, 1971, ch. 24, secs. 4-5-2 and 4-5-3).

The defendant argued that the city's action was permissible under the broad grant of home rule power. On September 21, Judge Carl H. Becker granted the plaintiff a permanent injunction stating that the ordinance was contrary to and illegal under the statutory provision.



## RUN-OFF ELECTION UNCONSTITUTIONAL

Early this year the Lansing Board of Trustees passed ordinance number 280 over the veto of Mayor Jack O. McNary. The ordinance provided for a run-off election if any candidate for the office of mayor or clerk failed to receive a majority of the votes cast during the regular election. The board enacted the ordinance without submitting it to the voters in a referendum. McNary challenged the constitutionality of the ordinance in Cook County circuit court (*McNary v. Village of Lansing*, no. 73 L 3599).

Although ordinance number 280 made no reference to home rule, home rule was the only possible basis for the ordinance because there is no statutory provision for run-off elections such as those in the Lansing ordinance. Several points were argued in the *McNary* case, but the main issue — and the one on which the court based its decision — concerned the relationship of the board's action to section 6(f) of article VII of the 1970 Illinois Constitution. Section 6(f) provides in part that "a home rule municipality shall have the power to provide for its officers, their manner of selection and terms of office only as approved by referendum or as otherwise authorized by law." In an April 9 ruling which held that ordinance number 280 does not follow the language and requirements of section 6(f), Judge Robert J. Downing declared the ordinance unconstitutional and enjoined the village from taking any action to implement its provisions.

## STATE REGULATION OF ELECTRIC SUPPLIERS

House Bill 541 as passed by the General Assembly last spring amended the Electric Suppliers Act (*Ill. Rev. Stats.*, ch. 111½, sec. 402) by adding the provision:

Except as otherwise provided in this Act, any power or function set forth in this Act to be exercised by the State is an exclusive power or function and . . . may not be exercised concurrently, either directly or indirectly, by any unit of local government, other than a municipality over 1,000,000 population, a county over 3,000,000 population, or any unit of local government in a county over 3,000,000 population.

As authority for the action, the provision cited sections 6(h) and 6(i) of the local government article of the 1970 Illinois Constitution.

H.B. 541 as passed would have exempted Cook County, Chicago, and all other units of local government in Cook County. On September 12 the governor returned the bill to the General Assembly recommending that these exemptions be deleted, thus making the action applicable to all units of local government in the state. Explaining his recommendation, the governor stated,

The report of the Local Government Committee of the Constitutional Convention supports the premise that regulation of public utilities is a statewide matter and not a matter for home rule consideration. Therefore, there may be no need for this pre-emption legislation.

However, assuming the legislation is necessary, it must be amended to provide for the exclusive power by the State as required by Article VII, Section 6(h) of the Constitution of 1970.

At the fall legislative session both houses of the General Assembly concurred with the governor's recommendation.

## HOME RULE CONTROVERSY IN WILMETTE

The Wilmette village board ended an extended controversy this summer when it voted to proceed with the construction of a new village hall and the development of a commuter parking lot. Both projects are part of the village's comprehensive plan. Last spring the former village board, using home rule powers, had issued nonreferendum general obligation bonds to finance the projects.

Early opposition to the nonreferendum financing was strong. An initial signature drive to force a referendum on the project failed to win enough names, but the seventh annual Wilmette Jaycee Community Survey, conducted in the midst of the controversy, showed the intensity of opposition. One question in the survey dealt with the bonds in relation to Wilmette's home rule status: "As a result of the new Illinois Constitution, the Village of Wilmette is a home rule unit. Now Village Trustees are empowered to issue General Obligation bonds payable out of increases in Real Estate Taxes without procuring voter approval. The new Constitution also allows the residents of a home rule unit to remove their village from home rule status through a referendum. Would you favor removing Wilmette from home rule status?" Forty-six percent of the respondents favored removing Wilmette from home rule status, while 32 percent did not.

In the April village elections the proposed redevelopment and the nonreferendum general obligation bonds were made a major issue by the Village party candidates. The elections resulted in the defeat of the incumbent United party village board members in all but one hold-over position.

After their election victory, the new village board members ordered a moratorium on redevelopment plans while the situation was investigated. In July the board concluded that the former board's actions obligated Wilmette to issue the bonds and to use a substantial portion of the proceeds to finance a new village hall.

## HOME RULE CASEBOOK

A collection of digested materials on 29 cases bearing upon Illinois home rule is contained in *Summaries of Cases Involving Illinois Home Rule*, by Kurt P. Froehlich. The 62-page looseleaf casebook is a product of the Illinois Home Rule Clearinghouse and Policy Analysis Project, Institute of Government and Public Affairs, University of Illinois. It is being distributed as a public service by the Illinois State Bar Association (ISBA) through its Local Government Law Section. Quarterly supplements will be issued dealing with new cases and appeals of cases already discussed.

The casebook is divided into five sections: Illinois Supreme Court Cases, Illinois Appellate Court Cases, Illinois Circuit Court Cases, Federal Court Cases, and Agencies. A sixth section, Illinois Attorney General Opinions, will appear in future updates, as will a topically organized index.



Many of the case summaries are based upon court opinions; others are based upon pleadings, briefs, orders, and other documents of public record. Each summary indicates the materials used as sources. These documents are supplied by municipal and county officials, attorneys representing both sides of the home rule question, and others interested in Illinois government.

Copies of *Summaries of Cases Involving Illinois Home Rule* are available upon request from Virgil E. Tipton, director of publications, ISBA, Illinois Bar Center, Springfield, Illinois 62701. The ISBA requests a \$2.00 donation to defray the cost of the looseleaf binder. All members of the Local Government Law Section will receive the casebook automatically.

## Home Rule Profile

### BLOOMINGTON AND NORMAL

On October 1 and 8, members of the Illinois Home Rule Clearinghouse and Policy Analysis Project visited the twin home rule municipalities of Bloomington and Normal in McLean County. Bloomington, a city of 40,000, has a city council of five including the mayor. Normal, a charter town, has a population of 32,000, including a student population of 13,000. Normal has a seven-member board of trustees, including the mayor. The mayors, managers, and attorneys of the twin cities were interviewed by project staff members, who also surveyed council members, persons involved in county affairs, and the editor of the *Bloomington Pantagraph*.

This article deals with each municipality and what it has done with home rule. Specific problem areas mentioned by officials and plans to utilize home rule are described, as well as instances of cooperation between Bloomington and Normal and cooperation with McLean County. The report concludes with quotations from local officials indicating their attitudes toward home rule and intergovernmental cooperation.

*Bloomington.* Bloomington, the larger of the two municipalities, has used home rule in some unique ways. In 1958 the city had sold bonds to buy land in the downtown area for parking lots. According to City Manager Richard Blodgett, "The contract that was drawn up to sell the bonds was very restrictive. One of the businesses in town wanted to buy one of our lots so it could expand. Under this contract we couldn't substitute lots so we decided to refinance our entire parking system." In 1971, with the help of one of the Bloomington financial institutions, the city mortgaged the lots (ord. no. 1971-86) and used the proceeds to set up an escrow account to buy back the bonds. The city used the money obtained by a second mortgage to begin the construction of a four-story automated parking structure (ord. no. 1973-53). "This should take care of our parking needs for years to come. We used our home rule powers to do this and experienced no problems," said Mr. Blodgett. According to Mayor Walter Bittner, "Without home rule it would have been very difficult. We used it and took advantage of the loan at a great savings to the city."

City Corporation Counsel David Stanczak noted Bloomington's use of home rule to change its governmental structure (ord. no. 1973-34):

The council voted to change the elective office of clerk to an appointive one by the mayor pursuant to statute. Then last April by referendum the voters decided to make the office appointive by the city manager. With the referendum and subsequent home rule enactment, the need to appoint a clerk for a four-year term and establish a fixed salary for the entire four years was abolished.

The city cited home rule powers in regulating traffic in a mobile home park (ord. no. 1973-35). Attorney Stanczak explains,

The owner of a mobile home park was concerned about the safety of the residents due to the disregard of posted speed limits. Since a park of this kind is considered private property the police did not patrol the streets, and speeding in the park was not a traffic offense. The city, by ordinance, determined the speed limit in the park and authorized the owner to stop violators, require them to show identification, and sign complaints. According to the owner it has significantly improved safety in the park.

Bloomington also cited home rule to disburse funds to persons forced to relocate because of urban renewal (ord. no. 1972-40).

One of the most controversial areas for all municipalities recently has been liquor control. Attorney Stanczak described the problem in Bloomington:

One problem area deals with who may sell liquor. The Liquor Control Commission said that any establishment selling liquor may not employ "minors" — without defining that term — but when you have grocery stores selling liquor, does this mean that all of their checkers, baggers, and stock people must be at least 19? We passed home rule ordinances establishing age limits for selling or serving alcohol and for drawing, pouring, and mixing drinks and tending bar. All sales of beer and wine must be made by someone of the age of 19 or over. The reason the council did this was to keep a clerk who was under 19 from being pressured by friends to sell them beer or wine.

Bloomington has passed three home rule ordinances on liquor control (nos. 1972-8, 1972-57, and 1973-90).

The home rule ordinances adopted by Bloomington are summarized below.

Bloomington		
SUBJECT	ORD. NO.	DATE
<i>Financing Parking Lots</i>	1971-86	12-13-71
Authorizes redemption of bonds and refinancing by direct \$1.3 million loan secured by a mortgage on the parking lots. Notes Bloomington's home rule powers as authority.		
<i>Financing Parking Structure</i>	1973-53	6-11-73
Authorizes borrowing additional \$1.3 million to acquire parking property and to fund improvements. Notes city's power as a home rule unit.		
<i>Liquor Restrictions</i>	1972-8	2-14-72
Amends employment restrictions to permit entertainers 18 years of age or older to work in bars. States that it is enacted pursuant to home rule powers.		
<i>Liquor Restrictions</i>	1972-57	8-28-72
Cites home rule as authority for amendment of the method of issuing liquor licenses. Relates license requirements to type of establishment, neighborhood, and traffic. Goes beyond statutory provisions for entitlement to a license.		



SUBJECT	ORD. No.	DATE
<i>Liquor Restrictions</i> Prohibits all persons under 19 years of age from tending bars in beer- and wine-only establishments. Because the statutes permit local governments to set such restrictions only on women and minors, the ordinance is an exercise of home rule powers.	1973-90	6-12-72
<i>Relocation Assistance</i> States that home rule is the only authority for use of city funds to make relocation payments according to federal urban renewal program requirements for persons displaced by governmental action.	1972-40	6-12-72
<i>Mobile Home Parks</i> Removes requirement for fire extinguishers in mobile homes, noting that the state no longer regulates mobile home parks within home rule units ( <i>Ill. Rev. Stats.</i> , 1971, ch. 111½, sec. 736).	1972-45	6-26-72
<i>Mobile Home Parks</i> Permits a mobile home park owner to stop cars within the park in order to see identification, and to bring complaints for traffic violations.	1973-35	4-23-73
<i>Public Transit System</i> Establish joint bus system with Normal. Cite home rule and intergovernmental cooperation powers as authority for enactment.	{ 1972-96 1972-102	{ 12-11-72 12-26-72
<i>Appointive City Clerk</i> Provides for appointment of the city clerk by the city manager with the concurrence of the mayor and city council. Followed a referendum called by ordinance number 1973-7. By an ordinance passed in 1972, under statutory authority, the city clerk had formerly been appointed by the mayor.	1973-34	4-23-73
<i>Fire Department Training Officer</i> Permit the fire chief to designate a training officer and the city manager to adjust the officer's salary without approval by the Board of Fire and Police Commissioners. The designation is not a home rule exercise if considered as a duty assignment rather than a change of rank.	{ 1973-43 1973-79	{ 5-14-73 8-13-73

Home rule also figures into the plans of Bloomington, especially plans for future redevelopment. Bloomington leaders are looking into the creation of a special service district to aid in downtown development. Mayor Bittner noted, "Our greatest problem is what to do now that urban renewal funds are frozen. The question of a special district to help generate revenue in this area is something we are looking into very seriously."

*Normal.* Normal, founded as a charter town, has been dry since it received its charter in 1867. According to City Manager David Anderson, "When Normal got its home rule powers there was widespread support to go wet." The members of the Normal Board of Trustees decided to call for an advisory referendum. On February 25, 1973, the voters of Normal recommended that the town go wet. Utilizing its home rule powers, the town passed an ordinance removing the charter ban on liquor (ord. no. 1121). The ordinance provides that businesses like drug or grocery stores wishing to sell liquor must have a separate checkout facility for such purchases. The ordinance also brings the drinking age provisions into line with the new state law.

The members of the board of trustees act as the town's liquor commission. To date the commission has issued four permits, two to package stores, one to a grocery store, and one to a restaurant-bar serving only beer as an alcoholic beverage.

Normal has also used home rule to reject its charter provision regarding the publication of all ordinances (ord. no. 117-A). The ordinance substantially adopts the provision on publication contained in the Illinois Municipal Code.

Normal's home rule ordinances to date are summarized below:

Normal		
SUBJECT	ORD. No.	DATE
<i>Public Transit System</i> Establishes a joint bus system for the present and future combined corporate limits of Normal and Bloomington. Cites home rule and intergovernmental cooperation powers as authority for enactment.	1065	12-22-72
<i>Publication of Ordinances</i> Clarifies the requirement of publication of ordinances, substantially adopting the provision in the Illinois Municipal Code. Indicates that the town was exercising home rule power in rejecting the original town charter provision for publication of all ordinances.	1117-A	6-4-73
<i>Repeal of Liquor Prohibition</i> Repeals the perpetual prohibition of liquor in the town charter. Also provides for regulation of liquor sales by permits and licenses. Followed an advisory referendum, but authorization clearly came from home rule powers.	1121	7-9-73

In describing what Normal officials are concerned with most at this time, Manager Anderson stated, "Much of our time is now spent trying to make up for some poor planning in the past. Normal experienced rapid growth in the sixties and we are now trying to catch up with it."

According to town officials, Normal's main problems are water supply and capital improvements. The principal source of water is wells that are not adequate to meet future needs. In order to provide for these needs and to attract new industry, Normal has begun condemnation proceedings to procure a right-of-way to develop a new well field. Nonreferendum revenue bonds will be issued to help defray the costs of the project. Another water problem involves sewers. "Because of their age and the increased demand on them due to the Normal population increase they are inadequate," said Anderson. "One method of dealing with this is that we may utilize the bonded indebtedness provision to generate revenue." There is also discussion among officials regarding the possibility of a special assessment district to help develop the central area.

*Intergovernmental Cooperation.* Bloomington and Normal have entered into a mutual funding agreement to finance a mass transit system. According to Manager Blodgett,

The goal of this endeavor was to improve public transportation and to get out of financing the system with the property tax. We agreed to finance the system on a formula based on population, route mileage, property tax, and the sales tax. The rest of the funding will come through user charges and



state subsidies. With the new financing formula we presently have a 30-minute pickup, and due to the better buses that we are using our ridership is up 41 percent over last year. This has enabled us to reduce the fare to 25 cents and expand the route system. Until it pays for itself Bloomington and Normal will continue to finance it with our agreed-upon formula.

Blodgett summed up his feeling about the transit system and his concept of government: "We're building a community that accommodates people."

The twin cities have also cooperated extensively in the purchase of goods. Manager Anderson explains,

We use joint bids for squad cars, gasoline, and other major purchases. Last year we were able to save two cents per gallon on our gasoline. We also have an informal agreement to share the expertise of our personnel. The staff people of each town know each other and are able to work well together. Each town also rents especially expensive equipment to the other, which saves us a good deal of money.

Intergovernmental cooperation extends past the boundaries of the two municipalities. Planning for the area is conducted by the McLean County Planning Commission, directed by M. Herman Dirks. This group helped obtain funding for the study which advocated the use of home rule powers to establish the mass transit system.

One unusual area of cooperation came with the creation of Evergreen Lake by the city of Bloomington to provide an additional water source. According to Dirks, "They didn't like the way that the other water source, Lake Bloomington, had been developed. With a grant from a federal agency we planned the shore line of the new Evergreen Lake. The city of Bloomington agreed to lease the shore line to the county, which agreed to develop it for recreational purposes." According to Professor Alice Ebel, county board member and expert on county government, "The county is committed to spend \$1 million over a ten-year period to develop the area around the lake." Other officials also expressed positive feelings about the cooperation between Bloomington and the county, which will develop the shores of Evergreen Lake for public recreation.

"Home rule figures very significantly in our job as planners," said Dirks. "It makes the implementation phase of our job much easier since we can look to home rule as we did with the mass transit question rather than having to seek enabling legislation attempting to change existing legislation." The planning director's major complaint about home rule is that the new constitution does not extend it automatically to counties. (No home rule referendum has been held in McLean County.) "We are presently working with the Institute of Environmental Quality to develop a countywide solid waste disposal plan. I don't know how we'll recommend its implementation, because it would require the county to take charge of it," stated Dirks.

Harold Liston, editor of the *Bloomington Pantagraph*, also expressed his feelings regarding the effective exclusion of counties from home rule powers: "I am opposed to that section of the constitution that requires an elected chief executive. What *would* be an improvement over the present system is an appointed manager."

Professor Ebel provided some insights into the problem of obtaining home rule by counties:

For over 100 years county government in Illinois has operated with many executive heads, both elective and appointive. The County Executive Act implementing the county home rule provision of the constitution establishes a single, very strong elected executive as a requirement for home rule. This is a form of government completely foreign to the downstate county. Even if home rule is considered desirable, accepting a unified strong county executive is too great a gap for a county to bridge in the near future. It will take years of education and some statutory provisions for intermediate county reorganization before the first downstate county will be ready to accept a strong executive and become a home rule county.

Officials of the two municipalities expressed their views on home rule:

Normal Mayor Carol Reitan: "At this point home rule is too vague. We've developed a wait-and-see attitude." Manager Anderson: "Until two months ago we didn't have full-time legal counsel. We've followed the advice of our past counsel and the Illinois Municipal League which was to go slow." Normal attorney Frank Miles: "I've only been in Normal two months so I'm still familiarizing myself with Normal's procedures and needs." One Normal trustee best summarized the attitudes of the town's board members: "Home rule reminds me of a speed limit sign posted on the highway, but there is no speed written on it. What is the speed?"

Bloomington Mayor Bittner: "Home rule is a great help in making your own decisions." Manager Blodgett: "It's given us a lot more flexibility and enabled us to better cope with our problems." Attorney Stanczak: "It's nice to know it's there when you want it. If a need arises for something to be done we're in the position, like the state legislature, where we only have to worry about the constitution rather than specific grants in the Municipal Code."

RICHARD DAY

## IML CONFERENCE FOR HOME RULE OFFICIALS

On November 9, 175 officials of Illinois home rule municipalities and of Cook County (the only home rule county in the state) attended a conference in Chicago sponsored by the Illinois Municipal League (IML). The all-day conference opened with an explanation of activities of the IML Home Rule Attorneys' Committee by Hilmer C. Landholt, Decatur corporation counsel and committee chairman. Participants received the third report of the committee, which summarizes the course of home rule in Illinois to date and presents reports from the six subcommittees (licensing and franchise, public works and improvements, government organization, land use, revenue and taxation, municipal personnel, and residual powers).

In his talk, "Municipal Home Rule: What's Happened?", Guenther M. Philipp, Downers Grove village attorney, discussed several early Illinois Supreme Court decisions involving home rule and summarized some of



the recent steps taken by home rule municipalities. Philipp stated that home rule officials should be "cautiously optimistic" that a strong home rule philosophy is beginning to be recognized by the courts. Although many questions under the new constitution remain to be resolved, the basic direction of the early court decisions interpreting the home rule provisions is encouraging. Philipp also noted that continuation by the home rule municipalities of their careful approach to the exercise of their home rule powers and care in selecting proper cases for appeal through the courts will maximize the opportunity of achieving the kind of home rule government that was intended by the delegates to the Sixth Illinois Constitutional Convention.

A detailed analysis of the advantages and disadvantages of the new constitutional provisions for special service areas and special assessments by local units was presented by Arthur C. Thorpe, Oak Park corporation counsel. An explanation of the Illinois Home Rule Clearinghouse and Policy Analysis Project was given by Kurt P. Froehlich, research associate, Institute of Government and Public Affairs, University of Illinois. Froehlich emphasized the need for input by home rule officials into the content of three regional home rule conferences planned by the project and the Illinois Department of Local Government Affairs. The conferences are scheduled for February 16, March 29, and, tentatively, April 12, 1974. The city of Springfield has agreed to host the first conference, planned for officials of home rule units outside the northeast part of the state.

The luncheon speaker was Richard L. Curry, Chicago corporation counsel. Curry stressed that home rule should be used to better the community and to "engraft recognition and support of the expanding public purpose of local government." Indeed, a home rule unit's public purpose must become almost synonymous with its government and affairs. Curry noted with alarm several recent instances of federal preemption, such as possible Federal Environmental Protection Agency requirements in regard to downtown parking.

Philip J. Carey, chairman of the recently formed Cook County Home Rule Study Commission, opened the afternoon session with a discussion of county home rule and of the plans of the commission. He also described the experience of the Local Government Committee of the Sixth Illinois Constitutional Convention in shaping the proposed home rule provisions. Carey was vice-chairman of the Local Government Committee. He asserted that the Illinois Constitution contains the strongest home rule provisions of any state constitution.

Carey was followed by Frank M. Pfeifer, IML general counsel, who reviewed defeated and successful preemptive actions of the General Assembly. Pfeifer applauded what he viewed as a series of Illinois Supreme Court decisions favorable to home rule, and suggested that as a result of these decisions home rule units may now act more freely in asserting their new powers.

The conference concluded with a question-and-answer period moderated by Neal E. Eckert, mayor of Carbonale. Eckert stated that home rule unit actions should be responses to the wishes of local citizens and should

not be governed by current statutory provisions or by fear of legislative preemption.

## ILLINOIS ATTORNEY GENERAL AND HOME RULE

The Illinois courts and the General Assembly are among the more visible forces at work on the issues arising from the implementation of the home rule provisions of the 1970 Illinois Constitution. Less well known is the consideration of constitutional questions by nonjudicial study by attorneys. The governing bodies of counties and municipalities often ask their attorneys to advise them on questions of a constitutional nature. This kind of determination fills the need for quick answers to a large volume of questions, many of which will never result in long and expensive litigation.

The advice of municipal and state's attorneys can be, and sometimes is, disregarded. Similarly, opinions of the Illinois attorney general may be disregarded. However, unlike the advice of other attorneys, the attorney general's advice will probably have a more general influence. The attorney general is the state's legal officer; he has a substantial staff; and he publishes and widely circulates his opinions throughout state, county, and municipal government.

The attorney general's influence may be felt in two basic ways. First, the courts may give weight to the attorney general's opinions on issues appearing before them for the first time. Because of the relatively new character of Illinois home rule and intergovernmental cooperation, all relevant cases present new issues, and thus the attorney general may reasonably be expected to have an influence in those areas. Second, court decisions in a few states indicate that personal liability will not attach to the activities of government officials who follow the advice of their attorney general.

Because of the potential influence of the attorney general on the scope of Illinois home rule and intergovernmental cooperation, relevant opinions and policies should be examined. Summaries of selected policies and opinions follow.

*Policies of the Attorney General.* The attorney general provides written opinions only in response to questions submitted to his office. He is authorized to furnish written opinions on legal and constitutional questions to the governor, to other state officers, and to the General Assembly and its committees. He may also consult with and advise state's attorneys in matters related to their offices. In the absence of explicit statutory authorization the attorney general is not authorized to furnish written opinions to attorneys for public corporations, municipal corporations, townships, or special purpose units of government. Under special circumstances, these general policies are subject to exception. All opinions are advisory only and are not binding on the state or the courts.

The attorney general's policy is not to furnish opinions on questions scheduled for court determination. It is also his policy to encourage officials to seek declaratory judgments concerning particularly difficult and important problems of law.



Concerning home rule ordinances which seek to deny 19- and 20-year olds the privilege of drinking beer and wine, the attorney general has been asked by the Illinois State Liquor Commission to render an opinion and to file a declaratory judgment suit. In opinion number S-663 (November 15, 1973), he indicated that non-home rule municipalities may not regulate or limit the sale of beer and wine to 19- and 20-year olds. Since a case involving 19- and 20-year-old drinking was recently filed in the Cook County circuit court (*Sell v. City of Calumet City*, no. 73 CH 6127, filed October 1973), it is not clear how, or if, the attorney general will proceed on the question of home rule liquor ordinances.

The attorney general has not yet issued an opinion on the exercise of power by a home rule unit. He has issued two opinions on what is known as the "home rule amendment," three on intergovernmental cooperation (another may be issued soon), and one on revenue sharing which suggests some home rule questions.

*Home Rule Amendment.* The home rule amendment is intended to protect the powers of home rule units from the potential problem of inadvertent denial and limitation by the General Assembly and to protect those powers from narrow court interpretations. The attorney general has had two opportunities to consider the effect of one version of the home rule amendment ("This Act does not apply in the jurisdiction of any home rule unit") in the Mobile Home Park Act. In opinion number S-496 (July 24, 1972) he advised that the home rule amendment attached to the Mobile Home Park Act means that the act does not apply either to a home rule municipality in a non-home rule county or to any municipality — home rule or non-home rule — in a home rule county. He reasoned that section 6(c) of article VII implies that a home rule county has power throughout its territory, not only in its unincorporated areas.

In opinion number S-496 the attorney general also considered a constructional problem resulting from the home rule amendment in the act. The Mobile Home Park Act contains a section that repeals the Trailer Coach Park Act. The attorney general advised that the repeal was effective throughout the state. He would not construe the repeal section with the home rule amendment in a way that would effect a repeal in non-home rule units and yet leave the Trailer Coach Park Act effective in home rule units.

The Mobile Home Park Act required a county mobile home privilege tax of 10 cents to 15 cents per square foot in lieu of personal property tax. (This county mobile home privilege tax was repealed effective July 7, 1972; it should not be confused with a recently enacted privilege tax on mobile homes, Public Act 78-375.) The act required a distribution of tax proceeds to all local governments in which the homes were located, in amounts based upon the previous year's total assessed valuation of property. In opinion number S-453 (May 3, 1972) the attorney general concluded that the tax violated state and federal equal protection because of the home rule amendment.

The attorney general noted that such a privilege tax, applicable only in areas outside home rule units, would

be at a constant rate, and that a personal property tax, applicable only within home rule units, would depend on assessed valuation. He reasoned that mobile home owners in home rule and non-home rule units could pay different amounts on identical mobile homes to many of the same units of local government — an unreasonable and arbitrary classification. The inequality would be aggravated by the probable gradual reduction of personal property tax on mobile homes because of changes in assessed valuation. The attorney general noted that section 5(c) of article IX requires that personal property taxes abolished after January 2, 1971, must be concurrently replaced by statewide taxes. Since the mobile home privilege tax does not apply to home rule units, the attorney general concluded that it is not a statewide tax and is therefore unconstitutional.

*Intergovernmental Cooperation.* The attorney general has not yet considered intergovernmental cooperation in the context of home rule. He has, however, issued an opinion in a non-home rule situation construing the intergovernmental cooperation section of the constitution, section 10 of article VII.

In opinion number NP-637 (October 17, 1973), the attorney general concluded that, where a county does not have the authority to provide a transportation system for senior citizens, the county may not donate funds to a senior citizens council and may not contract with the council to provide such a transportation system. The attorney general stated that section 10 "was not intended to give units of local government authority to engage in the activity in the first instance." The opinion makes no reference to the Intergovernmental Cooperation Act (Public Act 78-785), effective October 1. In opinion number S-667 (November 15, 1973), however, the attorney general did recognize the act to indicate the form for a contract through which a county could provide ambulance service within a municipality.

According to the attorney general's policy, attorneys for municipal corporations, townships, and special-purpose units of government may not ordinarily be furnished written opinions. However, through intergovernmental cooperation the municipalities, the townships, and the council, all of which were involved in the attempt at the cooperative venture considered in opinion number NP-637, received the benefits of the county's authorization to receive an attorney general opinion.

Two other opinions concerned section 10 of article VII. Opinion number S-493 (July 24, 1972) recognized that section 10 allows a county to make contracts with the United States to aid in carrying out its corporate purposes. In opinion number S-347 (September 24, 1971), the attorney general advised that counties may not contract under section 10 with various taxing entities to defray tax collection costs. He reasoned that such a contract would be contrary to section 9 of article IX ("Fees shall not be based upon funds disbursed or collected, nor upon the levy or extension of taxes").

*Revenue Sharing.* Several community action agencies applied to their non-home rule county for revenue-sharing funds. The state's attorney determined that the



agencies' activities were not within the county's statutory authority. Some of the activities, however, may have been within the priority items qualifying for revenue sharing. The priority items for use of revenue-sharing funds are "ordinary and necessary maintenance and operating expenses" (for public safety — including law enforcement, fire protection, and building code enforcement; environmental protection — including sewage disposal, sanitation, and pollution abatement; public transportation — including transit systems and streets and roads; health; recreation; and social services for the poor or aged) and "ordinary or necessary capital expenditures authorized by law."

The State and Local Fiscal Assistance Act of 1972 (31 U.S.C.A., sec. 1221 *et seq.*) provides that to qualify for revenue-sharing funds a local government's expenditure must be "only in accordance with the laws and procedures applicable to the expenditure of its own revenues." In opinion number S-576 (April 26, 1973) the attorney general reasoned that because the county did not have the authority to make the expenditure using its own funds it could not use revenue-sharing funds for the agencies' activities.

Opinion number S-576 suggests some questions relevant to home rule. Since home rule units are not necessarily subject to all state laws and procedures, does the opinion have any restrictive implications for home rule units? Are home rule ordinances which do not have statutory authorization considered "laws and procedures" within the meaning of the State and Local Fiscal Assistance Act so that home rule units may use their expanded powers in conjunction with revenue-sharing funds? If an Illinois statute contained a grant of power for counties and municipalities and also contained a home rule amendment, would a home rule unit be deprived of using revenue-sharing funds if it undertook activities authorized in the statute?

As yet, the relationship between revenue sharing and the unique character of home rule in Illinois is not clear. Neither the courts nor the attorney general have faced the problem. Only some questions and possible relationships have been identified. Perhaps the attorney general's opinion points to a need, home rule notwithstanding (for example, Public Act 78-207 attempts to expand the use of revenue sharing by townships), for statutory power grants as an alternate solution to intense litigation concerning the use of revenue-sharing funds by home rule units.

KURT P. FROELICH

## Other States

### ALASKA

Alaska's admission to statehood in 1959 brought with it the operation of a new constitution which granted broad home rule powers. The local government article of the constitution as amended in 1970 sets a goal of maximum local self-government with a minimum of local govern-

ment units. The article also calls for liberal construction of local government powers.

Boroughs (counties) as well as cities can gain home rule powers by voter adoption of a home rule charter. First, however, the voters in the borough or city must have approved the adoption of "first-class" status. (Cities with populations under 400 are not eligible to adopt first-class status.)

Home rule units have the power to "exercise all legislative powers not prohibited by law or by charter." That grant of power allows the Alaska legislature to maintain supremacy over local government. State supremacy has been exercised in enumerating the powers of boroughs and in fixing limits on city home rule powers. The limits are collected in a single list in *Alaska Statutes*, 1972, 29.13.100.

The status of boroughs and cities set by the Alaska legislature is unlike the situation in Illinois, where powers may be exercised concurrently and where municipal ordinances prevail over conflicting home rule county ordinances. In Alaska, cities may not exercise an areawide power once that power is being exercised by a borough. The Alaska statutes also set strict cooperation requirements: a borough exercising a power only outside cities must seek to have an identical power transferred from the cities or must propose joint borough-city exercise of the power. All municipalities have the power to make intergovernmental agreements.

Conflicts between state statutes and municipal ordinances have been considered in several cases by the Alaska Supreme Court. In *Chugach Electric Association v. City of Anchorage* (476 P.2d 115 [1970]), a dispute arose when the city refused to issue a building permit to the electric association although the association had received a certificate of public convenience from the state Public Service Commission. The court ruled against the city's right to refuse the permit on the ground that the public convenience in electrical supply is a matter of statewide concern. The court also discussed an argument similar to one dealt with recently in Illinois in *Rozner v. Korshak*, noted in this issue. In *Chugach*, Anchorage argued that a recent amendment to the Public Service Commission law showed that the legislature did not intend to preempt local control over utilities. Had the legislature intended such preemption, argued the city, it would have added clear language to the statute indicating its intention when it passed the amendment. To this argument the court stated,

We cannot adopt the narrow alternative to this approach suggested by the city, namely, that each piece of legislation that restricts the powers of home rule cities should be specifically labeled as so doing. We think this would place an unwarranted burden upon the state legislature and would accomplish very little. Furthermore, it is not for the court to direct the legislature as to the form it uses in enacting the laws of our state. Accordingly, we find it unnecessary for the legislature to spell out the supposed effect of its legislation each time it produces a new bill.

In a similar case, *Macauley v. Hildebrand* (491 P.2d 120 [1971]), the Alaska Supreme Court was presented



# Home Rule Newsletter

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NONPROFIT USE



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with a dispute over whether a school board or a home rule borough should control the accounting for funds appropriated for the operation of schools. The borough had enacted an ordinance to require the school board to participate in centralized accounting. A state statute called for the school board's consent for such a change. The court said the resolution of such disputes was determined by a "local activity test": the ordinance could be enforced if the matter being regulated was of local rather than statewide concern. The court said that the constitutional mandate for pervasive state authority in the field of education required it to invalidate the local ordinance.

## HOME RULE NEWSLETTER

Institute of Government and Public Affairs, University of Illinois

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CAREN GOLOFF, research assistant

The *Home Rule Newsletter* is published on an occasional basis by the Institute of Government and Public Affairs, University of Illinois. The newsletter, one aspect of the Illinois Home Rule Clearinghouse and Policy Analysis Project, will focus upon home rule developments in Illinois, but events in other states will also be reported. The project is being funded in part through the Illinois Department of Local Government Affairs by a comprehensive planning grant from the U.S. Department of Housing and Urban Development. Jarl Trammell, Office of Community Services, Illinois Department of Local Government Affairs, is the department's consultant to the project. Areas to be covered in the newsletter include abstracts of relevant articles, reports of ongoing research, reports of conferences, judicial decisions, legislative developments, home rule referenda, and local home rule legislation. In addition, news items from local newspapers and other sources are summarized.

The *Home Rule Newsletter* is distributed to local and state officials, municipal attorneys, state legislators and legislative staff members, planners, academicians, and other concerned citizens. Subscriptions are available without cost upon request. Material may be reproduced without permission, although credit to the source is appreciated.

Readers who wish to contribute material or make suggestions about the newsletter should contact Ms. Stephanie Cole, Institute of Government and Public Affairs, 1201 West Nevada Street, Urbana, Illinois 61801 (217-333-3340).



*Decatur Reserve*  
*5/14/73*

# Preserve Home Rule

THE GENERAL Assembly is moving too fast on legislation that could hamstring home rule cities interested in locally facing questions involving their public safety departments.

House Bill 345 would "declare the state's right to be exclusive" over the state Fire and Police Commission Act and civil service regulations. The measure breezed through the House on a 127-5 vote and now is in the Senate.

Passage would mean, for example, that Champaign could not even consider making changes in its police and fire departments without agreement by the legislature or through a local referendum.

The new state Constitution was supposed to give home rule communities long-needed freedom from such iron rule by the General Assembly.

By moving to reserve for the state the power to make rules and regulations for locally em-

ployed policemen and firemen, the legislature is threatening to choke the state's home rule communities before they even begin to responsibly use their new freedom.

Policemen and firemen have a right to be concerned about issues such as their pensions, promotions, tests, retirement age and causes for dismissal.

They are wrong, though, to escalate their concern all the way to Springfield without first giving their communities time to demonstrate whether the problems can be resolved closer to home.

House Bill 345 and similar Senate measures are dangerous for the state's still-young home rule communities such as Champaign, Decatur, Carbondale and East St. Louis.

If the legislation is not put to rest in the Senate, the governor should slow it down for at least this year with a veto.



LEAGUE OF WOMEN VOTERS OF ILLINOIS  
67 East Madison St., Chicago 60603

(312) 236-0315

October, 1973

To: Local League Presidents  
From: Colleen Holmbeck  
State LOGO Chairman and  
Nancy Brandt, Task Force Cnty. Govt.  
Re: Home Rule Reporters

All the Leagues in Illinois have been receiving the excellent Home Rule Newsletter, one copy per League. This publication comes from the University of Illinois Institute of Government and Public Affairs. As our part of the agreement with the Institute, we asked local Leagues to send news clippings and information on home rule actions by home rule units to Ms. Stephanie Cole, director of the project.

*10/73*  
*B. Olsen*  
*Report to Board now or then*  
This general appeal for information on home rule action has produced very limited results so far. We suspect two problems: (1) there was no one specifically assigned this task for each League and (2) Leagues are not yet always aware which actions taken or contemplated by their municipalities (or Cook County) are home rule actions. Neither city councils nor newspapers label home rule actions as such as a general rule, and newspapers and council meetings cannot, therefore, always be the guides.

Because we believe in the value of the Home Rule Newsletter, and also that it is important for League boards to become familiar with the potential and the opportunities available to cities and counties under home rule, and because we believe this requires a deliberate effort, we request the following:

1. In each League there should be a Home Rule Reporter, preferably the LOGO Chairman, if there is one, or someone equally knowledgeable. If she's

*Copy of  
in State  
Govt. & Pub  
Affairs  
1201 W. New  
Street  
Urbana  
6180*

*B. Olsen - Home Rule Newsletter  
Report home rule action  
intergovernmental cooperation*



5. Because it is often difficult to know what to look for, these words and phrases might help reporters in identifying home rule and intergovernmental cooperation related activities by home rule units in newspaper stories: ?  
? preemption, licensing, non-referendum general obligation bonds, pre-existing state statutes, taxation, debt, revenue, alternative revenue sources, zoning, extra-territorial, 1970 Illinois Constitution, Article VII section 6 and section 10, licensing of real estate brokers, appointed village or city clerk, home rule, intergovernmental cooperation. Two other resources will be helpful to reporters. Each League will be receiving a copy of the 1973 Report of the Cities and Villages Municipal Problems Commission containing Joan Anderson's paper, The Shaping of Home Rule and the Local Government Article of the Sixth Constitutional Convention. The Illinois Municipal League booklet Procedures and Practices of Illinois City Councils and Village Boards contains a very good section on Home Rule (1972-73 edition). It is available from the Illinois Municipal League but it costs \$3.00 so you may want to get it from your library or a local official. The whole pamphlet would be extremely helpful to LOGO Chairman, however.
6. The Quadrant meetings in November will be very helpful to the Home Rule reporter. Mayors, attorneys, political scientists and researchers will discuss the progress, problems, and potential of home rule. The reporter and anyone involved with local government should surely attend either in Chicago or in Peoria.
7. Will you please send the name of your Home Rule Reporter to the State Office by November 1 on the tear off sheet below.



HOME RULE UNITS IN ILLINOIS

<u>Municipality</u>	<u>County</u>	<u>Population</u>
Alton	Madison	39,700
Arlington Heights	Cook	64,884
Aurora	Kane	74,182
Bedford Park	Cook	583 (by referendum)
Belleville	St. Clair	41,699
Berwyn	Cook	52,502
Bloomington	McLean	39,992
Burbank	Cook	26,608
Calumet City	Cook	32,956
Carbondale	Jackson	26,857 (special census)
Champaign	Champaign	56,532
Chicago	Cook	3,369,359
Chicago Heights	Cook	40,900
Cicero	Cook	67,058
Countryside	Cook	2,888 (by referendum)
<u>Danville</u>	Vermilion	42,570
<u>Decatur</u>	<u>Macon</u>	<u>90,397</u>
DeKalb	DeKalb	32,949
Des Plaines	Cook	57,239
Dolton	Cook	25,937
Downers Grove	DuPage	32,751
East St. Louis	St. Clair	69,996
Elgin	Cook-Kane	55,691
Elmhurst	DuPage	48,887
Elmwood Park	Cook	26,160
Evanston	Cook	79,808
Evergreen Park	Cook	25,921
Freeport	Stephenson	27,736
Galesburg	Knox	36,290
Glenview	Cook	29,027 (special census)
Granite City	Madison	40,440
Harvey	Cook	34,636
Highland Park	Lake	32,263
Hoffman Estates	Cook	28,512 (special census)
Joliet	Will	80,378
Kankakee	Kankakee	30,944
Lansing	Cook	25,805
Lombard	DuPage	36,194
McCook	Cook	366 (by referendum)
Maywood	Cook	30,036



<u>Municipality</u>	<u>County</u>	<u>Population</u>
Moline	Rock Island	46,237
Morton Grove	Cook	26,369
Mound City	Pulaski	1,177 (by referendum)
Mount Prospect	Cook	34,995
Naperville	DuPage	25,011 (special census)
Niles	Cook	31,432
Normal	McLean	26,396
Norridge	Cook	16,880 (by referendum)
Northbrook	Cook	27,297
North Chicago	Lake	47,275
Oak Lawn	Cook	60,305
Oak Park	Cook	62,511
Palatine	Cook	25,904
Park Forest	Cook-Will	30,638
Park Ridge	Cook	42,614
Pekin	Peoria-Tazewell	31,375
Peoria	Peoria	126,963
Quincy	Adams	45,288
Rantoul	Champaign	25,562
Rockford	Winnebago	147,370
Rock Island	Rock Island	50,166
Rosemont	Cook	4,825 (by referendum)
Schaumburg	Cook	25,155 (special census)
Skokie	Cook	68,627
South Holland	Cook	25,220 (special census)
Springfield	Sangamon	91,753
Stone Park	Cook	4,451 (by referendum)
Urbana	Champaign	32,800
Villa Park	DuPage	25,891
Waukegan	Lake	65,269
Wheaton	DuPage	31,138
Wilmette	Cook	32,134
Cook County		5,493,529

Based upon projected population increases, an additional 26 Illinois municipalities are expected to pass the qualifying 25,000 mark for automatic home rule status by the 1980 census.



League of Women Voters of Illinois  
67 East Madison Street  
Chicago Illinois 60603  
312-236-0315

February 24, 1972

Dear Mrs. Hurst:

I was most interested in your recent clippings. The newspaper at that time was confused on a number of points. If they still need correct information, perhaps with the help of a copy of County Clearinghouse #3 you could straighten them out on the following items:

- ... that a county executive and a county "manager" are not the same things.
- ... that a city manager has nothing to do with home rule for a city, which becomes a home rule unit if 25,000 population or more, regardless of its form of government.
- ... that a county which is not a home rule county may levy any tax, including one on mobile homes, only if specifically authorized to do so by the state legislature. ~~That~~ A home rule county would be able to levy such a tax without specific permissive legislation from the General Assembly.

We have considerable interest in the proposal of Mr. Gaston's to consolidate the 20 board committees into eight. I hope you will be able to follow progress in that area for us.

Thanks so much for everything.

Sincerely,

Nancy Brandt, Chairman  
Task Force on County Government

*To newspapers  
+ San Cooper  
Copy for Elise*



January 26, 1972

Preliminary Report on Election Issues  
To be filled out by County Communicators

One copy due as soon as possible  
Send to: Mrs. James Brandt  
County Task Force  
2260 Sheridan Road  
Highland Park, Illinois 60035

Name of County \_\_\_\_\_

1. Do you have any questions on county government on the ballot at the time of the March 21 primary or at another special election?  
County executive-home rule question?  
Elimination or change in method of selection of an elected officer?

Other? Please describe.

2. Did your county board discuss the possibilities of putting an election issue on the ballot and decide against it? If so, what was the issue and what reasons were given for the action taken?

3. If neither of the above applies to your county, please indicate here, and we will not expect to hear from you further at this time.

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FOR THOSE WITH ISSUES ON THE BALLOT

4. Where did the election issue originate, by county board action or by petition? For either, identify and describe the leadership responsible for putting the issue on the ballot, any identifiable opposition at this time, the stated reasons for putting the issue on the ballot, what the vote was and if by action of the county board. Please include copies of descriptive newspaper articles or editorials.

5. Materials may be scarce at this point, but please identify as many of the pro and con arguments for or against the issue as possible. Support with news articles. Identify individuals, groups, newspapers or political parties taking a pro or con stand and any statements they have made in connection with this.

6. Have the Leagues in your county reached a position on this issue? If so, what? What action do you contemplate?

7. What other groups in your county are or have been studying county government in general or this issue in particular? What aspects and for how long?

Use extra sheets if necessary

Communicator \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_



January 26, 1972

Final Report on Election Issues

One copy due April 1

To be filled out by County Communicators

Send to: Mrs. James Brandt  
County Task Force  
2260 Sheridan Road  
Highland Park, Illinois 60035

Name of County \_\_\_\_\_

1. What was the election issue that was on the March 21 ballot?

2. What was the vote?

How good was the turnout?

3. Please identify as many of the pro and con arguments for and against the election issue as possible. Support with copies of news articles. Identify prominent individuals, groups, newspapers, or political parties taking a pro or con stand and any statements they have made in connection with this.

4. What action did the Leagues in your county take?

Voters service?

Please include a copy of any of your background material, a copy of your consensus, if any, and voters service material.

5. Was a citizen's committee formed? When? What groups were represented?

Who initiated the formation of such a group?

6. Characterize the amount and quality of publicity given the issue in the newspapers, at public meetings, by direct mail etc. Please include copies of campaign literature, or other publications on the issue.

7. What reasons for success or defeat of the issue have you found stated by local political analysts on your newspapers, in the political parties, or in the League?

Use extra sheets if necessary

Communicator \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_



LEAGUE OF WOMEN VOTERS OF ILLINOIS  
67 East Madison St., Chicago 60603

Central 6-0315

PLEASE ROUTE TO YOUR  
VOTERS SERVICE CHAIRMEN

December 6, 1971

To: Presidents of Local Leagues  
and Voters Service Chairmen

From: Nancy Brandt, Chairman  
Task Force on County Government

In response to a request from the Princeton League, we have prepared a suggested candidates' questionnaire to be used in connection with County Board elections. It can be altered to fit your county.

We are particularly interested in the answers you receive to the last five questions. If you make use of this questionnaire or a similar one of your own, please send a copy of the replies you receive to:

County Task Force  
c/o Mrs. Millard Grauer  
1370 Sheridan Road  
Highland Park, Illinois 60035

\* \* \*

Leagues in counties where there are "hot" specific issues should develop questions about those issues. Try to ask the questions which the individual voter wants answered. Talk to the media for suggestions on questions, and then work with the media to use the answers you obtain.

County boards are going to be generally smaller - and members will represent districts, not townships directly. Your questions need to explore this shift in job emphasis.

I hope you are considering county candidate pre-primary meetings. This may be the year when the old-fashioned candidates meeting is the newest way to reach voters puzzled by all the new boundaries and jobs!

Nancy Philippi  
Voters Service Chairman