

4/3/14
3/20/14

1T-R-14

A RESOLUTION

**TO DISCONTINUE AND ABOLISH THE TOWNSHIP ORGANIZATION
IN EVANSTON TOWNSHIP AS OF 11:59 P.M, APRIL 30, 2014**

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

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

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

; and

WHEREAS, the Township Code, Section 60 ILCS 1/27-5, 1/27-10, and 1/27-15, provide that the coterminous township within the boundary of Evanston, Illinois may be abolished upon the majority vote of the electors in the township; and

WHEREAS, pursuant to 60 ILCS 1/27-10, the City Council of Evanston, lawfully approved ordinance 105-O-13 which authorized that a proposition to dissolve Evanston Township be placed on the ballot for the March 18, 2014 General Primary election (the "election") to be held in the township; and

WHEREAS, on March 18, 2014, following the Cook County Clerk's placing the proposition on the ballot, 63.68% of the registered voters who cast ballots at the election in Evanston Township voted "Yes" to discontinue and abolish Evanston

Township. The Evanston Town Board hereby recognizes and notes the Cook County Clerk's official election canvass of results recognizing said vote tally; and

WHEREAS, the Town Board in its legislative capacity, formally recognizes that 5,065 affirmative votes were cast favor of the proposition to discontinue and abolish Evanston Township; and

WHEREAS, in the case of coterminous Evanston Township, the legislative arm of the Township is the Town Board, and only the Board has the constitutional, statutory, and legislative authority to adopt this resolution, said resolution which recognizes and follows the electoral results and mandate delivered at the March 18, 2014 election, and

WHEREAS, under the separation-of-powers doctrine, courts must respect units of local government, such that the Town Board's legal authority and responsibility to adopt this resolution is entitled to high deference. See *Board of Education of Dolton School District 149 v. Miller*, 349 Ill.App.3d 806 (1st Dist. 2004); *Moore v. Grafton Township*, 2011 WL 3524417 (2nd Dist. 2011); and

WHEREAS, the Town Board convened numerous meetings during 2011 to 2014, all properly noticed under the Township Code and the Open Meetings Act, to consider the question of township discontinuation; and

WHEREAS, the Town Board, in its exercise of its constitutional and statutory authority, hereby states that the Township of Evanston organization shall cease, discontinue, and be abolished; and

WHEREAS, all persons desiring to be heard on these matters were heard, legislative findings made, a legislative Record created, and this matter was considered by the Town Board of the Township of Evanston, Cook County, Illinois.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF EVANSTON TOWNSHIP, COOK COUNTY, ILLINOIS, as follows:

SECTION 1: Pursuant to 60 ILCS 1/27-15, and as authorized and mandated by the township electors at the March 18, 2014 election, the Evanston Township organization is hereby discontinued and abolished. The Township organization shall cease.

SECTION 2: This Resolution 1T-R-14 shall be in full force and effect as of April 30, 2014. The effective date of the cessation, discontinuance, and abolishment of the Evanston township organization is 11:59 p.m., April 30, 2014.

SECTION 3: The office of Town Clerk is abolished by operation of law. Pursuant to 60 ILCS 1/27-25, the City of Evanston Clerk is hereby directed to properly transfer to, and maintain all, records of Evanston Township in the City of Evanston City Clerk's office. In accordance with 60 ILCS 1/5-60, the City Clerk shall send a certified copy of this resolution to the Illinois Secretary of State so that the name of Evanston Township be stricken from the state's official record of townships. The City Clerk shall send a certified copy of this resolution to Cook County Clerk David Orr. In accordance with 60 ILCS 1/85-15, the City Clerk shall send a certified copy of this resolution to the Township Officials of Illinois. The City Clerk shall send a certified copy of this resolution to Cook County Board President Toni Preckwinkle, Cook County Commissioner Larry Suffredin, Cook County Assessor Joe Berrios, Commissioner

Michael Cabonargi of the Cook County Board of Review, and the Executive Director of the Illinois Municipal Retirement Fund.

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

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

SECTION 6: Pursuant to 60 ILCS 1/27-15 and 1/27-20, effective 12:00 a.m. May 1, 2014, all the rights, powers, assets, property, obligations, and duties of Evanston Township shall by operation of law vest in and be assumed by the City of Evanston. Following the approval and adoption of this resolution, and the concurrent approval and adoption by the Evanston City Council of its ordinances 40-O-14 and 52-O-14, all duties and responsibilities of Evanston Township, and any township officer as provided in the Township Code, the Illinois Public Aid Code, and Property Tax Code, are vested in, and shall be exercised by, the City of Evanston. The effective date of the vesting and transfer of duties and responsibilities called for in this Section 6 shall be 12:00 a.m., May 1, 2014.

SECTION 7: Pursuant to 60 ILCS 1/27-20 and 1/27-25, the City of Evanston is authorized to close up all unfinished business of the township, to sell and dispose of any township property for the benefit of the residents of the City of Evanston,

and to enter into an intergovernmental agreement or contract with Cook County or the State of Illinois to administer the duties and responsibilities of the Township and township officers for any township services, as necessary.

SECTION 8: Pursuant to Article VII(10) of the Illinois Constitution, and the Intergovernmental Cooperation Act, 5 ILCS 220 et seq., the City of Evanston is authorized to enter into an intergovernmental agreement or contract with Cook County of the State of Illinois to administer the duties and responsibilities of the Township and township officers for any township services, as necessary.

SECTION 9: All Evanston Township banking, investment, or other financial accounts shall be transferred to the City of Evanston. All revenues and appropriations that exist in the Evanston Township General Assistance Fund as of 11:59 p.m., April 30, 2014, shall be transferred by operation of law into the City GENERAL ASSISTANCE FUND, as provided by City of Evanston Ordinance 52-O-14.

SECTION 10: All Evanston Township pension programs and accounts as required by the Illinois Municipal Retirement Fund, 40 ILCS 5/7-101 et seq., shall be transferred by operation of law to the City of Evanston. As a participating municipality, the City shall succeed to the functions of Evanston Township as provided by 40 ILCS 5/7-132(A)(c). The net accumulation balance in the Evanston Township reserve and the Evanston Township account receivable balance shall be assumed and transferred to the City. All participating and covered employees formerly employed by Evanston Township shall become participating and covered employees of the City.

SECTION 11: All revenues and appropriations that exist in the Evanston Town Fund as of 11:59 p.m., April 30, 2014, shall be transferred by operation of law into

the City of Evanston General Fund. All Evanston Town Fund banking, investment, or other financial accounts shall by operation of law be designated and become a component account within the City of Evanston General Fund.

SECTION 12: The terms and provisions of this Resolution shall be liberally construed so as to effectuate the purposes set forth in the recitals to this Ordinance. Each and every recital and legislative finding regarding this Resolution is to be construed and interpreted severally.

SECTION 13: The foregoing findings and recitals contained herein, as well as the meeting minutes and legislative Record regarding the issue of township discontinuation, are found as fact and incorporated herein by reference. The findings, recitals, results of the March 18, 2014 referendum question, and legislative Record are declared to be prima facie evidence of the law of Evanston Township and the City of Evanston, and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 14: If any provision of this Resolution or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Resolution is severable.

SECTION 15: The Town Clerk shall, and is hereby directed to, take all necessary steps to attest this Resolution and comply with Section 3 of this Resolution.

Introduced: April 28, 2014

Adopted: April 28, 2014

Approved:

May 7, 2014

Elizabeth B Tisdahl

Elizabeth B. Tisdahl, Mayor;
Member, Town Board of the Town of
Evanston

Attest:

Rodney Brown
Town Clerk

Approved as to form and legality:

W. Grant Farrar
W. Grant Farrar, Town Board Attorney

4/17/2014
03/31/2014

52-O-14

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

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

SECTION 1: Legislative Statement.

At the time of passage of this ordinance, the City of Evanston and Evanston Township are coterminous, and the Township is a blended unit of local government within the City, with the City Council sitting as the Town Board and exercising all powers vested in it by law, 60 ILCS 1/15-50, 60 ILCS 1/80-5. Pursuant to 60 ILCS 1/27-10, the City Council adopted ordinance 105-O-13 which authorized that a proposition to dissolve Evanston Township be placed on the ballot for the March 18, 2014 General Primary election (the "election") to be held in the township. 63.56% of the registered voters who cast ballots at the election in Evanston Township voted "Yes" to discontinue and abolish Evanston Township. The City Council, in its legislative capacity, formally recognizes the Cook County Clerk's official certificate of election results, dated April 8, 2014, memorializing that 5,065 affirmative votes were cast in favor of the proposition to discontinue and abolish.

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

ordinance hereby creates the City of Evanston General Assistance Fund and defines certain other duties and obligations of the City following the cessation of the Evanston Township organization. This legislative act codifies the City's role in maintaining and assuming the township's general assistance and emergency assistance services, and continues the advisory services to residents related to Cook County property tax assessments.

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

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

SECTION 2: Ordinance 52-O-14 shall be in full force and effect as of 12:00 a.m. May 1, 2014.

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

CHAPTER 20: GENERAL ASSISTANCE FUND

1-20-1. CREATION AND COMPOSITION.

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

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

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

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

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby unconditionally repealed in their entirety. The terms and provisions of this Ordinance shall be liberally construed so as to effectuate the purposes set forth in the recitals to this Ordinance. Each and every section in this Ordinance is to be construed and interpreted severally.

SECTION 8: The findings in this Ordinance, and the legislative Record, are declared to be prima facie evidence of the law of the City of Evanston, and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 9: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 10: The City Clerk shall send a certified copy of this ordinance to Illinois Secretary of State Jesse White, the Director of the Illinois State Department of Revenue, the Director of the Illinois State Department of Human Services, Cook County Board President Toni Preckwinkle, Cook County Commissioner Larry Suffredin, Cook County Assessor Joe Berrios, and Cook County Clerk David Orr.

Introduced: April 8, 2014

Adopted: April 28, 2014

Approved:

May 14, 2014

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form and legality:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

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

40-O-14

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

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

SECTION 1: Legislative Statement.

At the time of passage of this ordinance, the City of Evanston and Evanston Township are coterminous, and the Township is a blended unit of local government within the City, with the City Council sitting as the Town Board and exercising all powers vested in it by law, 60 ILCS 1/15-50, 60 ILCS 1/80-5. Pursuant to 60 ILCS 1/27-10, the City Council adopted ordinance 105-O-13 which authorized that a proposition to dissolve Evanston Township be placed on the ballot for the March 18, 2014 General Primary election (the "election") to be held in the township. 63.56% of the registered voters who cast ballots at the election in Evanston Township voted "Yes" to discontinue and abolish Evanston Township. The City Council, in its legislative capacity, formally recognizes the Cook County Clerk's official certificate of election results, dated April 8, 2014, memorializing that 5,065 affirmative votes were cast in favor of the proposition to discontinue and abolish.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 9: All ordinances or parts of ordinances in conflict herewith are hereby unconditionally repealed in their entirety. The terms and provisions of this Ordinance shall be liberally construed so as to effectuate the purposes set forth in the recitals to this Ordinance. Each and every section in this Ordinance is to be construed and interpreted severally.

SECTION 10: The findings in this Ordinance, and the legislative Record, are declared to be prima facie evidence of the law of the City of Evanston, and shall be

received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 11: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 12: The City Clerk shall, and is hereby directed to, take all necessary steps to attest to and record this ordinance and comply with Section 8 of this ordinance.

Introduced: April 8, 2014

Adopted: April 28, 2014

Approved:

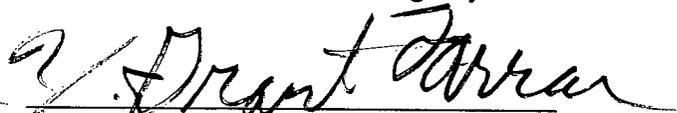
May 10, 2014


Elizabeth B. Tisdahl, Mayor

Attest:


Rodney Greene, City Clerk

Approved as to form and legality:


W. Grant Farrar, Corporation Counsel