

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) DISTRICT # _____
 Recommendations of Boards, Commissions & Committees (Green) Waiver of First Requested _____
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES

FROM: David A. Hulseberg, Village Manager *DAH*

DATE : December 10, 2010

B of T: December 10, 2010

SUBJECT: Term Limitations

SUBMITTED BY: Bill Ware, Village Trustee

BACKGROUND/POLICY IMPLICATIONS:

Request of Trustee Ware to consider limiting the number of terms an individual can serve on the Village Board.

Fiscal Impact/Funding Source:

Review (as necessary):

Finance Director _____

Village Manager *David A. Hulseberg* _____

Date _____

Date *12/10/10*

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda distribution.



MEMORANDUM

TO: William J. Mueller, Village President and Board of Trustees

FROM: David Hulseberg, Village Manager *dh*

DATE: December 10, 2010

SUBJECT: Term Limitations

Trustee Ware requested that the Village Board consider discussing term limitations with the intent that if there is interest that a referendum question would be placed on the ballot. As such Legal Counsel and I have developed a series of questions to help guide the board in this discussion so that a referendum question could be crafted if that is the desire of the Village Board.

1. Is the Village Board interested in discussing term limitations? If yes, the below questions will help guide the Village Board.
2. Do term limits apply to Village President, Trustees, and Village Clerk?
3. Would the term limit only apply to the same elected position? For example, if the term limit was two terms, would that preclude a second term Trustee from running for Village President?
4. Number of terms that an individual is limited to, one, two, three or other? What about a partial term? Should it only apply to elected terms?
5. Does the provision only apply to successive terms or total number of terms?
6. Does the provision only apply prospectively forward or does it consider it retrospectively?
7. Does the provision become immediately effective?

Some background on the Village's authority to impose term limits. Pursuant to Article VII, Section 7 of the Illinois Constitution:

" ... municipalities which are not home rule units shall have only powers granted to them by law and the powers * *
* by referendum, to adopt, alter or repeal their forms of government provided by law; ... in the case of



municipalities, to provide by referendum for their officers, manner of selection and terms of office; ”

Pursuant to 10 ILCS 5/28-7:

“In any case in which Article VII ... of the Constitution authorizes any action to be taken by or with respect to any unit of local government, as defined in Section 1 of Article VII of the Constitution, by or subject to approval by referendum, any such public questions shall be initiated in accordance with this Section.

Any such public question may be initiated by the governing body of the unit of local government by resolution or by the filing with the clerk or secretary of the governmental unit of a petition signed by a number of qualified electors equal to or greater than 10% of the number of registered voters in the governmental unit, requesting the submission of the proposal for such action to the voters of the governmental unit at a regular election.

* * *

This Section is intended to provide a method of submission to referendum in all cases of proposals for actions which are authorized by Article VII of the Constitution by or subject to approval by referendum and supersedes any conflicting statutory provisions except those contained in the “County Executive Act”.

In regard to such a referendum, the provisions of such “alterations” in the form of government must be clearly spelled out as if writing a statute. The Constitution requires that the voters approve a “coherent” scheme for altering the election of their officials, which must “stand on its own terms,” be self-executing, and not require the addition of provisions not contemplated by the referendum. *Lipinski v. Chicago Board of Election Commissioners*, 114 Ill.2d 95, 500 N.E.2d 39, 44, 102 Ill. Dec. 417 (1986), quoting *Leck v. Michaelson*, 111 Ill.2d 523, 491 N.E.2d 414, 417, 96 Ill. Dec. 368 (1986).

If this is to go on the April ballot, the board must approve a resolution by January 18, 2011 and file it by January 27, 2011.

Should you have any questions pertaining to this matter, please do not hesitate to contact me.

Dah/

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