DISTRICT #

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

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

TO    :    PRESIDENT AND BOARD OF TRUSTEES

FROM:    David A. Hulseberg, Village Manager

DATE  :    January 3, 2011                    B of T:    January 6, 2011

SUBJECT:    Term Limits Referendum

SUBMITTED BY:  David A. Hulseberg, Village Manager

**BACKGROUND/POLICY IMPLICATIONS:**

Resolution providing for the question of term limits for elected officials to be placed on the April 5, 2011 ballot.

**Fiscal Impact/Funding Source:**

Review (as necessary):
Finance Director _____ Date _____
Village Manager _____ Date _____

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.

submit

## MEMORANDUM

To:     David Hulseberg, Village Manager, Village of Lombard

From: Tom Bayer, Village Attorney                          **Via e-mail only**

Date:  December 30, 2010

Re:    **Term Limits Referendum**


Per the direction of the Village Board at the December 15, 2010 Village Board meeting, attached please find the following Resolution, relative to the above-captioned matter, for consideration by the Village Board at the January 6, 2011 Village Board meeting:

A RESOLUTION PROVIDING FOR AND REQUIRING
THE SUBMISSION OF A BINDING PUBLIC QUESTION CONCERNING
LIMITING THE TERMS OF OFFICE FOR THE ELECTED OFFICIALS IN
THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, TO APPEAR
ON THE BALLOT OF THE ELECTORS OF THE VILLAGE OF LOMBARD
AT THE CONSOLIDATED ELECTION TO BE HELD ON APRIL 5, 2011

If there are any questions, please feel free to call.


encl.
cc: Brigitte O'Brien, Village Clerk (w/ encl.; via e-mail)
    Timothy Sexton, Finance Director (Acting Village Manager) (w/ encl.; via e-mail)
    Carol Bauer, Executive Coordinator (w/ encl.; via e-mail)
    Denise Kalke, Deputy Village Clerk (w/ encl.; via e-mail)
    Barb Johnson, Deputy Village Clerk (w/ encl.; via e-mail)


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# RESOLUTION NO. _____

## A RESOLUTION PROVIDING FOR AND REQUIRING
## THE SUBMISSION OF A BINDING PUBLIC QUESTION CONCERNING
## LIMITING THE TERMS OF OFFICE FOR THE ELECTED OFFICIALS IN
## THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, TO APPEAR
## ON THE BALLOT OF THE ELECTORS OF THE VILLAGE OF LOMBARD
## AT THE CONSOLIDATED ELECTION TO BE HELD ON APRIL 5, 2011

**WHEREAS,** the Village of Lombard is a municipal corporation duly organized and existing under the laws of the State of Illinois, and is a non-home rule unit of local government; and

**WHEREAS,** Section 28-7 of the Illinois Election Code (10 ILCS 5/28-7) provides that in any case in which Article VII of the Illinois 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 Illinois Constitution, by or subject to approval by referendum, any such public question shall be initiated in accordance with such Section 28-7, either by the governing body of the unit of local government by resolution, or by the filing with the clerk of the governmental unit a petition, signed by a number of qualified electors equal to or greater than percent (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; and

**WHEREAS,** Section 7 of Article VII of the Illinois Constitution authorizes a municipality to provide, by referendum, for the municipality's officers, manner of selection and terms of office; and

**WHEREAS,** the President and Board of Trustees of the Village of Lombard have determined that it is in the best interests of the Village of Lombard that there shall be submitted to the qualified electors of the Village of Lombard a public question concerning whether to impose limitations on the terms of office of the Village's elected officials;

**NOW, THEREFORE, BE IT RESOLVED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**Section 1.**    That the proposition hereinafter set forth be submitted to the voters of the Village of Lombard (the "Village") at the Consolidated Election to be held on Tuesday, the 5th day of April, 2011, between the hours of 6:00 o'clock A.M. and 7:00 o'clock P.M. on said day (the "Election").

**Section 2.**    That the Election shall be held in the voting precincts and at the polling places established by the DuPage Board of Election Commissioners (the "Election Board") for voters of the Village at the Election.

**Section 3.**    That the Election Board shall give notice of the Election (the "Notice") by: (i) publishing the Notice once, not more than thirty (30) nor less than ten (10) days prior to the date of the Election, in a local, community newspaper having general circulation in the Village; and (ii) posting a copy of the Notice at least ten (10) days before the date of the Election at its principal office, as required by Section 12-5 of the Election Code of the State of Illinois, as amended (the "Election Code"), 10 ILCS 5/12-5.

**Section 4.** That the Village Clerk shall post a copy of the Notice at least ten (10) days before the date of the Election at the principal office of the Village.

**Section 5.** That the Notice published by the Election Board and the County Clerk, in a community newspaper having general circulation in the Village of Lombard, shall be in substantially the following form:

"NOTICE IS HEREBY GIVEN that, at the Consolidated Election to be held on Tuesday, the 5th day of April, 2011, the following proposition shall be submitted to the voters of the Village of Lombard, DuPage County, Illinois:

Shall the terms of office for those persons elected to the offices of Village President, Village Clerk or Trustee in the Village of Lombard, at the April 5, 2011 consolidated election and at each election for any of said offices thereafter, be limited such that no person so elected may serve more than three (3) consecutive full four (4) year terms in the same office?

The polls at said election will be open at 6:00 o'clock A.M. and will continue to be open until 7:00 o'clock P.M. of that day.


Dated this _____ day of_____, 2011.


_____Facsimile Signature_____
DuPage Board of Election Commissioners,
County of DuPage, Illinois"


**Section 6.** That the ballot to be used at the Election shall be in substantially the same form as is below, and shall meet the requirements of Articles 24A, 24B or 24C of the Election Code if an electronic, mechanical or electric voting system is used at the Election:

(Face of Ballot)

**OFFICIAL BALLOT**

**PROPOSITION TO LIMIT THE TERMS OF OFFICE
OF THE ELECTED OFFICIALS OF THE VILLAGE OF LOMBARD**

(INSTRUCTIONS TO VOTERS: Mark a cross (X) in the space
opposite the word indicating the way you desire to vote.

| | | |
|---|---|---|
| Shall the terms of office for those persons elected to the offices of Village President, Village Clerk or Trustee in the Village of Lombard, at the April 5, 2011 consolidated election and at each election for any of said offices thereafter, be limited such that no person so elected may serve more than three (3) consecutive full four (4) year terms in the same office? | YES | |
| | NO | |

(Back of Ballot)

OFFICIAL BALLOT

Official ballot for voting on the proposition to limit the terms of office of the elected officials of the Village of Lombard, DuPage County, Illinois, at the consolidated election held on April 5, 2011.

Precinct Number: _____
Polling Place: _____

_____Facsimile Signature_____
DuPage Board of Election Commissioners,
County of DuPage, Illinois

**Section 7.**    That the Election shall be conducted by the election judges appointed by the Election Board to act in the voting precincts at which said proposition shall be submitted to the voters of the Village of Lombard.

**Section 8.**    That after the adoption hereof and not less than sixty-one (61) days prior to the date of the Election, or February 3, 2011, the Village Clerk shall certify a copy hereof to the Election Board in order that the proposition set forth herein may be submitted to the voters of the Village of Lombard.

**Section 9.**    The Election shall be held and conducted and the returns thereof canvassed, all in the manner and time as provided by the Illinois Election Code (10 ILCS 5/1, *et seq.*).

**Section 10.**    That all ordinances, orders and resolutions or parts thereof in conflict herewith be and the same are hereby repealed.

**Section 11.**    That this Resolution shall be posted in one or more public areas of the Village of Lombard.

**Section 12.**    This Resolution shall be in full force and effect after its adoption and approval as provided by law.

ADOPTED this 6th day of January, 2011, pursuant to a roll call vote as follows:

AYES:_____

NAYS:_____

ABSENT: _____

APPROVED by me this 6th day of January, 2011.

_____
William J. Mueller, Village President

ATTEST:

_____
Brigitte O'Brien, Village Clerk

**Bauer, Carol**

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**From:** Hulseberg, Dave

**Sent:** Thursday, December 30, 2010 7:36 PM

**To:** Sexton, Tim

**Cc:** Bauer, Carol

**Subject:** Re: Term Limits Referendum

Yes it should go on the separate action.

David Hulseberg
Lombard Village Manager

----------Original Message----------

From: "Sexton, Tim" <tims@villageoflombard.org>
Sent: Thu Dec 30 12:42:32 EST 2010
To : "Hulseberg, Dave" <Hulsebergd@villageoflombard.org>
Cc : "Bauer, Carol" <BauerC@villageoflombard.org>
Subject: FW: Term Limits Referendum

I assume this will go out with the revised agenda early next week?

Tim Sexton
Director of Finance
Village of Lombard
255 E. Wilson Ave.
Lombard, IL 60148
Ph: (630) 620-5902
Email: tims@villageoflombard.org

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**From:** Tom P. Bayer [mailto:TPBayer@KTJNET.com]
**Sent:** Thursday, December 30, 2010 10:54 AM
**To:** Hulseberg, Dave
**Cc:** Obrien, Brigitte; Sexton, Tim; Bauer, Carol; Kalke, Denise; Johnson, Barb
**Subject:** Term Limits Referendum


      <<Hulseberg Memo re Term Limits Referendum 12_30_10.DOC>>      <<Resolution re
Limiting Terms of Office for Elected Officials 12_23_10.DOC>>