

060408

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: June 30, 2006 (BOT) Date: August 17, 2006

TITLE: An Ordinance Amending Article XIX of the Lombard Traffic Code

SUBMITTED BY: Ray Byrne, Chief of Police

BACKGROUND/POLICY IMPLICATIONS:

This ordinance will increase the minimum fine amounts for all traffic offenses. The fine increases are being recommended in response to legislation that would reduce the amount of fine monies municipalities would receive following court dispositions.

FISCAL IMPACT/FUNDING SOURCE: None

Review (as necessary):

Finance Director X

Village Manager X

LOVE = L. Lichter

Date

8/1/06

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.

LOMBARD POLICE DEPARTMENT



Date: July 31, 2006

To: William T. Lichter
Village Manager

From: Ray Byrne
Chief of Police

Re: **Proposed Increase of Fines for All Local Ordinance Traffic Violations**

As you know, recent legislation has changed the manner in which fine monies are being distributed to municipalities. This issue was the subject of a recent presentation to the DuPage Mayor's and Manager's Conference. I have attached a copy of the PowerPoint presentation to this correspondence as a reference.

In summary, the new legislation changes the manner in which fines are distributed. The expected result is that municipalities will lose revenues unless the fines are increased to minimal levels exclusive of court costs. Our Village Prosecutor and Village Attorney have recommended that we raise the minimum fine for all Illinois Vehicle Code violations written as local ordinance violations to \$75.00 exclusive of court costs and fees. There is a graduated minimum fine for speeding violations based upon the severity of the offense.

Based on preliminary estimates, if these minimum fine increases are not implemented, the Village of Lombard could realize a drop in anticipated revenues of 28%. Increasing the minimum fines will not increase revenues, but rather maintain the status quo. A companion ordinance will also recommend raising the minimum fine for a local DUI offense from \$750.00 to \$1,000.00. A waiver of first reading is being requested to expedite the implementation of the new fine structure.

If you should have any questions, or would like additional information, please do not hesitate to contact me.

cc: Len Flood, Director of Finance
Dep. Chief Cuny
Dep. Chief Rollins

encl.
cc: William T. Lichter, Village Manager (w/ encl.)
Linda Pieczynski, Village Prosecutor (w/ encl.)

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

**AN ORDINANCE AMENDING ARTICLE XIX OF THE
LOMBARD TRAFFIC CODE (ORDINANCE NO. 1186)
IN RELATION TO TRAFFIC VIOLATION FINES**

Per my discussion with the Village Prosecutor, Linda Pieczynski, I was advised that, in light of the current fine sharing and court cost/fee schedules, it will be necessary to increase the minimum fines, and make it clear that said fines are exclusive of court costs/fees, so as to not see a reduction in the Village's share of traffic court fines. As such, enclosed please find the following Ordinance relative to the above-captioned matter:

To: Raymond Byrne, Chief of Police, Village of Lombard
From: Tom Bayer, Village Attorney
Date: June 21, 2006
Subject: Traffic Court Fines

MEMORANDUM

WRITER'S DIRECT DIAL
(312) 984-6422

WRITER'S E-MAIL

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TERRENCE M. BARNICLE
JAMES P. BARTLEY
THOMAS P. BAYER
GERARD E. DEMPSEY
MICHAEL J. DUGGAN
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DONALD E. RENNER, III
SCOTT F. UHLER
GEORGE A. WAGNER
ALLEN WALL
DENNIS G. WALSH
JAMES G. WARGO
BRUCE A. ZOLNA
OF COUNSEL
JAMES A. RHODES
RICHARD T. WIMMER

KLEIN, THORPE AND JENKINS, LTD.

LAW OFFICES

DUPAGE Circuit Court's
presentation to

Mayors and Managers

Subject

ORDERS ASSESSING FINES, COSTS,
FEES & PENALTIES AS A TOTAL SUM
& PERCENTAGE DISTRIBUTION LAW
& EXISTING COUNTY ORDINANCE

Prepay

Today Conviction

\$ 5.00 Court automation
\$27.07 County
\$11.78 State
\$31.15 Municipality
\$75.00 TOTAL

Today Supervision \$5 CA and \$5 DS

\$ 5.00 Court automation
\$ 5.00 Document storage
\$25.14 County
\$10.94 State
\$28.92 Municipality
\$75.00 TOTAL

Purposed amounts with new ordinance & rule change

\$15.00 Court automation
\$15.00 Document storage
\$29.00 County
\$12.62 State
\$33.38 Municipality
\$105.00 TOTAL

Prepay

Today

\$ 5.00 Court automation
\$27.07 County
\$11.78 State
\$31.15 Municipality

\$75.00 TOTAL

With \$5 CA and \$5 DS

\$ 5.00 Court automation
\$ 5.00 Document storage
\$25.14 County
\$10.94 State
\$28.92 Municipality

\$75.00 TOTAL

With \$5 CA and \$15 DS

\$ 5.00 Court automation
\$15.00 Document storage
\$21.27 County
\$ 9.25 State
\$24.48 Municipality

\$75.00 TOTAL

With Rule Change

\$ 5.00 Court automation
\$15.00 Document storage
\$29.00 County
\$12.62 State
\$33.38 Municipality

\$95.00 TOTAL

Court

Today

\$ 5.00 Court automation
\$27.07 County
\$11.78 State
\$31.15 Municipality

\$75.00 TOTAL

Supervision With \$5 CA and \$15 DS

\$ 5.00 Court automation
\$15.00 Document storage
\$29.00 County
\$12.62 State
\$33.38 Municipality

\$95.00 TOTAL

Today

\$ 5.00 Court automation
\$10.00 Municipal atty fee
\$23.20 County
\$10.10 State
\$26.70 Municipality

\$75.00 TOTAL

Conviction With \$5 CA and \$15 DS

\$ 5.00 Court automation
\$15.00 Document storage
\$10.00 Municipal attorney fee
\$25.14 County
\$10.94 State
\$28.92 Municipality

\$95.00 TOTAL

Court Appearance - Percentage Based Distribution

Today Supervision

\$ 5.00 Court automation
 \$27.07 County
 \$11.78 State
 \$31.15 Municipality
\$75.00 TOTAL

**Effective June 1st, 2006
 Supervision With \$15 CA and \$15 DS**

\$15.00 Court automation
 \$15.00 Document storage
 \$29.00 County
 \$12.62 State
 \$33.38 Municipality
\$105.00 TOTAL

Today Conviction

\$ 5.00 Court automation
 \$10.00 Municipal atty fee
 \$23.20 County
 \$10.10 State
 \$26.70 Municipality
\$75.00 TOTAL

**Effective June 1st, 2006
 Conviction With \$15 CA and \$15 DS**

\$15.00 Court automation
 \$15.00 Document storage
 \$10.00 Municipal attorney fee
 \$25.14 County
 \$10.94 State
 \$28.92 Municipality
\$105.00 TOTAL

SEE BASED AMOUNTS IN VEHICLES PERCENTAGE DISTRIBUTIONS FOR PAYABLE VIOLATIONS IN COURT EXCLUDING

DESCRIPTION	Fee Based Amount	Percent Based Amounts	No change percentage distributions
ADDISON VILLAGE CLERK	52,839.00	63,271.56	57,644.54 8%
WENSEN VILLAGE CLERK	36,048.00	37,217.32	34,218.02 5%
BLOOMINGDALE VILLAGE CLERK	86,584.00	64,202.60	61,089.83 30%
TOWNERS GROVE VILLAGE CLERK	102,549.00	91,682.12	85,291.92 17%
CITY OF ELMHURST	75,653.00	81,651.36	74,584.76 2%
MUNSDALE VILLAGE CLERK	24,407.00	24,932.89	22,761.29 7%
TASCADA VILLAGE CLERK	15,690.00	23,396.77	20,817.99 25%
CITY OF LOMBARD	192,136.12	148,569.14	139,266.42 28%
JAPERVILLE FINANCE DEPARTMENT	313,725.00	286,520.83	266,369.01 15%
JAKBROOK VILLAGE CLERK	133,656.00	85,357.20	81,703.75 39%
ROSELLE VILLAGE CLERK	29,885.00	39,709.07	35,895.42 17%
MILLA PARK VILLAGE CLERK	91,149.00	77,199.26	72,112.91 21%
CITY OF WEST CHICAGO	45,990.00	55,373.34	49,997.74 8%
WESTMONT VILLAGE CLERK	67,874.00	67,916.11	62,460.41 8%
CITY OF WOODDALE	207,629.00	146,383.87	139,559.80 33%
WILLOWBROOK VILLAGE CLERK	19,082.00	20,793.33	18,997.76 1%
CITY OF DARIEN	23,360.00	32,795.54	29,349.02 20%
CITY OF OAKBROOK TERRACE	10,205.00	12,296.62	11,124.05 8%
CITY OF AURORA	2,884.00	3,787.17	3,440.07 16%
BARTLETT VILLAGE CLERK	9,476.00	11,522.97	10,541.74 10%
BOLINGBROOK VILLAGE CLERK	220.00	513.98	456.13 51%
BURR RIDGE VILLAGE CLERK	20,555.00	20,979.82	19,213.17 7%
CLARENDON HILLS VILLAGE CLERK	8,963.00	11,430.45	10,409.17 14%
CAROL STREAM VILLAGE CLERK	101,856.00	112,770.57	102,889.34 1%
ELK GROVE VILLAGE-VILLAGE CLERK	30,454.00	16,349.75	16,056.05 47%
WEN ELLYN VILLAGE CLERK	34,926.00	35,381.53	32,742.68 6%
WENDALE HEIGHTS VILLAGE CLERK	34,543.00	51,304.16	45,930.78 25%
HANOVER PARK VILLAGE CLERK	1,470.92	2,197.86	1,968.68 25%
WISLE VILLAGE CLERK	13,360.00	18,147.08	16,340.38 18%
CITY OF ST CHARLES	46.00	100.13	89.00 48%
WAYNE VILLAGE CLERK	23,265.75	18,845.27	17,610.39 24%
CITY OF WHEATON	179,718.00	149,268.97	140,687.15 22%
WINFIELD VILLAGE CLERK	51,264.00	43,611.34	40,494.11 21%
WOODBRIDGE VILLAGE CLERK	38,988.00	46,391.97	42,211.19 7%
CITY OF WARRENVILLE	19,008.00	25,235.74	22,570.19 15%
VILLAGE OF LEMONT	902.00	1,214.85	1,108.05 19%
Increase	688,230.92	800,332.13	379,800.92 14%
Decrease	1,412,129.87	1,127,990.34	1,720,559.87 17%
	2,100,360.79		2,100,360.79
			1,361,120.85 21%
			426,888.06 11%

Conviction on 3-401-D

Current fee based assessment

\$ 10	Clerk fees
\$ 5	Court automation
\$ 10	Municipal attorney fee
\$ 5	Court fund fee
\$ 7	Court security fee
\$403	Fine

\$440 Total

Fee based disbursement

\$ 27	County
\$ 0	State
\$413	Municipality

Percentage based distribution

\$ 15	Court automation
\$ 15	Document storage
\$ 10	Municipality attorney fee
\$189	Municipality
\$164	County
\$ 72	State

\$465 Total

New fee based assessment

\$ 10	Clerk fees
\$ 15	Court automation
\$ 15	Document storage
\$ 10	Municipal attorney fee
\$ 5	Court fund fee
\$ 7	Court security fee
\$403	Fine

CHAPTER 9
CIRCUIT CLERK

ARTICLE II. DOCUMENT STORAGE SYSTEM

9-10: DOCUMENT STORAGE FEE:

The circuit clerk shall collect \$15.00 ~~five dollars (\$5.00)~~ to defray the expense of a document storage system and convert the records of the circuit court clerk to electronic micrographic storage. The fee shall be paid at the time of filing the first pleading paper, or other appearance filed by each party in all civil cases or by the defendant in any felony, misdemeanor, traffic, ordinance, or conservation matter on a judgment of guilty or grant of supervision, provided that the document storage system is in place or has been authorized by the county board and further that no additional fee shall be required if more than one party is presented in a single pleading, paper, or other appearance. The fee shall be collected in the manner in which all other fees or costs are collected. The court document storage fee provided in this section shall not apply to any petty offense moving violation written by a municipal police department in counties having a population of more than three hundred fifty thousand (650,000) but less than three million (3,000,000) inhabitants whether written under the Illinois vehicle code or under any municipal ordinance. (2005 Code)

9-11: COMMENCEMENT:

Each clerk shall commence charges and collection of a court document fee upon receipt of written notice from the chairman of the county board together with a certified copy of the board's resolution, which the clerk shall file of record in his or her office. (2005 Code)

9-12: EXPENDITURE OF FUNDS:

Court document fees shall be in addition to other fees and charges of the clerk, shall be assessable as costs and may be waived only if the judge specifically provides for the waiver of the document storage fees. The fees shall be remitted monthly by the clerk to the county treasurer in a special fund designated as the court document storage fund. The fund shall be audited by the county auditor, and the board shall make expenditures from the fund in payment of any costs relative to the storage of court records, including hardware, software, research and

development costs, and related personnel, provided that the expenditure is approved by the clerk of the circuit court. (2005 Code)

~~9-13: VENUE:~~

~~A court document fee shall not be charged in any matter coming to the clerk on change of venue or in any proceeding to review the decision of any administrative officer, agency, or body. (2005 Code)~~

9-14: EFFECTIVE DATE:

The effective date of this article shall be ~~January 1, 1993~~ January 1, 2006. (2005 Code)
9-15 through 9-19: RESERVED:
(Ord. OJU-002-90, 10-9-1990; amd. Ord. OJPS-04-92, 11-24-1992)

(705 ILCS 105/27.3c) (From Ch. 25, par. 27.3c)
Sec. 27.3c. Document storage system.

(a) The expense of establishing and maintaining a document storage system in the offices of the circuit court clerks in the several counties of this State shall be borne by the county. To defray the expense in any county that elects to establish a document storage system and convert the records of the circuit court clerk to electronic or micrographic storage, the county board may require the clerk of the circuit court in its county to collect a court document fee of not less than \$1 nor more than \$15, to be charged and collected by the clerk of the court. The fee shall be paid at the time of filing the first pleading, paper, or other appearance filed by each party in all civil cases or by the defendant in any felony, misdemeanor, traffic, ordinance, or conservation matter on a judgment of guilty or grant of supervision, provided that the document storage system is in place or has been authorized by the county board and further that no additional fee shall be required if more than one party is presented in a single pleading, paper, or other appearance. The fee shall be collected in the manner in which all other fees or costs are collected.

(b) Each clerk shall commence charges and collections of a court document fee upon receipt of written notice from the chairman of the county board together with a certified copy of the board's resolution, which the clerk shall file of record in his or her office.

(c) Court document fees shall be in addition to other fees and charges of the clerk, shall be assessable as costs, and may be waived only if the judge specifically provides for the waiver of the court document storage fee. The fees shall be remitted monthly by the clerk to the county treasurer, to be retained by the treasurer in a special fund designated as the Court Document Storage Fund. The fund shall be audited by the county auditor, and the board shall make expenditures from the fund in payment of any costs relative to the storage of court records, including hardware, software, research and development costs, and related personnel, provided that the expenditure is approved by the clerk of the circuit court.

(d) A court document fee shall not be charged in any matter coming to the clerk on change of venue or in any proceeding to review the decision of any administrative officer, agency, or body.

(Source: P.A. 94-596, eff. 1-1-06.)

**AN ORDINANCE AMENDING ARTICLE XIX OF THE
LOMBARD TRAFFIC CODE (ORDINANCE NO. 1186)
IN RELATION TO TRAFFIC VIOLATION FINES**

ORDINANCE NO. _____

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard,

DuPage County, Illinois, as follows:

SECTION 1: That Article XIX of the Lombard Traffic Code is hereby amended by

adding a new Section 10-19-2 thereto, which shall read in its entirety as follows:

“PENALTIES FOR VIOLATIONS

For all Illinois Vehicle Code violations written as local ordinance violations pursuant to Section 10-19-1 above, the fine shall be not less than seventy-five and no/100 dollars (\$75.00) and not more than seven hundred fifty and no/100 dollars (\$750.00), exclusive of court costs and fees, except that speeding violations shall be subject to the following minimum fines:

Minimum Fine	Miles Per Hour
Exclusive of Court	Over Posted Limit
Costs and Fees	1-19
\$75.00	20-29
\$95.00	30 or more
\$105.00”	

SECTION 2: That this Ordinance shall be in full force and effect from and after its

passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____

_____, 2006.

Brigitte O'Brien
Village Clerk

Published by me in pamphlet form this _____ day of _____, 2006.

Brigitte O'Brien
Village Clerk

ATTEST:

William J. Mueller
Village President

APPROVED by me this _____ day of _____, 2006.

ABSENT:

NAYS:

AYES:

roll call vote as follows:

Passed on second reading this _____ day of _____, 2006, pursuant to a