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MEMORANDUM

To: David Hulseberg, Village Manager, Village of Lombard

From: Tom Bayer, Village Attorney

Via e-mail only

Date: October 26, 2011

Re: **Term Limits Referendum**

Attached please find the following Resolution, relative to the above-captioned matter, for the next available 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 GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2012

A certified copy of the Resolution must be filed with the DuPage Board of Election Commissioners on or before September 6, 2012.

If there are any questions, please feel free to contact me.

encl.

cc: Brigitte O'Brien, Village Clerk (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)

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 GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2012**

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 eight percent (8%) of the total votes cast for candidates for governor in the preceding gubernatorial election, 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 General Election to be held on Tuesday, the 6th day of November, 2012, 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 General Election to be held on Tuesday, the 6th day of November, 2012, 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 9, 2013 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 _____, 2012.

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 9, 2013 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 general election held on November 6, 2012.

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 September 6, 2012, 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 ____ day of _____, 2011, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2011.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk



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MEMORANDUM

To: David Hulseberg, Village Manager, Village of Lombard

From: Tom Bayer, Village Attorney

Via e-mail only

Date: November 2, 2011

Re: **Term Limits Referendum –
Revised Resolution for the November 17, 2011 Village Board Meeting**

Attached please find the following **revised** Resolution, relative to the above-captioned matter, for the November 17, 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 GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2012**

As a result in a change in the law, the date in Section 8, by which the Village Clerk must certify the question to the DuPage Board of Election Commissioners, has been moved up by seven (7) days to August 30, 2012. As such, a certified copy of the Resolution must be filed with the DuPage Board of Election Commissioners on or before August 30, 2012.

In addition, the Resolution cannot be approved more than one (1) year prior to the election at which the referendum is to be held. As the referendum is scheduled for the November 6, 2012 general election, the Resolution cannot be adopted until at the November 17, 2011 Village Board meeting.

Please substitute this Ordinance for the Ordinance sent to you on October 26, 2011.

If there are any questions, please feel free to contact me.

encl.

- cc: Brigitte O'Brien, Village Clerk (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. _____

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THE SUBMISSION OF A BINDING PUBLIC QUESTION CONCERNING
LIMITING THE TERMS OF OFFICE FOR THE ELECTED OFFICIALS IN
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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 eight percent (8%) of the total votes cast for candidates for governor in the preceding gubernatorial election, 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 General Election to be held on Tuesday, the 6th day of November, 2012, between the hours of 6:00 o'clock A.M. and 7:00 o'clock P.M. on said day (the "Election").

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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:

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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 9, 2013 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 _____, 2012.

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

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(INSTRUCTIONS TO VOTERS: Mark a cross (X) in the space
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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 9, 2013 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 general election held on November 6, 2012.

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-eight (68) days prior to the date of the Election, or August 30, 2012, 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 17th day of November, 2011, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this 17th day of November, 2011.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk