

ORDINANCE NO. 2020- _____

AN ORDINANCE AMENDING TITLE 3, ENTITLED “REVENUE AND FINANCE,”
OF THE WESTCHESTER MUNICIPAL CODE, IN ORDER TO PRECLUDE
THE USE OF HOME RULE POWERS TO INCREASE REAL PROPERTY TAXES ABOVE
THE LIMITING RATE FOR NON-HOME RULE MUNICIPALITIES
PROVIDED BY THE PROPERTY TAX EXTENSION LIMITATION LAW

PASSED AND APPROVED BY THE
PRESIDENT AND BOARD OF TRUSTEES
THIS 25TH DAY OF FEBRUARY, 2020

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Authority of the Corporate
Authorities of Westchester, Illinois
the ____ day of February, 2020

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WHEREAS, the corporate authorities of the Village of Westchester have authorized a referendum to appear on the ballot at the General Primary Election to be held on March 17, 2020, in order to determine whether the Village of Westchester shall become a home rule unit (the “Home Rule Referendum”); and

WHEREAS, Section 6 of Article VII of the Constitution of the State of Illinois of 1970 provides that a municipality which is a home rule unit may exercise any power and perform any function pertaining to its government and affairs, including to tax, except as limited by such Section 6; and

WHEREAS, the Property Tax Extension Limitation Law (35 ILCS 200/18-185 *et seq.* (“PTELL”), which limits real property tax levy extensions to the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year, is not applicable to home rule units; and

WHEREAS, the corporate authorities of the Village of Westchester desire to self-impose a prohibition upon the Village Board’s ability to levy real property taxes greater than the PTELL limiting rate, in the event that the Home Rule Referendum is approved on March 17, 2020.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Westchester, Cook County, Illinois as follows:

Section 1. The preambles set forth hereinabove are incorporated herein and made a part of this Resolution.

Section 2. Title 3, entitled “Revenue and Finance,” of the Westchester Municipal Code is hereby amended by adding thereto Chapter 3.60, entitled “Limitations on Home Rule Power to Increase Real Property Taxes,” as follows:

Chapter 3.60 - Limitations on Home Rule Power to Increase Real Property Taxes

3.60.010 Policy

It is hereby declared to be the policy of the President and Board of Trustees of the Village of Westchester not to exercise any home rule powers that would result in any real property tax levy extension exceeding the limiting rate for non-home rule municipalities set forth in the Property Tax Extension Limitation Law (“PTELL”)(35 ILCS 200/18-185 *et seq.*).

3.60.020 Procedures Required to Repeal, Rescind or Amend this Chapter 3.60

In the event that any Village Board desires to repeal, rescind or amend Chapter 3.60 or the policy set forth in Section 3.60.010, then prior to adopting such ordinance repealing, rescinding or amending Chapter 3.60 or such policy, the following shall occur:

- (a) the matter shall appear on the agenda of a regular meeting of the Village Board for purposes of announcing the consideration of such matter during the meeting;
- (b) at such regular Village Board meeting, each Trustee and the President shall verbally announce their support for or opposition to the use of home rule power to increase real property taxes above the limiting rate for non-home rule municipalities, and any member of the corporate authorities who supports such use of home rule power shall explain their reason(s) for such support;
- (c) the President shall then call the question as follows: “Shall Village staff be directed to exercise home rule power to increase real property taxes in excess of the Property Tax Extension Limitation Law limiting rate?”;
- (d) if a majority of the corporate authorities vote in favor of directing Village staff to exercise home rule power to increase real property taxes above the limiting rate for non-home rule municipalities, then the corporate authorities shall cause to be published on the agendas of no less than three (3) consecutive subsequent meetings of the Village Board the matter of discussion and public comment on any such proposed ordinance that exercises home rule power in such manner;
- (e) the Village Clerk shall cause to be mailed to each household a notification that the corporate authorities of the Village are considering the use of home rule powers to increase real property taxes above the PTELL limiting rate, and such notice shall be required to be mailed no less than seven (7) days before the first of the three Village Board meetings that are required by paragraph (d) of this Section 3.60.020;

- (f) the President shall not call for a vote on the question of increasing real property taxes above the limiting rate for non-home rule municipalities any earlier than the third consecutive Village Board meeting required by paragraph (d) of this Section 3.60.020, and such vote shall be by a roll call vote of all members of the corporate authorities present at such meeting. Only if the question is approved by a majority of all members of the corporate authorities holding office shall an ordinance seeking to levy real property taxes in excess of the PTELL limiting rate be considered by the corporate authorities.

- (g) In the event that the Village Board does adopt an ordinance that increases real property taxes in excess of the PTELL limiting rate, then the corporate authorities shall also be required to adopt a resolution initiating a public question on whether the Village of Westchester shall continue to be a home rule unit, such public question to appear on the ballot for the next regularly scheduled election at which the voters are scheduled to cast votes for any candidate for nomination for, election to or retention in public office, occurring not less than 79 days after the adoption of such ordinance that increases real property taxes above the PTELL limiting rate.

Section 3. This Ordinance shall become effective on March 18, 2020, but only in the event that the Home Rule Referendum is approved at the General Primary Election to be conducted on March 17, 2020.

ADOPTED this 25th day of February, 2020, pursuant to a roll call vote as follows:

Angelo A. Calcagno _____	Robert Morales _____
Cathy Kuratko _____	Frank Perry _____
Tracy Hart Markey _____	Nick Steker _____

President Gattuso _____

APPROVED this 25th day of February, 2020.

Paul Gattuso, Village President

ATTEST:

Stanley V. Kolodziej, Village Clerk