

# EVERYDAY DEMOCRACY

*CITIZEN ADVOCACY CENTER'S SEASONAL NEWSLETTER, WINTER 2004*

## **Lyons Residents Win Battle to Place a Back-Door Referendum on the Ballot to Monitor TIF Development**

Although the public elects representatives to make policy, initiatives and referendums are an important public tool of direct democracy and are a powerful opportunity for voters themselves to have an impact on policy decisions. It is also one of the most effective ways for citizens to make government accountable.

A back-door referendum occurs when a statute authorizes some government action, but specifically states that if voters file a petition challenging that action, the action is then subject to voter approval at the next election. Despite following guidelines prescribed by state statute for placing a back-door referendum on the ballot, the citizens of Lyons had to battle unanticipated challenges to enforce their right to access the ballot.

The point of contention was Lyon's plan to issue \$4 million in general obligation bonds to spur development in a tax increment financing district. According to state statute, when a municipality seeks to sell double barrel bonds, which are general obligation bonds backed by the taxpayers themselves, citizens may place a back-door referendum on the ballot asking the voters directly if the bond issuance should be approved. The state law also directs any member of the public seeking to place a back-door referendum on the ballot regarding the issuance of general obligation bonds to obtain the necessary signature petition forms from the municipality's clerk or secretary.

Lyons citizens obtained a petition form from the city clerk, gathered the appropriate number of petition signatures and properly filed the petition. A challenge to placing the referendum on the ballot was filed. The challenge claimed that the petition circulated was deficient, regardless of the fact that the petition was obtained from the city clerk. After countless hours of community organizing, and thousands of dollars, the public prevailed and was not penalized for circulating a faulty petition obtained from the public body itself.

The residents of Lyons were not alone in their fight to access the ballot through a back-door referendum. In 2003, Brookfield residents had to defend a similar petition challenge. However, in that case, it was the city that issued the petition itself for the public to circulate that asserted the petition was insufficient! Fortunately, the court also ruled in the public's favor, sustaining access to the ballot.

## **Blogging with the Citizen Advocacy Center**

One goal of the Center is to build citizen capacity to participate in public affairs. The Center provides public meeting space, a newsletter and a cable access show to highlight local issues of public importance. Now, the Center has added a blog.

Blogging is short for Web logging, and is essentially a public on-line diary. With a CAC Blog, the public can read daily or weekly entries addressing:

- What happened at the last DuPage County Board meeting?
- What is happening at the various city halls, school boards and the other government body meetings the Center monitors?
- What are the multitude of issues and causes citizens in the Center's service area are organizing around?

Visit the Center's Blog at [www.cac.pitas.com](http://www.cac.pitas.com) or click the blog link on the Center's website, [www.citizenadvocacycenter.org](http://www.citizenadvocacycenter.org).

## Citizen Initiative Awards — 2004 Recipients —

The Citizen Initiative Award was created to recognize citizens who act as catalysts for more citizen participation in the democratic process. Recipients have demonstrated significant and informed civic participation in their communities and by their example have inspired others to build democracy. The 2003 recipients were:

### **Indian Plains High School Administration, Teachers and Students**

Indian Plains High School brought hands-on civic education to a new level when they held a school-wide Constitutional Convention. Delegates from the administration, staff, and students convened to identify various needs and goals. After extensive meetings with delegates, the entire school adopted a school-wide Bill of Rights. Students were integral in the process of building democracy and learned how to effectively participate in decision making.

Administration and staff delegates meet regularly with student delegates to discuss issues of concern and to work towards resolutions. Also, Indian Plains has plans to expand their student advocacy training outside of the school into the neighboring community, exemplifying what it means to “practice daily democracy.”

### **Elmhurst Orange Ribbon Committee**

The Orange Ribbon Committee (ORC) mission is to preserve the small-town character of Elmhurst. They organized in response to a proposed condominium development that sought to build 178 units with \$6 million dollars in tax increment financing funds in downtown Elmhurst. Over 18 months, the ORC spent hundreds of hours:

- Attending 19 public meetings; which included 12 public hearings and commission, committee and city council meetings;
- Mastering Elmhurst’s Zoning Codes to give detailed public comment regarding density, zoning and project compliance with the city’s comprehensive plan;
- Giving a presentation that suggested reasonable design alternatives to city decision-makers;
- Mobilizing the public to hang nearly 3,000 orange ribbons, and collecting more than 1,500 petition signatures;
- Meeting with public officials and city staff ; and
- Taking to the streets in protest.

Their efforts are directly responsible for the citizenry’s victory. The proposal was unanimously rejected, forcing the developer to go back to the drawing board. The final project which included 55 less units and \$4.8 million less in tax increment financing was approved by a tie-breaking vote of the Mayor.

## Democracy Watch

On a yearly basis, the Center fields nearly 250 inquiries from the public regarding issues of public concern. Center community lawyers and volunteers assist the public in upholding public access laws, monitoring local governments, and organizing winning community campaigns. The following are highlights of public inquiries recently received by the Center:

### *The Freedom of Information Act (FOIA)*

- What public information does a township have to provide to the public? What information can be asked on the FOIA request form?
- How many days does a public body have to respond to a FOIA request? If the public body does not respond, is that a denial?
- Are financial documents obtainable under the FOIA?
- Are communications between a public body attorney and the public body obtainable under the FOIA?

### *Tax Increment Financing*

- Can a city practice eminent domain over one private business in order to give it to another private business in a TIF district?
- How do TIF extensions impact school districts and is there any way for a school district to protect its financial interests from a TIF?
- If a municipality holds a TIF public hearing with only a consultant and city clerk present to take notes, is it a proper public hearing?

### *The Open Meetings Act*

- Does a gathering of a majority of a quorum of public officials from one public body meeting at an individual’s home fall under the Open Meetings Act?
- Does a blue ribbon committee that is responsible to the school board fall under the Open Meetings Act?
- Can a public body end a public meeting in closed session?

## Calendar of Events

### Visit the Center for the following community discussions.

**Tues., April 27th Evening Program; 7 PM**

#### **Identity Theft: Could you be next?**

Your identity is more valuable than you think! When thieves steal wallets, more often they are searching for your identity than your cash. Learn how to protect yourself.

**Thurs., April 29th Brown Bag Lunch; 12:30 PM**

#### **Medicare Reform Bill: What was lost and what was gained.**

Congress recently passed a controversial Medicare reform bill. What was the reform and what is on the horizon?

**Tues., May 18 Evening Program; 7 PM**

#### **Tax Increment Financing Districts: Why municipalities can't live without them and the hidden tax on citizens.**

Attorney Robert Gildo will discuss the differences between a good TIF and a bad TIF, why municipalities love TIFs to the detriment of school districts and other taxing bodies, why TIFs have a negative impact on homeowners and how a community can organize to stop TIF developments. Mr. Gildo used to represent the City of Wheaton and now helps citizens stop the establishment of TIF districts.

drug costs. This Medicare reform legislation does, however, appropriate considerable (thousands and thousands) dollars to health care corporations to compensate them for costs.

After I reviewed this recent Medicare legislation, I was appalled. I called the AARP office on 1-7-04 in Washington, D.C. (202-438-2277) to inquire why AARP had supported the Medicare Reform Act which passed Congress on 11-25-03. I was assured by the person I talked with that a knowledgeable AARP official would contact me to explain AARP's rationale. To this day I have not heard from AARP. Perhaps you would like to contact AARP to inquire about AARP's rationale for their support of such an inadequate piece of legislation... which by the way will not go into effect until 2006!!!

I wonder if any of your readers are equally disappointed in what passed in Congress as HEALTH REFORM?

- Milt Honel

## MEDICARE "REFORM"?

In the USA we spend, per capita, \$4,200 and we have about 44 million WITHOUT any health insurance coverage!! Below are listed what the following countries spend, per capita, and EVERYONE is covered: Germany \$2,400; Canada \$2,300; United Kingdom \$1,400.

Before you rise up and criticize those figures, consider this statement that appeared in the Chicago Tribune in the 2-6-02 issue in the Voice of the People: "As a dual U.S. and Canadian citizen who lived in Canada for 25 years, I will attest to the much better and easier system in Canada. My main reason for staying in Canada for so long was the national health insurance. My American husband had muscular dystrophy and diabetes. The entire time he lived in Canada, he paid the same premium as everyone else, never had a claim denied, and got superior care... In Canada, I was never hassled over a test or treatment, I did not have to fight for coverage and I could go to any doctor I wanted... More important, if you lost your job, you didn't lose your health care... Yes, taxes are higher there. But everyone is paying taxes and everyone has the benefit... Why is the U.S. the only modern country without a national health system? Why is it the American people don't know this? Americans should be shouting mad about having such a high standard of living with such a poor, confusing, confrontational medical system..." signed, Nuala Power, Plainfield.

Recently I learned that the members of Congress are all covered by a VERY generous health plan that includes a VERY generous prescription drug plan that you and I pay for from our Federal income taxes. I have a question: why can't you and I have our government provide ALL Americans the kind of health plan that members of Congress provide for themselves?? What are we... chopped liver??

On top of all that, the recent Medicare Reform Act that was passed by Congress does very little to help all of us with our hefty prescription

## WHAT ARE SOME EASY WAYS TO HELP THE CENTER BUILD DEMOCRACY?

**Participate in Matching Donation Programs.** Does your company offer a matching gift program? If so, consider the Citizen Advocacy Center and make your donation count for twice as much!

**Anniversary, Graduation, or Retirement?** Celebrate an occasion and help build democracy by giving a Citizen Advocacy Center gift membership in the name of the honoree.

*Everyday Democracy* is a publication of the *Citizen Advocacy Center*, a non-profit, nonpartisan, 501(c)(3) corporation. Submissions from citizen advocates in the western suburbs of Chicago are encouraged. The *Center* is an educational and charitable organization dedicated to building democracy for the 21st century by strengthening the public's capacities, resources, and institutions for self-governance.

If you are interested in more information, becoming a volunteer, or making a tax-deductible contribution, please feel free to contact or visit us.

**CITIZEN  
ADVOCACY  
CENTER**

[www.citizenadvocacycenter.org](http://www.citizenadvocacycenter.org)

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**Save the date!**  
**Friday, June 18th, 2004**  
**Citizen Advocacy Center Celebrates a**  
**Decade of Building Democracy**

**Join us as we celebrate and honor**  
**Lieutenant Governor Pat Quinn with our Building Democracy Award**

**Monty's Banquet Hall**  
**7 p.m. Cocktail Hour**  
**8 p.m. Dinner**  
**Tickets \$50 each**

Thomas Jefferson Day, April 13, 1994, the Center opened its doors with a mission to build democracy for the 21st Century by increasing the citizenry's capacities, institutions and resources for self-governance. Over the past decade, we have made significant strides in working towards our mission by becoming an award winning institution that has assisted hundreds of citizens in organizing winning community campaigns, mentored more than 100 student interns, held more than 200 democracy workshops and community programs and participated in landmark litigation. Help us celebrate our last ten years and recognize the outstanding work of Lieutenant Governor Pat Quinn to build democracy. For more information visit our website, [www.citizenadvocacycenter.org](http://www.citizenadvocacycenter.org) or call us at 630-833-4080.