

# EVERYDAY DEMOCRACY

CITIZEN ADVOCACY CENTER'S SEASONAL NEWSLETTER, SUMMER 2004

## Tax me "TIF" you can

I am delighted to say I had quite a fulfilling experience at the Center this summer. Particularly gratifying was learning the role the law plays in local governmental decisions.

My major project related to Tax Increment Financing (TIF) districts and the financial impact TIFs have on taxpayers. A TIF district is a tool used by municipalities to rejuvenate blighted communities that are seemingly void of economic development. In an effort to energize new businesses, the municipality will designate the area as a TIF district. New property tax dollars that are generated within the TIF district over 23 years are reinvested back into the district itself rather than being proportionally allocated to other taxing bodies like school and park districts. When new tax dollars are solely reinvested into the TIF, less tax dollars are available to taxing bodies for the period of the TIF.

I analyzed the calculation of property tax rates and financial statements from the City of Elmhurst's three TIF districts to learn the impact of TIFs on real estate taxes. Tax rates are calculated by dividing the total tax levy of the city by the Equalized Assessed Value (EAV) of the city. However, when a city has a TIF, properties within that TIF district are not included in this calculation. Therefore, although the total tax levy remains the same, fewer properties are included in the total EAV. In other words, the exclusion of TIF properties in tax rate calculations means taxpayers have to compensate for the lost TIF EAV. I recalculated tax rates by adding TIF properties back into the property tax equation. My results showed that TIFs do, indeed, increase tax rates. In 2003, the increase was 4% in Elmhurst, making TIFs essentially a hidden tax. TIFs are not inherently bad; TIFs can do extraordinary things when used properly. However, TIFs are implemented at an increased cost to the taxpayers.

My other summer projects ranged from helping community members fight school closings, to analyzing property valuation procedures, to analyzing school funding. Most importantly, I witnessed first hand how citizens can use mechanisms of the law as tools when participating in our democratic system.

*Mr. Ati Khatri*

*University of Southern California Law School*

## "Home" Rules!

I remember in the second grade coming home from school crying because I was the only kid in my class whose parents were not going to vote for Ronald Reagan. I begged my parents to change their minds, arguing that I had no chance for social acceptance with a vote for Walter Mondale. My parents tried to explain to me that being in the minority is not necessarily a bad thing. At the end of the day, Mondale got my parents' votes and I got my first lesson in Jeffersonian democracy.

Critics of the Center argue that it speaks too often for the minority's voice, is anti-government, is an overzealous advocate and too aggressive in its government monitoring. Those characterizations, like my argument in the second grade, purport that a citizen's only role is to support popularly elected officials and trust those officials to have a citizen's best interests in mind. My internship has taught me that the Center's work helps to keep local governments ethical and accountable, thus serving the entire community and not just the will of the majority.

This summer I worked on a variety of topics. I helped concerned individuals understand their local zoning code so they had the tools to oppose unpopular housing developments. I researched the requirements and role of a county medical  
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the  
During the summer, student interns invade the Center! With their assistance, the Center creates more brochures, hosts more workshops, and holds open the doors of government to more people. Thank you to all of the interns' supporters, including: The Public Interest Law Initiative, University of Cincinnati College of Law, Northern Illinois University School of Law, University of Southern California School of Law, University of Illinois School of Law, Loyola University School of Law, University of Chicago and Howard University.

Thank you to the interns: Ms. Vanessa Dick, Mr. Ati Khatri, Mr. Hubert Lee, Ms. Dominique Scott, Ms. Susan Stone, Ms. Heather Wier, and Ms. Bryna Williams.

*-The Center*

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examiner versus a county coroner. I prepared civics lesson plans for school teachers. I also helped to dissect the many nuances and concerns within the USA PATRIOT Act. Most of my time involved studying the scope of power within home rule communities.

Home Rule allows a municipality or county to have tremendous autonomy when governing its local community. It can institute taxes and establish regulations without a referendum or consent from the state government. For this reason, home rule brilliantly illustrates the importance of government accountability. Home Rule can be an excellent tool for local government authorities to build community culture and infrastructure. However, it can also be easily abused, leading to over-burdensome regulations and taxes. The Center is invaluable in educating citizens about home rule and empowering citizens with the tools to keep their local government in check.

*Ms. Vanessa Dick  
University of Cincinnati College of Law*

## **Summer Exposure**

Interning at the Center has been the most enlightening, stimulating and rewarding experience of my summer. My projects involved researching and analyzing the issuance of variations by the City of Elmhurst and facilitating a Brown Bag Lunch on War Profiteering and the Privatization of services.

While working on my main project, I was able take a closer look at how the City of Elmhurst processes variance requests. Variances are special exceptions to a zoning ordinance requested by businesses and home owners interested in making changes and/or additions to their property or to the city's property. Variances often involve home additions, lot divisions, or setting up outdoor cafes.

For my project, I sorted through two years of committee and City Council meeting minutes, notices, and agendas that were available at the library, on the City of Elmhurst's website, and at the Center. I formed an Excel spreadsheet analyzing the types of variances that were requested from May 2002 through May 2004. Although I have yet to fully complete my project, 90% of the variances reviewed had been granted. From my initial research, almost every time property owners wanted to make an addition onto their home, reduce a set back, or divide a lot, they were allowed to do so. This begs the question: what is the purpose of having laws restricting property alterations if they are liberally granted?

My second project was to facilitate a Brown Bag Lunch. Despite never having qualms with public speaking, I was slightly nervous about presenting a Brown Bag Lunch on war profiteering and the privatization of services. I was surprised by how knowledgeable participants were about their city and national government. As I began to share the information I found, it seemed more like a discussion among intellectuals than a presentation. We discussed the processes, damage caused, personal research, business and bureaucratic involvement and solutions for each issue. It was an amazing experience and hopefully I can participate in another discussion. Thank you to the staff of the Center and its members for their support this summer. You have without a doubt helped to expand this intern's understanding of the world around her.

*Ms. Dominique Scott  
Howard University*

## **\$ Money & Politics \$**

This summer, I learned a great deal from my project and from the projects of the other interns, specifically dealing with issues surrounding local government. Prior to my internship at the Center, I had never heard of issues like home rule and tax increment financing, but came to find them very interesting because of how they affect citizens. Most people have never heard of these things, yet they have a major impact on the taxes all people pay.

My project dealt with campaign finance reform, specifically the McCain-Feingold bill passed in 2002. McCain-Feingold banned soft money and placed new restrictions on union groups and for profit groups' ability to produce issue advertisements. While these are solid first steps in curbing unlimited spending by large corporate groups, soft money is being redirected to 527 groups. 527 groups are not new, but have surged in popularity because of the ability to take unlimited campaign donations from corporate and union donors, which are unregulated by McCain-Feingold.

My experience this summer has been both informative and valuable. Coming into this internship, I felt that I had an active interest in political topics and the study of government policy. It turns out that you never really know as much as you think. As an undergraduate political science major, I have experience in studying political theory and the government systems of the U. S. and of countries abroad. From my experience at the Center, I learned how much more personal politics can really become when it plays an active role in one's life. From my encounters with regular citizens voicing their concerns over certain local and federal issues, I learned how much is at stake and how much government policy can affect the individual. It is one thing to learn about political theory; it is equally, if not more valuable, to see theory in action affecting real people.

*Mr. Hubert Lee  
University of Chicago*

## Let the Sun Shine

Many summer legal interns find themselves stuck in a cubicle, digging through papers, and running mundane errands like filing papers with court clerks. My experience at the Center could not be farther from this description. As a Center intern, I have had the chance to work on major projects as well as the chance to interact with citizens through our intake process.

My first major project focused on *Electronic Access to the Illinois Freedom of Information Act (FOIA)*. The research and analysis I conducted resulted in a list of Center recommendations of amendments to the Illinois FOIA that will improve access to public documents online and via e-mail. As the intern “expert” on FOIA, I also worked on intakes involving the Freedom of Information Act. These intakes included researching the exceptions for disclosure of public documents; writing a letter to the editor that was published in newspapers opposing a bill advocating a 60-day statute of limitations for citizens seeking legal recourse for a denial under the Act; and finally making a public comment to the Addison Township Board for disregarding a citizen’s FOIA requests.

I reviewed the newly enacted *Illinois Ethics Act* and compiled an educational brochure about its major provisions. The law regulates prohibited political activity, imposes a gift ban, and limits the appearance of constitutional officers in Public Service announcements. This Act also provides for the selection of Inspectors General and an Ethics Commission to enforce the law and requires that all public bodies enact their own ethics ordinances. The overall purpose of the Act is to enforce ethical behavior among Illinois government officials and employees.

Finally, I had the opportunity to write lesson plans for the Center’s *Civic Empowerment Zone* project. The four lesson plans I created cover the Death Penalty, Music Censorship, Jury Selection, and the Illinois Ethics Law.

From day one, when Terry assigned my first major project, to the final two weeks, which have been filled with practicing Democracy Day presentation and wrapping up intakes, I have felt like a indispensable member of the Center team charged with real assignments which have outcomes that will impact the Center as well as local citizens. I am fortunate to have had this opportunity. Thank you!

*Ms. Bryna G. Williams  
Loyola University School of Law*

## Putting “riot” back into “Patriot”

*“They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.”  
--Benjamin Franklin*

This summer I examined the conflict between liberty and security as codified in the USA PATRIOT Act. I tackled the massive 342 page document during my ten week internship by reviewing numerous sections to determine what constitutional conflicts were present. What I found during my analysis was that there are about 10 controversial sections that present very serious Constitutional concerns.

Main concerns about the Act are the lack of judicial oversight for the increased surveillance powers given to the government, the issuance of warrants without the Fourth Amendment requirement of probable cause, the authorization of “sneak and peek” warrants which delay notification of the execution of a search warrant, and the augmented governmental access to individuals’ records. Additional concerns involve the crime of domestic terrorism created by the Act, which if abused could potentially result in the prosecution of protestors who are lawfully exercising their First Amendment right. Also, the possibility of indefinite detention of aliens allowed by the Act raises numerous Constitutional issues. My project resulted in a 65 page analysis, a letter to the editor published in the Chicago Tribune, and an educational brochure.

Between the pages of the USA PATRIOT Act, I was able to work on a variety of other projects. I researched affordable housing in Illinois under the new Illinois Affordable Housing Planning and Appeal Act and updated the Open Meetings Act brochure to include information from a recent court case which held that public meetings must be open AND convenient. Additionally, this summer afforded me the pleasure of attending the DuPage County Board meetings. I became especially concerned with the Board’s proposal of switching from a Coroner, who is elected, to a Medical Examiner, who is appointed. This proposal, though claimed to be a money-saving measure, appears more likely to be an attempt by the Board to take power away from the voters.

Overall, this summer was very educational, interesting, and enjoyable. I was able to learn many new skills while utilizing knowledge gained during my law school education. I was also fortunate enough to work with a fantastic group of people who made each day very pleasant and rewarding.

*Ms. Susan Stone  
University of Illinois Law School*

**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.**

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*Return Service Requested*

My summer was rewarding, challenging, and extremely interesting. I

worked with community groups, individual citizens, and representatives of state and local government, wrote letters to the editor, created educational brochures, answered citizens' questions, and researched election law issues.

My project focused on the Help America Vote Act of 2002 (HAVA) and electronic voting. HAVA authorized \$3.9 billion in federal funds to states over three years to assist in the implementation of HAVA and to improve the administration of federal elections. Funds are used to update voting equipment, provide access to individuals with disabilities, improve election judge and worker training, and create statewide voter registration databases. Illinois received \$45 million, \$34 million of which went to local election authorities to replace outdated punch card machines. Across the country, election authorities used

## **Ensuring Every Vote Will Count**

HAVA funds to purchase electronic voting machines.

Electronic voting machines do not use paper ballots and they record votes on a memory card. Electronic voting is controversial because of security issues and the lack of a voter verifiable paper trail. Because of this, many election authorities that purchased electronic voting machines have decided to not use them this November. Instead, many will use the vilified punch cards. In Illinois, voters use punch cards or optical scan voting machines. To date, the Illinois State Board of Elections has not approved the use of electronic voting machines. However, the State Board is examining voting machine options to comply with HAVA, which says that all polling places must provide an electronic voting, or other system, that provides disabled or visually impaired voters the opportunity to cast a private and independent ballot.

I created educational brochures on electronic voting, HAVA and the DuPage

County Election Commission. The culmination of my project was an evening program titled, "Ensuring Every Vote Counts in 2004." The program discussed HAVA and the voting system process and safeguards in place in DuPage County. Robert Saar, Executive Director of the DuPage Election Commission, demonstrated the Accu-Vote voting system.

The Center provides the tools necessary to build a brighter future and improve democracy. It is an excellent place to learn about community lawyering. I realize that I am now, more than ever, dedicated to working for social justice. I look forward to sharing my experiences with fellow students and encouraging them to explore opportunities such as those at the Center.

*Ms. Heather Wier  
Northern Illinois Univ. School of Law*