

ORDINANCE NO. 04 - 04

AN ORDINANCE ESTABLISHING A VOLUNTARY LIMIT ON THE ANNUAL PERCENTAGE OF INCREASE IN THE TAX LEVY TO BE EXTENDED BY THE VILLAGE OF EAST DUNDEE IN THE EVENT THE ELECTORS APPROVE THE VILLAGE'S HOME RULE REFERENDUM AT THE MARCH 16, 2004 GENERAL ELECTION (HOME RULE PROPERTY TAX CAP)

WHEREAS, the Board of Trustees of the Village of East Dundee (the "Village") passed and approved Resolution No. 26-03, "A Resolution Authorizing a Referendum Proposing the Question Whether the Village of East Dundee Should Be A Home-Rule Unit of Government" authorizing placement of a referendum question concerning whether the Village should become a home rule unit of local government (the "Referendum Question") on the ballot for the vote of electors of the Village at the March 16, 2004 general election; and

WHEREAS, in order to assure property owners in the Village that the Village intends to limit the use of its home rule powers if the Referendum Question is approved by the voters, the Village Board has determined to limit the amount of the annual tax levy on taxable real property located within the Village, exclusive of the amount levied and extended against new improvements or additions to existing improvements that increased the assessed value of properties during the levy year, and exclusive of any levy for debt service on bonds issued by the Village prior to March 16, 2004, in accordance with the provisions of this Ordinance; and

WHEREAS, it is the intent of the Village Board by the adoption of this ordinance to duplicate the provisions of the Illinois Property Tax Extension Limitation Law, 35 ILCS 200/18-185, et seq., and bind the Village to its provisions, even if the Village would become a home rule unit of local government after the referendum vote in March of 2004.

NOW, THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section 1. In approving the annual tax levy for the Village of East Dundee, Illinois, the President and Board of Trustees shall levy taxes in the following manner:

- a. The Village shall limit any increase in the amount levied and extended upon all taxable real property located within the Village, exclusive of the amount levied and extended against new improvements or additions to existing improvements that increase the assessed value of those properties during the

levy year, and exclusive of any levy for debt service on bonds issued by the Village prior to March 16, 2004, to 105 percent of the previous year's tax extension, or the percentage increase in the Consumer Price Index for all Urban Consumers (CPI-U) for the Midwest Region as specified by the United States Department of Labor Statistics whichever is less.

- b. The percentage of increase, if any, shall be based on the difference between the amount of the tax extension for the calendar year preceding the current levy year, and the amount proposed to be levied during the current levy year.

Section 3. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section 4. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section 5. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 16th day of February, 2004, pursuant to a roll call vote as follows:

AYES: Zaeske, Ruffalo, Bartels, Schock, VanOstenbridge, Scarcelli
NAYES: None
ABSENT: None

Approved by me this 16th day of February, 2004.

Roger Ahrens
ROGER AHRENS, President

Published in pamphlet form this 17th day of February, 2004, under the authority of the President and Board of Trustees.

ATTEST:

Jane E. Theis
JANE THEIS, Village Clerk

Recorded in the Village Records on February 17th, 2004.
D:\A.WORDPERFECT\EASTDUND\Home Rule\Home Rule Tax Cap Ord 01-28-2004.wpd

