

Detailed Information and Explanation Concerning the Impact of Abandoning the Commission Form of Government on the Number and Manner of Electing Council Members

East Peoria was incorporated as a Village at the time the commission form of government was adopted. Illinois Secretary of State records show that on October 21, 1889 the Village of Hilton was renamed the Village of East Peoria.

The Village of East Peoria adopted the commission form of government sometime between October 21, 1889 and May 1, 1917. While records are sparse, this is evidenced by the fact that minutes dated May 1, 1917 state that the meeting was the first of the "Board of Commissioners" for the Village of East Peoria and reflect, among other things, the initial appointment of the Commissioners as department heads. Illinois Secretary of State records contain a letter dated October 22, 1923 from the Mayor of the "City of East Peoria" stating the "commission form of city government" was adopted on the third Tuesday in April, 1916. This document created some initial confusion prior to locating the May 1, 1917 minutes because it consistently referred to East Peoria as a city in 1916. However, this is likely due to the fact that East Peoria was incorporated as a city when the letter was sent in 1923. Minutes dated April 22, 1919 include the adoption of a resolution incorporating East Peoria as a city pursuant to referendum held April 15, 1919. Therefore, the records reflect that what we know as the City of East Peoria was actually a village when it adopted the commission form of government.

By statute the Village of East Peoria would have had 6 members of the board of trustees elected at-large prior to adopting the commission form of government. However, it is important to note that the City would not revert to being organized as a Village upon the abandonment of the commission form of government. The referendum would only be to abandon the commission form of government, not to abandon its incorporation as a city; these are two separate propositions. Therefore, upon abandonment of the commission form of government East Peoria would still be incorporated as a city, and absent an additional referendum being placed on the ballot (i.e. adopting either the managerial or strong mayor form of government), would most likely, by operation of law, begin to operate under the aldermanic form of government with 6 council members/aldermen.

The question then becomes how those 6 aldermen would be elected to office. Presumably the 6 aldermen would be elected at-large, as was the case for the members of the village board of trustees prior to adopting the commission form of government. We find no evidence that East Peoria has ever been divided into wards since it was first organized as a village with 6 trustees elected at-large, then as a village with 4 commissioners elected at-large, and finally as a city with 4 commissioners elected at-large. However, there is no statutory authority or basis under the Illinois Municipal Code for electing all aldermen at-large, other than the rationale presented above. The Illinois Municipal Code only provides for the election of aldermen entirely from wards, or part from wards and part at-large. Nowhere in the Municipal Code is there an express

recognition of a city having all council members elected at large under the aldermanic form of government.

One could argue based upon the lack of express statutory authority for having aldermen elected at-large, that following the abandonment of the commission form of government the 6 aldermen would be elected from 3 wards with 2 aldermen representing each ward, and thus require the City to create 3 wards. However, the Illinois Municipal Code requires a city to redistrict if an official decennial census shows that it contains more (or fewer) wards than it is entitled to. "Whenever an official decennial census shows that a city contains more or fewer wards than it is entitled to, the city council of the city, by ordinance, shall redistrict the city into as many wards as the city is entitled. This redistricting shall be completed not less than 30 days before the first day set by the general election law for the filing of candidate petitions for the next succeeding election for city officers." Therefore, even if the City were to be divided into 3 wards following the abandonment of the commission form of government, absent some future change in the law, it might be required to redistrict after the 2020 census. By default, based upon the City's current population, the City would be required to redistrict into 7 wards with 2 aldermen representing each ward (14 aldermen total). Based upon the redistricting requirement, the efficacy of dividing the city into 3 wards for only two short years could be challenged. However, the Council as then comprised may adopt an ordinance or resolution, within one year of the census results, to either reduce the number of aldermen to 10 or retain the number of aldermen that existed prior to the census.

At the root of the confusion is the failure of the General Assembly over the last century to recognize that a municipality might have adopted the commission form while a village, then incorporate as a city and thereafter abandon the commission form of government by referendum. When statutory provisions do not align it is not possible to interpret them with any degree of certainty. Ultimately, this issue may require a court determination if anyone were to challenge the suggested approach of electing 6 aldermen at-large. This state of affairs could generate uncertainty as to the nature and number of open offices available for anyone interested in being elected to serve on the City Council, and until the issue is settled by the courts or time, create confusion for lenders and other entities doing business within the City, thus likely increasing the City's cost of doing business.

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