



**2011 LEGISLATIVE PLATFORM**  
**Adopted by the Executive Board**  
**January 25, 2011**

1. **Protect local government financial viability. Protect local governments from additional risk, liability and unfunded state mandates. Encourage economic development.**
  - Eliminate Joint and Several Liability for Municipal/Township Defendants. Support government defendants not being held jointly and severally liable for tort damages. Joint and several liability results in public moneys being diverted to pay for damages caused by a third party. This change would provide that the government is liable only for injuries caused by municipal or township officials, employees, or agents.

**REVENUE & FUNDING**

Local governments have cut costs to the maximum extent possible. The State must honor its position as a fiduciary of these funds for local governments.

- Maintain LGDF Revenues at Existing Levels for Municipalities in the Local Government Distributive Fund (LGDF). Protect the existing level of revenue dispersed to municipal governments through the Local Government Distributive Fund (LGDF) from reduction as a result of the State exceeding its spending cap. If the tax rate reverts due to State overspending, guarantee the LGDF distribution to municipalities is equal to 1/10 of the net revenue realized under the Illinois Income Tax Act. Protect the existing level of LGDF municipal revenues from reduction due to an interpretation of terms designed to shrink distributions to municipalities to prop up State funds.

Support allowing funds to go directly to the LGDF, bypassing the State General Fund, to be disbursed directly to local governments, thereby reducing delays in payment and the possibility of reductions by the State. Require LGDF funds to be distributed within 7 days, with a penalty if not distributed on time.

- Oppose Sweeps of the Motor Fuel Tax (MFT) and Other Funds. At the end of the spring 2010 session, the Governor was given broad powers under the Emergency Budget Act to sweep funds that are due to municipalities, townships and counties in order to balance the state budget. The MFT and other Funds should remain whole, and the State should not take funds due to responsible local governments in order to fix problems of the State.

- Motor Fuel Tax (MFT) Distributions to Townships. Support changes to Motor Fuel Tax (MFT) distributions and expenditure procedures to be followed by townships such that they are similar to the processes used by municipalities.

## **PENSION**

- Support the IML/Pension Fairness Coalition Positions on Reforms to Public Pensions and Benefits. The burdens faced by local governments to finance pension programs and benefit pay-outs threaten the solvency of local budgets and the provision of even basic services to residents. Though the legislature took a positive first step towards public safety pension reform in 2010, additional reforms are required. These additional reforms must address the existing pension debt as well as protect municipalities that make a good-faith effort to fulfill their pension funding obligations. Limit the General Assembly's ability to add to or expand existing pension benefits. For disability pensions, define "catastrophic injury" according to the federal definition to limit PSEBA health insurance benefits to only those who are unable to perform gainful employment.

## **LABOR & BUILDING**

- Labor, Collective Bargaining & Salary Arbitration Reform. Amend the Public Labor Relations Act for collective bargaining and arbitration requirements for police officers and firefighters. Define the financial factors arbitrators must consider when evaluating the ability of a government to afford the demands of a police or fire union, such as tax levels, existing pension obligations, budgets and wages. Exempt local governments from having to bargain over staffing and manning levels for any employees under any circumstances.

Allow additional protections under the Bankruptcy Code, allow early termination of collective bargaining agreements and negotiation of new agreements, oppose expansion of the definition of publicly-funded projects to include private and business-related projects, and seek timely disbursement of state funds for infrastructure.

- Exempt Projects under \$50,000 from Prevailing Wage Act Requirements. All fixed works projects performed by a public body using public funds currently must pay the prevailing wage. Support an exemption from prevailing wage for projects under \$50,000.
- Allow Municipalities to Determine the Form of Security Posted by Developers. Allow municipalities, townships and counties to decide the form of security posted by developers for completion of subdivision public improvements, e.g., bond, letter of credit, cash bond, instead of developers deciding the method.
- Collection of Debts Using Special Assessments. Support to expand when local governments may place a special assessment on property for unpaid debts to include non-payment of utility bills or building code violations, where the government has also expanded the building code violations to be eligible for a lien.
- Support Changes to Law and/or IEPA Policies regarding Construction Debris Testing. A recently-enacted law, P.A. 96-1416, intended to make it easier for construction services to dispose of soil, instead complicates and requires more extensive testing of construction debris. Local governments are seeing added costs and a lack of defined standards. Support changes to or

repeal of the law and/or policy changes at IEPA to reduce costs for construction debris/soil testing and clarify policies, such as defining “clean” soil.

- Increase Fines for Overweight Vehicles. The fines for violation of road weight limits need to be increased to compensate for damage to roads.

### **ECONOMIC DEVELOPMENT**

- Access to Sales Tax Information. Support authorizing the Department of Revenue to share sales information regarding sales tax collections with all municipalities, including those that are non-home rule.
- Support Illinois Horse Racing. Allow electronic gaming slot machines at Illinois horse racetracks to support the state’s capital projects program and thereby fund local infrastructure, retain and create as many as 1,500 construction and other related jobs, and ensure the survival of the horse racing industry and its estimated 37,000 jobs.

## **2. Support local and regional land use planning and zoning and the implementation of such plans and regulations without disruption.**

- Disconnection of Property from Municipalities – Support changes that would reconcile case law to the intent of the statutes and strengthen existing standards for properties to be able to disconnect from municipalities, in order to: maintain stability of municipal boundaries and certainty in capital investment; protect local government’s ability to implement local comprehensive plans; support regional intergovernmental cooperation and planning; protect local zoning; protect existing residents’ property values; allow for adequate due process for all affected interests; and carry out planned development.

## **3. Preserve local government decision-making and the right to self-determination.**

- Freedom of Information Act (FOIA) – Support measures to: 1) Monitor the impact and cost to local governments and governmental districts of the FOIA reforms of 2009 (Public Act 96-0542/SB 189), i.e., the costs of fulfilling requests; 2) Define the meaning of “commercial purposes”, because too few requests seem to fall under “commercial purposes” and unduly burden public resources; 3) Apply the requirements of the FOIA statute to apply equally to all levels of government; and 4) exempt Public Aid Appeals Committee correspondence regarding General Assistance clients.
- Allow Utilization of Technologies to Publish Notices and Information. Amend the Publication Act to allow online publication notices through government websites, with print newspapers still required for publishing of short descriptions of the information that is on-line, where information is available, etc. Allow online publication of legal descriptions of property, treasurer’s reports and budgets.

**4. Preserve home rule authorities, and support additional permissive authorities for townships and non-home rule municipalities. Oppose the reduction or pre-emption of the powers and authorities of local governments.**

- Preserve Local Decision-making Over Cemeteries. Monitor potential changes in regulation of township and municipal cemeteries under the Cemetery Oversight Act.
- Additional Authority for Licensing of Pets. Grant townships the authority to license pets in unincorporated areas of the township.
- Township Equipment Disposal. Support transfer of authority from the Town Hall Meeting to the Board of Trustees for declaration of surplus equipment and disposal of same.

**5. Preserve, protect and enhance environmental resources and open space.**

- Fund Local Groundwater Research and Protection Efforts. Support initiatives and funding for local governments that are engaged in research and mapping, local policy development and implementation of groundwater protection measures. Support public education towards a sustainable and safe water supply. Support “on the ground” efforts that supplement and enhance statewide work, especially pilot projects toward local groundwater measurement and monitoring. Support and fund the **BACOG 2011 WATER LEVEL MONITORING SYSTEM** project.

Evaluate the CMAP “Go To 2040” plan for northeastern Illinois including but not limited to current local and regional efforts, such as the recommendation for groundwater users to consider switching their water supply to the Fox and Kankakee Rivers. The reported available water in these rivers is due to effluent discharge from wastewater treatment plants upstream, most of which comes from groundwater consumption originally. The feasibility, cost and safety of such a proposal needs evaluation, and local science should serve as the basis for analysis.

- Support the Northwest Water Planning Alliance (NWWPA) and Cooperative Water Supply Planning. Local governments recognize that water supply planning is a priority in the State. Since supply is provided by localities (not state or regional entities), municipalities and counties are appropriate entities to plan and manage regional water supply. BACOG supports a strong educational component and recent regional and local water planning initiatives being continued and taken into account by new water supply planning efforts of the NWWPA. BACOG supports strong efforts for data collection, water supply planning and other initiatives.

**6. Maintain and improve the transportation system throughout the region while balancing community interests with investment and expansion. Support appropriate regulation of special vehicles, roadways and traffic at the local level.**

- Canadian National Rail Road – Support mitigation funding, if the transaction stands on appeal, and continue to support increased emphasis on community interests balanced against freight rail interests at both the state and national level.

- Support the Extension of Route 53. Support funding for the Highway 53 Extension to Route 120 in Lake County, with appropriate environmental and aesthetic measures, to relieve traffic congestion in central Lake County, Route 12, and adjacent areas.
- Support Funding for Transportation. Support securing funding for the State of Illinois and units of local government for transportation.
- Classification of Non-Traditional Vehicles. Eliminate “neighborhood vehicle” as a type of non-highway vehicle, so that non-conforming vehicles may be prohibited from use on public streets. Non-highway vehicles are vehicles not specifically designated to be used on roads such as ATVs, golf carts, utility vehicles i.e. gators and dirt bikes. Non-highway vehicles also include “neighborhood” vehicles. These neighborhood vehicles are not equipped with safety equipment. The suggested change is proposed to alleviate some continued confusion for local officials, public safety officers and the general public.