

DMMC LAP

**DuPage Mayors and Managers Conference
Legislative Action Program
2010**

CONFERENCE OFFICERS AND LEGISLATIVE COMMITTEE

CONFERENCE OFFICERS

President, Robert Iden
President, Village of Bloomingdale

Vice President, David Brummel
Mayor, City of Warrenville

Secretary/Treasurer, David Cook
Manager, Village of Hinsdale

Executive Director, Mark A. Baloga

LEGISLATIVE COMMITTEE

Director, Lorenz "Larry" Hartwig
Mayor, Village of Addison

Jack Knight
Management Analyst, Village of Woodridge

Deputy Director, Joseph Breinig
Manager, Village of Carol Stream

Sylvia Layne
Trustee, Village of Addison

Joseph Broda
Mayor, Village of Lisle

Jeff Mermuys
Assistant Village Manager, Wood Dale

Ray Byrne
Police Chief, Village of Lombard

Kenn Miller
Councilman, City of Naperville

David Cook
Manager, Village of Hinsdale

Robert Napoli
President, Village of Willowbrook

Rodney Craig
President, Village of Hanover Park

Enza Petrarca
Attorney, Village of Downers Grove

Rick Gieser
Trustee, Village of Carol Stream

Jeff Pruyn
President, Village of Itasca

Dave Hulseberg
Manager, Village of Lombard

Marilyn Schnell
Commissioner, Village of Downers Grove

Kenneth Johnson
Mayor, City of Wood Dale

Gayle Smolinski
Mayor, Village of Roselle

Fred Kimble
Assistant Manager, Village of Westmont

INTRODUCTION

Founded June 19, 1962, the DuPage Mayors and Managers Conference is a council of 33 municipal governments in DuPage County, Illinois. Each member municipality is represented by its mayor and manager as voting delegates. The Conference is a not-for-profit organization supported by membership dues and grants.

The purpose of the Conference is to foster intergovernmental cooperation among municipalities and between municipalities and other levels of government; to provide research and technical assistance in the development of solutions to local problems presented by member municipalities; to articulate positions and, when appropriate, implement solutions to regional, state and countywide problems; to serve as an information clearinghouse for member municipalities; to provide training and educational programs designed to foster leadership development and an understanding of municipal issues; to uphold and advocate principles of effective local government and to otherwise lessen the burdens of government.

This document represents municipal positions on state and federal issues affecting local government and the DuPage Mayors and Managers Conference's desire to build and maintain a collaborative partnership between state and local government as we serve our common constituency.

The Legislative Action Program is divided into three parts.

Legislative Principles represent the basis and underpinnings of our legislative effort and provide a guide for legislative review. They help understand how legislative positions are developed, and they serve as a benchmark to evaluate the impact of legislative proposals on municipalities.

Legislative Priorities are those specific, important issues that the Conference pursues either through drafting and sponsoring legislation; or through strong advocacy in cooperation with other municipal organizations. Legislative Priorities have always been the primary focus of our legislative efforts.

Legislative Position Statements are expressions of support or opposition on issues that affect municipalities. They can be legislative proposals that re-appear frequently and generate some efforts by the Conference to educate legislators of the pros/cons of the issues; or they may never arise during the legislative year. They generally require less time and effort than Legislative Priorities, though on occasion, they may become more significant and require more time and effort from the Conference.

The second year of the 96th General Assembly has begun. This will be an interesting and difficult year due to the growing budget deficit. While it would seem the legislature and the Governor would give their full attention to the state's financial meltdown, there will be plenty of time to consider more pension sweeteners. The 2010 Legislative Action Program continues to promote the needs and concerns of DuPage municipalities. This year, however, members will especially keep a close eye on potential efforts that might direct municipal revenues to help bail out the state.

LEGISLATIVE PRINCIPLES

The DuPage Mayors and Managers Conference has always advocated on behalf of municipalities. It is a central purpose of the Conference and an important service provided by the organization.

These Principles represent our core values. They reflect the important elements that are necessary to permit municipalities to serve residents effectively and to protect the health, safety, and welfare of the community. They are the basis for the priorities and policies adopted by the Conference and its members. They explain how and why municipalities take positions on legislative issues.

PROTECT MUNICIPAL REVENUES

Local governments are challenged to fund essential services with existing resources. Local revenue sources are limited and restricted by the state. Many revenues are dependent on state authorization, collection and distribution. Municipalities are often threatened with revenue diversions (both permanent and temporary) and state fee increases (beyond the value of the service provided). In recent times, municipalities have completely lost revenue sources through actions of the state (sales tax on truck sales, photo processing tax). **The state should not balance its budget on the backs of municipalities, and should not disrupt local budgets by removing or reducing local revenues.**

REJECT UNFUNDED STATE MANDATES

The state should avoid policies that impose disproportionate responsibilities on local governments or increased financial liability without recognizing and financing the impact of those policies. Too often, legislation requires communities to divert local expenditures from municipal responsibilities and use them to fund state-imposed programs. This is not about the need or efficacy of the program, but rather, about the decision of the state to abdicate responsibility for funding the state's program. **State policies should not impose new obligations on local governments or increase financial liability without providing adequate funds to reimburse municipalities for these new mandates.**

RESPECT HOME RULE AUTHORITY

There are nearly 200 home rule municipalities in Illinois. Home rule municipalities have self-governance authority to serve these communities and to customize laws to meet the specific needs of citizens. Locally elected officials in those home rule communities are able to determine what is best for their communities and the state should not limit home rule authority. The distinction between home rule and non-home rule communities should be removed to recognize the ability of all municipalities to govern themselves, regardless of population. **The state should not restrict or over-ride home rule authority or the authority of residents to govern their communities.**

PRESERVE THE RIGHT OF MUNICIPALITIES TO MANAGE EMPLOYEES AND DETERMINE WAGES AND BENEFITS

In most municipal operating budgets, nearly three-fourths of expenditures are for personnel. Certainly good wages and benefits are important, but must be balanced with other municipal spending priorities. In recent years, state-mandated pension and benefit increases have stretched local government budgets and forced service reductions and tax increases. Pensions, especially, have burdened municipalities as the legislature adds more and more benefits. These increases and pension sweeteners increase the tax burden to residents and must be reined in. Additionally, mandated rules on how employees are hired, managed, paid and disciplined interfere with the employer/employee relationship. **The state must preserve the authority for all decisions impacting employees to be made by the municipal employer.**

PRESERVE LOCAL AUTHORITY

Freedom to make decisions at the local level is the best way that municipalities can fully serve their unique constituencies. Activities such as franchising, zoning, issuing permits and licenses, and local code enforcement are fundamental responsibilities of local governments. Furthermore, policies should not undermine or preempt local authority to protect the health, safety and welfare of local residents. Preemptive policies constrain the ability of local elected officials to tailor policies to local needs and demands. The state must reject laws that erode local decision-making authority.

PROTECT THE PUBLIC RIGHTS-OF-WAY AND ADVANCE THE MODERNIZATION OF PUBLIC UTILITIES

Regulated public utilities provide municipalities with necessary services and commodities. In order to deliver these services and commodities, regulated public utilities utilize the public rights-of-way. Municipalities, residents and commercial interests should have a role in the decisions affecting this land both as interested parties and as customers of the regulated public utility. Regulated utilities must become more open to new technologies, new approaches and new behaviors to become better partners with municipalities and residents; and must also develop a proactive culture of customer service, open communications, reliability, and addressing localized matters of importance.

LEGISLATIVE PRIORITIES

PUBLIC SAFETY PENSION REFORMS

Additional reforms to the police and fire pension systems are needed to protect the pension systems and the obligations to police officers and firefighters, while recognizing the growing stress these pensions place on municipalities and their residents.

In 2008, the legislature adopted proposals from municipalities that would bring improved accountability, ethics, professionalization of fund management, conflict-of-interest restrictions, and public disclosure of pension board activity. These reforms were important and overdue - but more still needs to be done. The Conference is proposing four more reforms to further improve the operations of public safety pension boards without altering in any way the pension benefits that are guaranteed to either pensioners or current employees.

- **Remove Pension Levies from Tax Cap** - Because of previous state-mandated pension increases, combined with current economic conditions, it is imperative to have pension costs removed from the tax cap for non-home rule communities. Pension mandates are funded entirely by local communities, requiring diversions from other municipal services and employee reductions. The economy in the past six months suggests municipal officials should expect unprecedented low returns on investment portfolios. The ability of local governments to keep public safety pensions adequately funded will be greatly eroded without a change to the pension levy restrictions.
- **Municipal Right-of-Intervention in All Pension Board Matters** - Municipalities used to have the right to appear before police and fire pension boards to provide evidence that might contradict a disability claim, or to aid in the determination regarding whether a pension benefit should be awarded. That right was taken away by the courts, and it needs to be restored by the General Assembly.
- **Permissive Authority for Police and Fire Pension Boards to Invest Funds in IMRF** - Downstate and suburban police and fire pension boards are restricted to certain investments based upon the fund's size. This proposal would allow pension boards to voluntarily elect to invest money with IMRF. Because IMRF is professionally managed and subject to far fewer investment restrictions, police and fire pension boards electing to allow IMRF to invest their money may benefit from potentially greater investment returns. Data from the Illinois Department of Financial and Professional Regulation has shown most funds are underperforming. Allowing these funds to invest money with IMRF would enhance their potential to meet assumptions, and may potentially relieve municipalities from overly burdensome contributions.
- **Blended Salary Average for Pension Calculations of Newly-Hired Police and Firefighters** - Police and firefighter pensions are determined based upon a calculation that includes years of service multiplied by creditable service multiplied by final salary. Public safety pensions use the salary earned by the employee on the last day of service as the final salary. Other municipal employees who participate in IMRF are subject to a similar formula. A significant difference, however, is that the final salary determination under IMRF is the highest four consecutive years out of the last ten years of an employee's career. The suggested statutory change would bring the police and fire pension funds into compliance with most other public pension systems established within Illinois (13 of 17). The change would only be applicable to police officers and firefighters hired after the effective date of the new law.

AMEND THE PUBLIC SAFETY EMPLOYEE BENEFITS ACT

It is necessary to amend the Public Safety Employee Benefits Act (PSEBA) to clarify and re-enforce the purpose of this important legislation. Without these changes, employees, taxpayers and local governments will experience excessive and unnecessary costs.

The intent of this legislative initiative is to seek a sound, negotiated, legislative compromise to avoid fiscal strife and the possible cut back of other services and programs. It is not intended to limit or deny a catastrophically injured public safety employee, who is unable to work in any other gainful employment, from collecting their rightful health insurance benefits and other compensation.

PSEBA was enacted in 1997 and provides that municipal public safety employees who have been killed or sustain a “catastrophic injury” in the line-of-duty receive health insurance benefits for life from the municipality. These benefits include the employee’s family.

In 2003, the Illinois State Supreme Court ruled that any police or fire employee who receives a line-of-duty disability pension is catastrophically injured and is entitled to the municipally-funded health insurance benefits for life. The definition set forth by the Illinois Supreme Court exposes financially strapped municipalities and taxpayers to huge health care liabilities by requiring municipalities to pay lifetime health insurance benefits for individuals (and their families) who are otherwise able to obtain gainful employment, sometimes at a higher rate of compensation; who have access to other health insurance benefits; and who are collecting a pension of 65% of their salary tax free.

A section of the Act provides that “health insurance benefits payable from any other source shall reduce the benefits payable under this section”. This section does not require any notice to the municipality that the employee has subsequent employment or access to health insurance benefits from that subsequent employer nor does it require the employee to accept available health benefits from a subsequent employer.

The legislative initiative would propose to address the Act as follows:

- Define “Catastrophic Injury” in a manner consistent with the use of the term within the federal Public Safety Officers’ Benefits Act of 1976. The federal law considers injuries “catastrophic” when they are defined as “consequences of an injury that permanently prevents an individual from performing any gainful work”;
- Require the employee to give notice of new employment to the municipality;
- Require the employee to give notice if insurance benefits are available at subsequent employment;
- Require the employee to give notice if insurance benefits are available through a spouse’s employment;
- When coverage from the subsequent employer or spouse is comparable (or greater) to the municipal coverage, require the employee to accept this coverage if no unreasonable hardship is faced; and
- When coverage from the subsequent employer or spouse is less favorable than municipal coverage, seek to require the disabled employee to accept this coverage if the municipality provides separate additional coverage or compensation so that the total benefits received by the employee are comparable (or greater) than the municipal coverage.

PROTECT AUTHORITY FOR RED LIGHT CAMERA ENFORCEMENT

The Conference supports the continued use of red light camera enforcement for municipalities to address important and significant public safety concerns.

In 2006, legislation was amended to add DuPage County, along with other collar counties, to the list of jurisdictions that could enforce violations of traffic code offenses using cameras. This tool, initially used only in the City of Chicago, but implemented around the world, has had significant success in reducing traffic accidents.

- A 2005 study of the Raleigh, North Carolina red light camera program conducted by the Institute for Transportation Research and Education at North Carolina State University compared “before” and “after” red light camera intersection data and found right-angle crashes *dropped by 42 percent*, rear-end crashes *dropped by 25 percent* and total accidents *dropped by 22 percent*.
- A 2007 study of speed cameras on Arizona State Route 101 in Scottsdale found a 50 percent reduction in the total crash frequency, with injuries *falling by 40 percent*. However rear-end collisions increased by 55 percent.
- The Insurance Institute for Highway Safety has found that cameras have been shown to substantially reduce red light violations. Institute evaluations in Fairfax, Virginia and Oxnard, California showed that camera enforcement *reduced red light running violations by about 40 percent*. In addition to reducing red light running at camera-equipped sites, violation reductions in both communities carried over to signalized intersections not equipped with red light cameras, indicating community-wide changes in driver behavior. An Institute evaluation of red light cameras in Philadelphia, Pennsylvania, found that after red light violations were reduced by 36 percent following increased yellow signal timing, the addition of red light cameras further *reduced red light violations by 96 percent*. In addition to reducing red light violations, cameras have been shown to reduce intersection crashes. In Oxnard, California, significant city-wide crash reductions followed the introduction of red light cameras, and injury crashes at intersections with traffic signals were *reduced by 29 percent*. Front-into-side collisions - the crash type most closely associated with red light running - *were reduced by 32 percent* overall, and front-into-side crashes involving injuries were *reduced by 68 percent*. ***An Institute review of international red light camera studies concluded that cameras reduce red light violations by 40-50 percent and reduce injury crashes by 25-30 percent.***

Red light camera enforcement in Illinois has come under attack recently in newspapers and demonstrations opposing its use - often focusing on the enforcement of right-turns-on-red. These foes of the cameras have determined that municipalities should disregard enforcement of provisions in the vehicle code. (One wonders what other provisions of the vehicle code they would determine unworthy of enforcement?)

The Conference is willing to consider and support changes to the existing legislation to address some of the concerns and make improvements in the operations of the program. These could include such enhancements as review of all citations by a police officer; a video recording of all right-turn-on-red citations; timing of the amber light set in accordance to IDOT specifications; and ability for those who receive citations to contest the ticket by mail or in person.

FOIA - COMMERCIAL REQUESTS

The Conference supports an amendment to the new FOIA legislation (P.A. 98-0542) to authorize municipalities to deny commercial requests under FOIA or, alternatively, to charge for the full market-value of the records.

Municipalities understand the vital role that open government plays in our democratic process. Municipalities support and facilitate individuals seeking to learn more about their government and participate in the public debate. While “transparency” is an overused word, municipalities truly do strive to permit the public to see and understand the operations and actions of their government.

Beginning on January 1, 2010, sweeping changes to the state’s Freedom of Information Act (FOIA) will go into effect. The changes will have a substantial impact in the way that municipalities process and handle requests for records. At the same time, municipalities are being asked to provide more services with less resources, further increasing the burden created by such provisions as the five-day requirement for responses. Throughout the legislative process, the Conference expressed significant concerns with this legislation. These concerns center around the ability of municipalities to be able to comply with the requirements of the new changes. The implementation of the new changes could be cumbersome at best. One of the biggest burdens that communities face is the issue of commercial requests.

Under the new changes to FOIA, public bodies must respond to FOIA requests that are made for commercial purposes. While there is some greater flexibility in the time limits, municipalities must still provide the information and may not charge more than the de minimis fee allowed for noncommercial requests. IN EFFECT, THE RESIDENTS OF THE COMMUNITY CONTRIBUTE THEIR TAXES TO PROVIDE INFORMATION TO COMMERCIAL ENTERPRISES.

The purpose of any open-records law is to promote democracy and increase transparency. But often, commercial enterprises try, instead, to use these laws for the purpose of getting free marketing information. This practice imposes extreme burdens on public bodies. These commercial requests are often large and complex, and they require substantial resources to process. They divert time, attention and resources from responding to more legitimate records requests. And they often ask for personal or private information, the disclosure of which would not be in the best interest of Illinois’ citizens.

It is hoped that by eliminating the onus of responding to complex, costly, and unnecessary requests, public bodies will see less of a burden under the new law and will be able to concentrate on providing better response to legitimate FOIA requests. The Conference proposes to prohibit all commercial requests for public records for commercial purposes.

If, however, the Legislature believes that commercial requests for public records should be funded by taxpayers, then the following provisions should be added to the Act:

- Exempt commercial requests from FOIA’s time limits, while instead requiring a response in a reasonable time considering the size and complexity of the request;
- Charge a fee for providing records for commercial purpose that is based on the full cost of producing the records or the easily discernable commercial value of the record; and
- Impose treble damages for any person who fails to disclose or who improperly uses information gained from a FOIA request for commercial purposes.

WESTERN ACCESS - O'HARE AIRPORT

The Conference supports the continued improvement of O'Hare Airport including the access to the airport from the west, consisting of the Western Bypass and the Elgin-O'Hare Expressway.

DuPage municipalities around O'Hare have joined together to promote and support the construction of the Elgin-O'Hare extension and Western Bypass. These road and airport improvements are expected to increase the annual gross regional product of the DuPage economy in 2006 dollars by \$3.6 billion in 2015 and more than \$10 billion in 2030.

These communities support IDOT Western Bypass Design 203 (north section of the Western Bypass to be constructed along a railroad right-of-way north of Elgin-O'Hare Expressway); and IDOT Western Bypass South Alignment "D" (brings the south leg of the proposed Western Bypass to the east of the existing rail corridor in Franklin Park).

In order to keep up with the O'Hare Modernization Program, design and engineering of these roads must begin soon to meet the proposed completion date of December 31, 2015.

IDOT does not currently have the funding necessary to complete the project within the proposed timeline. If necessary authorizations and funding are not forthcoming soon, other options must be considered.

A viable option is to work with the Illinois State Toll Highway Authority. The Authority has the ability to issue bonds and provide financing for this project. Municipalities are willing to pursue discussions with the Authority, and have already begun to review this approach.

Regardless of the option chosen, engineering and work must begin soon; and any legislative action that is necessary to move the project forward should be completed during the 2010 session.

POSITION STATEMENTS

STATE AND LOCAL FINANCE

SUPPORT LOCAL FUNDING ALTERNATIVES

Support alternative revenue sources, which lessen reliance on the property tax. As one example, expand the Business and Occupation tax to allow municipalities to tax all businesses and occupations. Also, allow municipalities with no property tax base to levy an initial property tax without referendum.

HOTEL MOTEL TAX REVENUE EXPENDITURE

Amend the Hotel Motel Tax to expand the use of funds by non-home rule municipalities.

REGIONAL EQUITY

Assure that there is a reasonably close relationship between the amount of tax dollars raised within a municipality or county by state and regional agencies, compared to the amount of dollars or services returned to those municipalities and counties by those state and regional agencies.

MUNICIPAL ADMINISTRATION OF MOTOR FUEL TAX FUNDS

Currently, Motor Fuel Tax (MFT) funds require significant oversight by the Illinois Department of Transportation. While this is appropriate for major projects, it is simply overkill for small projects. Municipalities have the expertise to handle contracting, finance, and clerical functions and could save the state and municipal governments money if routine maintenance and resurfacing projects were not subject to approval and supervision of the Department.

LOCAL GOVERNMENT AUTHORITY

NON-HOME RULE SALES TAX EXPENDITURE

Broaden allowable uses of referendum-approved sales tax increases to mirror the uses of the state-shared sales tax.

REAL ESTATE TRANSFER TAX

Allow municipalities to enact or increase a real estate transfer tax without a referendum.

OPEN MEETINGS ACT - E-MAIL/ELECTRONIC MEETING ATTENDANCE

Amend the Open Meetings Act to exclude the use of email in the definition of “meeting” (except when used as immediate electronic communication) and allow electronic meeting attendance in cases of non-emergencies and out-of-town vacations.

OPEN MEETINGS ACT - NEW BUSINESS

Clarify the Open Meetings Act to explicitly authorize municipal boards to vote on items raised under “New Business”.

TORT REFORM

Protect the Tort Immunity Act from changes that create undue liability exposure for municipalites. For example, use agreed language that is embraced by all affected parties for any amendments.

ADMINISTRATIVE ADJUDICATION

Allow prosecution of minor offenses through local administrative adjudication for non-home rule municipalities, and increase the limit for adjudication of civil fines up to \$1,000.

LOCAL GOVERNMENT AUTHORITY, CONTINUED

ELECTION OF TAXING BODIES

Require all special districts with taxing authority to have Board members that are elected, and not appointed.

MUNICIPAL CONTROL OF FOREIGN FIRE INSURANCE TAX

Elected municipal officials, not fire department members, should receive, budget, and spend the revenues from the Foreign Fire Insurance Tax.

AUTHORIZATION FOR PART-TIME CODE ENFORCEMENT EMPLOYEES

State statutes relating to housing codes, zoning ordinances, and nuisances for non-home rule communities require that a full-time municipal employee issue the citation for violations.

REGULATION AND LICENSING FOR PROPERTY MAINTENANCE

Only home rule municipalities are permitted to establish property inspection systems, licensing and regulation of rental property managers, and licensing and regulation of landlords. These regulation and licensing programs promote compliance with building, housing, and zoning regulations; identify responsible parties and provide contact information to enforce violations of codes; and contribute greatly to keeping property values strong.

DELAY CHANGING MUNICIPAL COUNCIL DISTRICT BOUNDARIES

With the 2010 census data estimated to be completed and reported by December 2010, this proposal will delay the redistricting of council districts until the 2013 election cycle.

PUBLISHING ORDINANCES AND NOTICES ON MUNICIPAL WEBSITES

Municipal governments should be allowed to choose to publish local ordinances and notices on the community's website.

PERMISSIBLE OWNERSHIP OF EXCHANGE TRADED FUNDS (ETF)

In order to address ethics issues, municipal officials who own a stock within an Exchange Traded Fund of not more than 1% of a corporation may still vote on issues involving the company without there being a conflict of interest.

PERSONNEL AND COLLECTIVE BARGAINING

PREVAILING WAGE ACT

Repeal or modify the Prevailing Wage Act to give municipalities more flexibility, and permitting limited local budgets to address the needs of local residents.

REGULATION OF CHARITABLE SOLICITATIONS ON BEHALF OF POLICE OR FIRE UNIONS

Develop effective efforts to prevent fraud and misrepresentation by solicitors.

“CONFIDENTIAL EMPLOYEES” UNDER ILRA

Legislation is necessary to include within the definition of “confidential employees” those secretaries and similar support staff working directly for certain management personnel and ensure that such employees are not considered “public employees” entitled to membership within a bargaining unit.

PERSONNEL AND COLLECTIVE BARGAINING, CONTINUED

AMEND PUBLIC SAFETY PENSION BOARD TRAINING LEGISLATION

The 2009 legislation (P.A. 96-0429) needs to be amended to permit training using current technology (on-line courses, webinars) and expand provisions to permit local community colleges to be certified to provide training.

WORKERS' COMPENSATION ACT - INFLUENCE OF DRUGS OR ALCOHOL

Legislation is needed to amend the Workers' Compensation Act to provide that there is a rebuttable presumption that an employee who sustains an injury while under the influence of drugs or alcohol was outside the course and scope of the employee's employment and thus not entitled to benefits under the Act.

AMEND THE ILLINOIS LABOR RELATIONS ACT TO INCLUDE FINANCIAL ABILITY

Amend the Act to include the interest and welfare of the public and the financial ability of the unit of government to meet costs as primary factors for consideration during interest arbitration.

UNEMPLOYMENT INSURANCE FOR SCHOOL CROSSING GUARDS

Municipalities who employ school crossing guards are at a disadvantage because, unlike crossing guards employed by school districts, those employed by municipalities may file for unemployment insurance benefits during the summer recess or holiday recess. This inequity should be corrected to permit municipalities the same protection from unemployment claims.

PUBLIC SAFETY, UTILITIES & ENVIRONMENT

ENFORCEMENT OF STATE LAWS UNDER LOCAL CODES

Protect the authority of communities to enforce state statutes under local authority by enacting the state statute as a part of the municipal code.

INTEROPERABILITY FUNDING

Encourage the federal government to provide additional funding for the implementation of interoperable radio systems to provide communications between emergency agencies.

NET METERING FOR WIND FARMS

Legislation in 2008 provided that local governments are eligible to own and operate a wind generation turbine farm. However, to be effective, the statute must mandate net aggregate metering.

MUNICIPAL EXEMPTION FROM PROVIDING DEFIBRILLATORS IN PARKS

Current law requires that indoor and outdoor physical fitness facilities have automatic external defibrillators (AED), and an individual trained in the use of the AED, on site. Public Act 95-0712 exempts park districts from this regulation - but not municipal park departments.

EXTENSION OF WIRELESS EMERGENCY TELEPHONE SAFETY ACT

Public safety agencies and wireless carriers operating wireless 9-1-1 and wireless E9-1-1 systems require adequate funding to recover the costs of designing, purchasing, installing, testing, and operating enhanced facilities, systems and services necessary to comply with the wireless E9-1-1 requirements mandated by the Federal Communications Commission.

PUBLIC SAFETY, UTILITIES AND ENVIRONMENT, CONTINUED

OPPOSE USE OF ETSB FUNDS TO PURCHASE AUTOMATED EXTERNAL DEFIBRILLATORS

Emergency Telephone Service Boards have limited funds to support the police and fire agencies they serve. Diverting funds reduces the ability of public safety agencies to assure the availability of current equipment and technology.

ABILITY OF NON-HOME RULE MUNICIPALITIES TO TAX OUT-OF-STATE GAS

While home rule municipalities can levy a tax on natural gas provided by out-of-state companies, non-home rule municipalities cannot levy the tax. Legislation is needed to authorize this important source of funding.

MUNICIPAL UTILITY AUDITS

The state should not limit the ability of municipalities to audit the taxes that are due to communities from public utilities. Further, the utilities should be responsible for their errors in collecting and disbursing tax revenues. Municipalities should not be punished for the mistakes of the utilities.

MUNICIPAL SPEED LIMIT REDUCTION

Permit municipalities to lower the speed limit to less than 35 mph in large lot and/or low populated areas.

RELIEVE MUNICIPAL RESPONSIBILITY FOR MEDICAL COSTS FOR SELF-INFLICTED INJURIES FOR ARRESTEES

The County Jail Act should be amended to relieve municipalities for the responsibility for medical costs for self-inflicted injuries to arrestees.

PUBLIC SAFETY FEE INCREASES

Municipalities should be allowed to add a \$20 fee to court costs for felon, misdemeanor, and traffic violations which would go to the local government making the arrest. In addition, prosecution fees for violations of municipal ordinances should be raised from \$10 to \$25.

REPAIR CONTRADICTORY LAWS FOR LOW SPEED VEHICLES ON MUNICIPAL ROADS

Two legislative proposals approved by the Governor must be reconciled because they directly conflict. Legislation should prohibit the use of low speed vehicles on municipal roads unless the municipality votes to allow their use.

PLANNING, LAND USE & TRANSPORTATION

REGIONAL AIR CAPACITY

Planning for Regional Air Capacity should seek out the best and most efficient means to meet future demands for air travel while protecting the safety, well-being and housing of residents, businesses and travelers. The proposed third regional airport must advance immediately to meet the region's air travel needs.

SIGN REGULATION

Protect municipal authority to regulate signs.

PLANNING, LAND USE AND TRANSPORTATION, CONTINUED

LIMIT BILLBOARD REMOVAL COMPENSATION

Support legislation to allow municipalities to continue using amortization as a form of “just compensation” when zoning makes a billboard a nonconforming use. Prior to a 2004 court decision, amortization was allowed. Since then, municipalities have been required to pay for removal of a billboard, regardless of age or condition.

EXPAND ALLOWABLE ANNEXATION BOUNDARIES

Expand a municipality’s rights with respect to involuntary annexations by adding railroad and utility rights-of-way as allowable boundaries.

LAND DISCONNECTION

Prohibit the disconnection of land from a municipality without the approval of the city council or the village board.

WESTERN ACCESS

Western Access for O’Hare Airport must be constructed as a meaningful “front entrance” to the facility, and any roadways and other infrastructure must be located within existing airport property. Adjacent municipalities must be involved in planning and development of Western Access and the resulting impact on those communities.

LOSS OF AFFORDABLE HOUSING

O’Hare expansion as proposed would create a significant negative impact on the availability of affordable housing in DuPage County. This must be recognized as a crucial issue by policymakers at all levels and it is vital that the City of Chicago replace all affordable housing units in DuPage lost to O’Hare expansion.

SUPPORT NEGATIVE USE RESTRICTIONS

Allow non-home rule communities to enact negative use restrictions that prevent “big box” stores that relocate outside a community from prohibiting another, similar business from locating at the previous site.

SPECIAL SERVICE AREAS FOR STORMWATER FACILITIES

Allow the use of special service areas to provide maintenance and operations for drainage facilities that are the responsibility of homeowner associations.

LOCAL GOVERNMENT CEMETERIES

The legislature should not impose onerous regulatory burdens on municipal cemeteries. Extending every single proposed regulatory requirement to also cover government-operated cemeteries is cost-prohibitive, intrusive, overly restrictive and wholly unnecessary considering that the purpose behind legislation resulted from an incident at a for-profit cemetery.

ADVERSE POSSESSION FOR SEWER AND WATER PIPES

This would provide that the 20-year period that must pass before a municipality can assume ownership rights over a water or sewer pipe begins at the time the pipe is installed and not when the property owner first learns of the pipe.

PLANNING, LAND USE AND TRANSPORTATION, CONTINUED

LOCAL GOVERNMENT QUICK-TAKE AUTHORITY

Municipalities should be granted quick-take authority for the acquisition of land for specific purposes.

ALTERNATIVE SPECIAL SERVICE AREA DISCONNECTIONS

Municipalities should be allowed to petition the circuit court for disconnection of territory from a special service area if the territory was added mistakenly and receives no benefit from the special service area.

ALLOW MUNICIPAL ANNEXATION OVER A CONSERVATION AREA

Legislative authority is needed to permit municipalities to jump over a conservation area owned by a not-for-profit organization for the purpose of annexing the land on the other side.

SUPPORT THE RESTORATION OF FUNDING FOR THE COMPREHENSIVE REGIONAL PLANNING FUND

The state budget should include an appropriation of \$5 million annually from the state General Revenue Fund for the Chicago Metropolitan Agency for Planning (CMAP) and comprehensive planning throughout Illinois. This state support for planning should not divert municipal revenues to provide these funds.

CONFERENCE MEMBERSHIP HOME RULE STATUS AND POPULATION

MUNICIPALITY	CITY OR VILLAGE	HOME RULE *
Addison	Village	Yes
Aurora	City	Yes
Bartlett	Village	Yes
Bensenville	Village	No
Bloomington	Village	Yes
Bolingbrook	Village	Yes
Burr Ridge	Village	No
Carol Stream	Village	Yes
Clarendon Hills	Village	No
Downers Grove	Village	Yes
Elmhurst	City	Yes
Glen Ellyn	Village	Yes
Glendale Heights	Village	Yes
Hanover Park	Village	Yes
Hinsdale	Village	No
Itasca	Village	No
Lisle	Village	No
Lombard	Village	No
Naperville	City	Yes
Oak Brook	Village	No
Oakbrook Terrace	City	Yes
Roselle	Village	No
St. Charles	City	Yes
Villa Park	Village	No
Warrenville	City	Yes
Wayne	Village	No
West Chicago	City	Yes
Westmont	Village	Yes
Wheaton	City	Yes
Willowbrook	Village	No
Winfield	Village	No
Wood Dale	City	No
Woodridge	Village	Yes
Total		

* Under the 1970 Illinois Constitution, any municipality of more than 25,000 is a home rule unit. Municipalities of 25,000 or less may elect by referendum to become home rule units. Similarly, home rule communities, regardless of population, may rescind home rule power by referendum. Home rule units enjoy broader powers to license, tax, incur debt, and generally regulate for the public health, safety, and welfare than do non-home rule units. The Constitution provides that the General Assembly may pre-empt home rule powers in many cases if it does so with the approval of an extraordinary majority (3/5 of the members) in each chamber. (Illinois Constitution, Article VII, Section 6)

** Based on figures from the 2000 Federal Census, or special census conducted by municipality.



DuPAGE MAYORS AND MANAGERS CONFERENCE

1220 Oak Brook Road, Oak Brook Illinois 60523

(630) 571-0480 Fax (630) 571-0484

www.dmmc-cog.org