



**✓ LEGISLATIVE
ACTION
PROGRAM**



DuPage Mayors and Managers Conference 2007

DUPage MAYORS AND MANAGERS CONFERENCE

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DMMC LEGISLATIVE ACTION PROGRAM 2007

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INTRODUCTION

The DuPage Mayors and Managers Conference strives to cultivate competitive, sustainable communities that meet the needs of residents and businesses by upholding and advocating principles of effective local government and by lessening 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 DuPage Mayors and Managers Conference selects a number of legislative priorities annually on which it focuses its efforts during that year. This year's eight Legislative Priorities are a mix of state and federal issues.

Certainly, other issues will arise in the coming year which will be of major importance to municipalities and their residents. These will receive due attention by the Conference and other municipal groups. Legislative Position Statements are broad principles, such as the prevention of new or expanded unfunded mandates, which provide a continuing backdrop as new legislation is evaluated.

With the first year of the 95th General Assembly underway, and with legislators needing to fulfill promises made during the election season, 2007 may see a flurry of activity on all legislative topics. The 2007 Legislative Action Program advances the causes that will continue to make DuPage a great place to live and work.





✓ LEGISLATIVE PRIORITIES

The following section outlines our Legislative Priorities, which identify the issues the Conference expects to focus time, energy, and resources on in 2007.

PROTECT MUNICIPAL REVENUES

Local governments are challenged to fund essential services with existing resources. The current economy and recent fee increases and revenue diversions by the State have amplified this situation. Protect local governments from any additional fund diversion and restore previously diverted revenues.

Municipalities provide many essential services to Illinois citizens. A significant portion of the municipal revenues needed to fund these services are collected and administered by the State. As the State addresses its current financial position, it is critical that municipal funds not be considered as a component to help balance the State budget as they have in the recent past. Specifically, municipalities have had to cut budgets to cover the loss of revenue due to:

- ✓ Public pension funds' compliance fees being at least doubled and in some cases tripled;
- ✓ Increased National Pollutant Discharge Elimination System (NPDES) permit fees, including capital improvement fees;
- ✓ Municipalities' share of the photo processing tax redirected to the State;
- ✓ Loss of local sales tax on truck sales due to the Commercial Distribution Fee;
- ✓ New Garbage Tipping Fees;
- ✓ State-mandated pension increases for fire and police personnel; and
- ✓ Significant increases in medical insurance costs since the Illinois Supreme Court's expansion of the definition of "catastrophic injury" in *Krohe v. City of Bloomington*.

Additionally, some legislators have proposed diverting local governments' 1/10 share of income tax revenue to the State, and an increasing number of unfunded state mandates are devastating municipal budgets. Both home rule and non-home rule municipalities share the State's struggle with revenue shortages. Each cost increase or revenue diversion requires a service cut elsewhere in the municipality. The ability of local governments to adequately provide basic services (police, fire, paramedics, snowplowing, etc.) must be protected.



REGIONAL AIR CAPACITY

Planning for Regional Air Capacity should seek out the best and most efficient means to meet future demand 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. 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.

Several criteria are essential when evaluating any proposal to expand Northeastern Illinois' air capacity. Cost effectiveness, the amount of measureable benefit per dollar invested, is necessary when comparing different options. Any solution must satisfy the region's long-term air travel demands. For this reason the State should release the land being reserved for the proposed third airport so that it can be developed as soon as possible. Ground transportation, including access (specifically Western Access to O'Hare airport) by passengers, employees, and freight, should be included when assessing a proposal's impacts. Importantly, roadways and other infrastructure for Western Access must be located within current O'Hare airport property, and cannot be used as a reason to take parcels from neighboring municipalities. Additionally, any solution should improve reliability and safety, while minimizing impacts to the environment and to surrounding neighborhoods and communities. Finally, any evaluation should recognize that a proposal's ability to deliver promised economic benefits depends on the ability of areas near the facility to absorb increased development. All of these criteria are important to the ultimate success of a regional air capacity solution.

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 policy makers at all levels, and it is vital that the City of Chicago replace all affordable housing units in DuPage lost to O'Hare expansion.



DEFERRED RETIREMENT OPTION PLANS (DROP)

Oppose DROP and similar police and fire pension plans that allow personnel to begin receiving retirement benefits without terminating employment.

In the past, police and fire unions proposed a Deferred Retirement Option Plan (DROP) within municipal police and fire pension funds to effectively allow employees to "double-dip" by collecting their full salary and full pension for five years before they actually retire. Put another way, employees electing DROP would be entitled to 100% of their salary, while a pension of 50% to 75% of their salary accumulated in a DROP account within the pension fund.

Although the unions claim that the plan would be "revenue neutral" to municipalities, this is untrue for two reasons. First, the assertion of revenue neutrality assumes that, even with a DROP in place, every employee would retire as soon as they reached their maximum pension formula, and would therefore begin collecting those same pension benefits anyway. This is not accurate, as many fire and police employees remain employed in order to keep the additional benefits of health insurance, workers' compensation, and higher salaries. Second, the unions' claim is that DROP would be revenue neutral only when all municipalities in the state are aggregated. This means that some individual municipalities will incur significant expense. Cost savings in one community that are offset by significant cost increases to taxpayers in another community are not "revenue neutrality."

Actuarial analyses indicate that individual municipalities could be faced with unfunded liability as high as several million dollars if DROP were implemented.



VOIP AND TELECOMMUNICATIONS REGULATION

Maintain the ability of local governments to regulate telecommunications and video services, including the ability to protect rights-of-way and collect franchise fees.

Companies traditionally in the telephone business are working to roll out new video services and are attempting to keep these services outside of the municipal franchising process. This threatens municipalities' ability to collect franchise revenues and protect public rights-of-way, and it erodes protections that local governments currently provide to their residents, such as free public access channels for civic and educational information.

The introduction of Voice-over Internet Protocol (VoIP) over the past several years, along with the FCC's classification of VoIP as "interstate" in nature, threatens abilities of municipalities and 9-1-1 systems to collect telecommunications and utility taxes. This revenue is essential to fund the emergency response and dispatch systems which citizens rely on in the most dire situations.



REGIONAL TRANSIT FUNDING AND ADMINISTRATION

Support the effort to create a world-class public transportation system that is convenient, affordable, reliable and safe, and that is the keystone of the region's growing business opportunities, thriving job market, clean air, and livable communities.

Northeastern Illinois faces a critical decision in 2007: invest in, modernize, and expand the Region's transit network, or continue to suffer the nation's third worst traffic congestion and the resulting costs in travel delays and degraded air quality. In response, the Regional Transportation Authority (RTA) initiated Moving Beyond Congestion, a strategic planning process for public transit in the Chicago region. The RTA has enrolled hundreds of Partners, including DMMC, to help build a consensus regarding the investments necessary to create a world-class transit system and provide a significant decrease in traffic congestion. That same coalition is also working to identify the necessary revenue streams to support the system's growth.

The Conference strongly supports this effort by the RTA and is involved in developing recommendations, which for DuPage County reflect the recommendations of the DuPage Area Transit Plan. Recommendations from the Conference are also informed by the following principles:

- ✓ Revenues from sub-regional areas should generally fund transit needs within those sub-regions;
- ✓ The State-mandated evaluation of the transit agencies must be completed to assure operations are efficient and well managed;
- ✓ Sub-regional transit-improvement projects must reflect the needs of the transit users in those sub-regions; and
- ✓ All proposed expansions of transit service in the region must be evaluated by the RTA for both congestion reduction and mobility improvement, and projects should be prioritized based on these evaluations.



REGIONAL PLANNING FOR LAND USE AND TRANSPORTATION

Continue to participate in shaping the Region's newly merged land use and transportation planning agency, maintaining local input and decision making authority.

As a result of legislation in 2005, the former land use and transportation agencies (NIPC and CATS) have been combined to form the Chicago Metropolitan Agency for Planning (CMAP). During its first year, CMAP was required to develop a strategic report on visioning, governance, and funding. That report has been submitted to the Legislature and will be followed by legislative proposals to establish the governance and funding to implement that vision. As the Conference reviews the legislative proposals from CMAP, we are guided by the following principles:

- ✓ Municipalities and counties must maintain local control over local planning and zoning decisions;
- ✓ Municipal officials must continue to have leadership roles in the governance and deliberations of the new Agency;
- ✓ CMAP must operate as a public agency, including adherence to open meetings and freedom of information laws; and
- ✓ Funding for the new Agency must reflect the benefits to both private sector and public sector stakeholders.



ELECTRONIC MEETING ATTENDANCE

Amend the Open Meetings Act to exclude the use of email in the definition of "meeting" and allow electronic meeting attendance in cases of non-emergencies and out-of-town vacations.

The newly amended Open Meetings Act now defines a "meeting" to include a contemporaneous gathering by electronic means, including video or audio conference, telephone call, electronic mail, electronic chat, or instant messaging. The ambiguity of just how "contemporaneous" an email communication between multiple officials must be in order to trigger the existence of a meeting can lead to absurd results. For example, a letter that would not constitute a meeting could now do so simply because it is in electronic format. This creates onerous burdens on local governments in terms of record retention, meeting notices, and the need to legally communicate information to members of public bodies. Email that is used in a truly contemporaneous fashion is already addressed within the instant messaging category.

The new statute also prohibits remote meeting attendance through electronic means (e.g. telephone call or video conference) except for emergency or job-related situations. With the provision in place requiring that a quorum be physically present in the meeting room, there is no reason to arbitrarily allow remote attendance due to job obligations but not for vacations or other personal or family obligations. These details of self-governance should be left to local authorities to decide what is best for and acceptable to their constituents.

WATER SUPPLY CONSUMER CONFIDENCE REPORT AVAILABILITY

Eliminate the requirement to annually mail to customers a Water Supply Consumer Confidence Report.

State law requires municipalities to annually publish and mail to customers a Water Supply Consumer Confidence Report. The costs of printing and mailing the report are significant. The majority of the report is complex, difficult to understand, and generally ignored by those receiving it. Municipalities should not waste taxpayer money if there are more efficient means to make the Report available to those who wish to view it, such as publishing it on the municipality's website.





✓ LEGISLATIVE POSITION STATEMENTS

The following section sets out Conference positions in five issue areas, covering issues of ongoing importance to local governments and citizens. These statements provide a broader view of the Conference's stance on issues affecting the residents and businesses we represent.

STATE AND LOCAL FINANCE

Unfunded State Mandates

Amend the Illinois Constitution to limit unfunded mandates.

Diversion of Fine Revenue

Limit court fees and other diversions that drain municipal fine revenues.

Local Funding Alternatives

Support alternative revenue sources which lessen reliance on the property tax. As one example, expand the local amusement tax to allow municipalities to tax video rentals. Also, allow municipalities with no property tax base to levy an initial property tax without referendum.

Tax Cap Relief

State-mandated pension increases should not exceed the revenue increases available under tax caps. If these mandated pension increases are to be funded, then their costs should automatically be exempt from the tax cap. Additionally, restore non-referendum debt authority to municipalities which are covered by the property tax cap.

Access to Sales Tax Information

Grant municipalities access to Illinois Department of Revenue sales tax information by individual retailer for enforcement and budgeting purposes.

Utility Tax for Administrative Facilities

Require utilities to pay State and Local Utility Taxes on power used in administrative offices and facilities.

Hotel Motel Tax Revenue Expenditure

Amend the Hotel Motel Tax to expand the usage of funds.

Streamlined Sales Tax

Support federal and state efforts to ensure a level playing field between Main Street businesses and Internet or catalog retailers by developing a clearly defined, enforceable sales tax obligation for both catalog and computer online purchases.

Education Reform

Reform the public school funding system to fulfill the State's responsibility to provide an acceptable basic education and long-term funding equity with lessened reliance on property tax dollars as the major revenue source. At the same time, create accountability for both the revenue spent and the education provided in order to grow public support for the funding reforms.



LOCAL GOVERNMENT AUTHORITY

Resolution of Home Rule/Non-Home Rule Distinction

Recognize the ability of all municipalities to govern themselves, regardless of population. As one example, give non-home rule municipalities the ability to expend any validly collected revenue for any valid public purpose.

Non-Home Rule Sales Tax Expenditure

Broaden the allowable uses of referendum-approved sales tax increases to include parking facilities.

Real Estate Transfer Tax

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

Open Meetings Act

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

Tort Reform

Reform the Tort Immunity Act to allow municipalities to provide constituent services without undue liability exposure.

Bicycle Tort Immunity

Protect municipalities from new and significant liability exposure, and only consider legislation that contains agreed language embraced by all affected parties.

Administrative Adjudication

Allow prosecution of minor offenses through local administrative adjudication.

Alderman Vacancies

Assist municipalities by setting requirements and procedures for filling vacancies in elected positions.

Election of Taxing Bodies

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

Library Confidentiality Act

Amend the Library Confidentiality Act to allow police to obtain, without a court order or subpoena, identifying information on persons who commit crimes on library premises.



LOCAL GOVERNMENT AUTHORITY (CONTINUED)

County Cigarette Tax

Allow all counties to impose a cigarette tax to fund public health and safety programs.

Firefighter Pension Board Change

Allow municipalities to appoint a person to their firefighter pension board in lieu of the village attorney being on the board.

PERSONNEL AND COLLECTIVE BARGAINING

Prevailing Wage Act

Repeal or reform the Prevailing Wage Act.

"Agreed Bill" Process for Pension and Other Collective Bargaining Issues

Establish an agreed bill process that balances the needs of all parties for legislation affecting public employee benefits.

Local Collective Bargaining

Allow local collective bargaining to resolve local labor issues.

Local Autonomy over Fire and Police

Allow non-home rule municipalities to:

- (1) demote police and fire employees for cause; and
- (2) increase the maximum suspension from 30 to 60 days.

Regulation of Charitable Solicitations on Behalf of Police or Fire Unions

Develop effective efforts to prevent fraud and misrepresentation by solicitors.



PUBLIC SAFETY, UTILITIES, AND ENVIRONMENT

Security Planning

Legislation should recognize the need for prudence in the dissemination of information, authorize local law enforcement to take necessary precautionary actions, and protect local governments from liability due to these efforts.

Cannabis Control Nuisance Abatement

Amend the Cannabis Control Act and Nuisance Abatement law to aid law enforcement in stopping drug dealing activities in hotels, motels, and other facilities where rooms are rented for a short period of time.

Local Enforcement of Truck Safety

Allow trained municipal officers to enforce the Motor Carrier Safety Act.

Eavesdropping and Police Mobile Video Taping

Amend the Eavesdropping Act to allow police to audio record their conversations with suspects.

Post 2006 Electricity Pricing

When considering an extension of the electricity rate freeze of the past ten years, policy makers must first examine all potential impacts on reliability and long-term electricity rates.

Electricity Utility Reporting Statistics

Require standardization of electricity utility reporting statistics.

Great Lakes Water Compact

Approve the Great Lakes - St. Lawrence River Basin Water Resources Compact to maintain water quality and prevent water diversion by states that do not border the Great Lakes.

Statewide Smoking Ban

Adopt a statewide smoking ban to level the playing field for restaurants and other businesses, and allow local government smoking bans to be more restrictive.



COMMUNITY PLANNING AND LAND USE

Design Review Ordinances

Authorize non-home rule municipalities to enact design review ordinances to reconfirm the role of aesthetics in local zoning and reduce litigation that challenges design review ordinances.

Sign Regulation

Protect municipal authority to regulate signs. Encourage the State to further restrict billboards advertising adult uses in unincorporated areas.

Limit Billboard Removal Compensation

Allow municipalities to continue using amortization as a form of "just compensation" when a zoning change makes a billboard a nonconforming use.

Enforcement/Inspection/Licensing of Property

Authorize non-home rule municipalities to establish a uniform property inspection system and license rental property managers, to enforce compliance with building, housing, and zoning regulations.

Expand Allowable Annexation Boundaries

Expand municipal rights with respect to involuntary annexations by adding railroad and utility rights-of-way as allowable boundaries.

Land Disconnection

Allow disconnection from a municipality only if the land is contiguous to an unincorporated area.

Settlement of Zoning Litigation

Allow municipalities to settle a legal action arising from land use regulation without holding a duplicative public hearing.



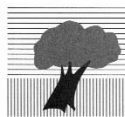
CONFERENCE MEMBERSHIP HOME RULE STATUS AND POPULATION

MUNICIPALITY	CITY OR VILLAGE	HOME RULE*	POPULATION**
Addison	Village	Yes	35,914
Aurora	City	Yes	157,267
Bartlett	Village	Yes	39,377
Bensenville	Village	No	20,703
Bloomington	Village	Yes	21,675
Bolingbrook	Village	Yes	62,948
Burr Ridge	Village	No	11,259
Carol Stream	Village	Yes	40,438
Clarendon Hills	Village	No	7,610
Downers Grove	Village	Yes	49,403
Elmhurst	City	Yes	43,298
Glendale Heights	Village	Yes	31,765
Glen Ellyn	Village	Yes	26,999
Hanover Park	Village	Yes	38,278
Hinsdale	Village	No	17,940
Itasca	Village	No	8,302
Lemont	Village	No	15,614
Lisle	Village	No	23,506
Lombard	Village	No	43,894
Naperville	City	Yes	136,380
Oak Brook	Village	No	8,702
Oakbrook Terrace	City	Yes	2,300
Roselle	Village	No	23,115
St. Charles	City	Yes	31,834
Schaumburg	Village	Yes	75,386
Villa Park	Village	No	22,517
Warrenville	City	Yes	13,363
Wayne	Village	No	2,137
West Chicago	City	Yes	25,690
Westmont	Village	No	24,554
Wheaton	City	Yes	55,416
Willowbrook	Village	No	8,967
Winfield	Village	No	8,718
Wood Dale	City	No	13,535
Woodridge	Village	Yes	33,253
TOTAL			1,182,057

* 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.





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Founded June 19, 1962, the DuPage Mayors and Managers Conference is a council of 35 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.