



**DUPAGE MAYORS AND MANAGERS CONFERENCE**  
*an association of municipalities representing 1,000,000 people*

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**MEMBER  
MUNICIPALITIES**

Addison  
Aurora  
Bartlett  
Bloomingdale  
Bolingbrook  
Burr Ridge  
Carol Stream  
Clarendon Hills  
Downers Grove  
Elmhurst  
Glen Ellyn  
Glendale Heights  
Hanover Park  
Hinsdale  
Itasca  
Lemont  
Lisle  
Lombard  
Naperville  
Oak Brook  
Oakbrook Terrace  
Roselle  
St. Charles  
Schaumburg  
Villa Park  
Warrenville  
Wayne  
West Chicago  
Westmont  
Wheaton  
Willowbrook  
Winfield  
Wood Dale  
Woodridge

## 2008 LEGISLATIVE WRAP UP

Compared to last year, the 2008 legislative session was relatively normal. The exception is the number of bills that were sent to the Governor. Only 298 bills passed both chambers of the legislature, compared to an average of 600. (In 2007, the legislature sent 750 bills to the Governor's desk.)

For municipalities, the effort to reform public safety pensions was our highest priority. The combined efforts of the Conference and its members, the other COGs in the region, and the Illinois Municipal League resulted in successful passage of House Bill 5088. The focus on this important issue also resulted in virtually no new legislation to increase or enhance public safety pensions in 2008.

This document provides, as of the date of publication (September 5, 2008), a summary of legislation affecting DuPage municipalities that was enacted this year or that was vetoed or amendatory vetoed. It also highlights several bills that were supported or opposed by the Conference that were not approved.

To review any of the legislation mentioned in this document, go to the General Assembly's website [www.ilga.gov](http://www.ilga.gov). Unless otherwise indicated, the effective date for these bills will be January 1, 2009. If you have questions about the legislation, contact the Conference staff.



# TABLE OF CONTENTS

*Legislation Enacted in 2008 (all are effective January 1, 2009 unless otherwise noted)*

Environment	2
Municipal Authority	2
Personnel and Pensions	3
Planning and Zoning	4
Public Safety	5
Revenue and Finance	6
Transportation	6
 <i>Other</i>	
Vetoed and Amendatory Vetoes	7



# ENVIRONMENT

## **Wind Farms (P.A. 95-0805/HB 4646) – Conference Supported**

This legislation authorizes municipalities and other local governments (schools, counties, community college districts) to own or operate wind farms, either individually or jointly. It also provides that the local government may request assistance in obtaining financing from the Illinois Power Agency. (Effective August 12, 2008)

## **Municipal Regulation of Private Sewage Systems (P.A. 95-0919/SB 2034)**

Under this Act, municipalities may adopt ordinances that require homeowners who maintain a private sewage disposal system to provide verification of a valid contract with a licensed private sewage disposal installation contractor. The ordinance applies to properties within the municipality; the verification is valid for three years; and no fee may be charged by the municipality. [Presumably, an actual inspection of the system and any necessary maintenance is performed by the contractor.] (Effective August 26, 2008)

## **Uniform Environment Covenants Act (P.A. 95-0845/SB 2110)**

**From the Illinois Municipal League** – Senate Bill 2110 creates an interest in real estate called an “environmental covenant” that assures a plan of rehabilitation for contaminated real property (brownfields) and controls the use of the property. The ultimate objective is to allow contaminated properties to be returned to those uses consistent with prescribed clean-up, essentially making them marketable. The environment covenant will be recorded in the real estate records.



# MUNICIPAL AUTHORITY

## **Municipal Ballot Changes (P.A. 95-0862/HB 4174)**

The wording of municipal election ballots has been changed by this legislation. These changes include “vote for not more than” the maximum number to be elected (previously it was “vote for” the maximum number to be elected); and “No Candidate” will be printed on a ballot where there is no candidate or person who filed a declaration to be a write-in candidate. (Effective August 19, 2008)

## **Local Election Boards (P.A. 95-0872/HB 4588)**

Under this legislation, local election boards are allowed to meet in their local offices to conduct hearings. In addition, at the discretion and under the supervision of the election authority, voter records may be moved to the site of the hearing.

## **Rules for Elevator Inspections (P.A. 95-0767/SB 886)**

This legislation extends the time for compliance with regulations promulgated by the state with respect to elevator inspections. Currently, deadlines for compliance with regulations are set for 2009 and 2011. Under this Act, the deadlines are changed to 2013. (Effective July 29, 2008)

## **Municipal Garbage Franchises (P.A. 95-0856/SB 2297)**

Under this Act, any municipality that wants to award a non-residential waste collection franchise would have to hold a public hearing (providing public notice and 30 days written

notice to all private entities that provide non-residential waste collection services within the municipality) and could not begin providing waste collection until 15 months after the adoption of an ordinance or resolution. Note that this does not apply to communities that have ever awarded such a franchise prior to the effective date of this law. (Effective October 1, 2008)



## PERSONNEL AND PENSIONS

### **Pension Transfer Between Police and IMRF (P.A. 95-0812/HB 4603) – Conference Opposed**

This was one of the few pension sweeteners adopted by the legislature. It would reopen the ability of police or IMRF members to transfer service credit until January 1, 2010. While the employee must transfer the earned contributions and interest, it still creates unfunded liabilities for the pension systems. (Effective August 13, 2008)

### **Reimbursement of Pay on Administrative Leave (P.A. 95-0947/HB 4726) – Conference Supported**

If a municipal officer or employer is placed on administrative leave with pay, pending the outcome of a criminal investigation or prosecution, they would be required to repay all compensation (and the value of all benefits) under this bill if the employee or officer is convicted. (Effective August 29, 2008)

### **Public Safety Pension Reforms (P.A. 95-0950/HB 5088) – Conference Supported**

This issue was a legislative priority of the Conference this year. The bill makes reforms to the ethics, oversight and reporting responsibilities of public safety pension plans:

- Ethics requirements for pension fund fiduciaries;
- Contractual disclosure requirements for vendors seeking business with police and firefighter pension funds;
- Public transparency of pension fund performance;
- Anti-fraud protection for pension awards;
- Verification of pension payment calculations to avoid benefit award errors;
- More detailed fiscal notes on introduced pension legislation;
- Publication of pension study every two years by the Commission on Governmental Forecasting and Accountability that includes an analysis of the factors that have caused unfunded liability;
- More frequent pension audits by the Illinois Department of Financial and Professional Regulation.

(Effective August 29, 2008)

### **Civil Air Patrol Leave (P.A. 95-0763/HB 5760)**

Members of the Civil Air Patrol must be granted unpaid leave for a Civil Air Patrol mission. For municipalities with 15-50 employees, the employee must receive up to 15 days; municipalities with more than 50 employees must provide up to 30 days.

### **IMRF Annuitant Trustee (P.A. 95-0890/SB 1957)**

Currently, the Illinois Municipal Retirement Fund has a Board of Trustees composed of four employer trustees, three employee trustees, and one annuitant trustee. The annuitant trustee is a non-voting position. This legislation endows voting privileges to the annuitant trustee, and requires that all decisions of the Board be approved by no less than five votes. (Effective August 22, 2008)

### **Fire Department Promotion Assessors (P.A. 95-0956/SB 2070) – Conference Opposed**

This legislation creates a State Joint Labor and Management Committee (two fire chiefs and two labor reps) to develop certification standards for professional assessors used by municipalities for the subjective portions of promotion exams. The standards developed by the JLMC will be administered by the Office of the State Fire Marshal through a certification program. Persons employed or appointed by the municipality are not subject to this requirement. (Effective August 29, 2008)

### **Genetic Information Privacy (P.A. 95-0927/SB 2399)**

This complicated legislation addresses privacy issues related to genetic information. Among other things, it provides restrictions on requesting and requiring genetic information from employees and applicants for employment. Municipalities that utilize genetic information should review this legislation with the municipal attorney to make sure policies are compliant with this Act.



## **PLANNING AND ZONING**

### **Land Use Jurisdiction Over Waters (P.A. 95-0852/HB 3441)**

A dispute over the authority of a municipality's zoning power over a private lake in unincorporated Lake County resulted in this restrictive legislation. Municipalities have traditionally had land use jurisdiction over all waters within or bordering the community up to three miles beyond the corporate limits. Under this legislation, municipalities are restricted from using its zoning powers or otherwise restricting private property where a private lake in an unincorporated area abuts municipal borders. (Effective August 18, 2008)

### **Correction to de novo Review of Zoning Actions (P.A. 95-0843/SB 2014) – Conference Supported**

In 2006, legislation was approved that permitted a special use, variance, rezoning or other amendment to a zoning ordinance to be subject to de novo judicial review as a legislative decision. Subsequently, some attorneys suggested that this provision only included decisions to adopt a request and not to denials. This Act clarifies that the de novo review applies to any decision, not just those that were adopted.

### **Notice of Involuntary Annexation (P.A. 95-0931/SB 2677)**

This multi-purpose legislation affects three issues:

- **Involuntary Annexation** – Adds requirements for involuntary annexations. The municipality must provide written notice that annexation of the described territory is contemplated, published in a newspaper not less than 10 days before passage of the ordinance; and, no less than 15 days before the passage of the annexation ordinance, must provide written notice, either in person or by certified mail, to the taxpayer of record of every parcel within the area to be annexed. No other municipality may annex the proposed area for a period of 60 days from the date the notice is mailed or delivered to the taxpayers.
- **Trained Police Officer Waiver** – Allows a board of fire and police commissioners to waive retraining and recertification by keeping a second register for the purpose of hiring experienced police officers. Officers placed on the second register must be, or must have been, full-time sworn officers for at least two years and have been certified by the Illinois Law Enforcement Training Standards Board.
- **Owner of Record for Liens** – Provides additional court remedies and procedures for municipalities in cases of abandoned and unsafe properties.

### **Historic Landmarks in TIF Districts (P.A. 95-0934/SB 2733)**

Under this legislation, municipalities would not be able to use TIF district funds to demolish, remove or substantially modify a historic resource within a TIF district. A historic resource is defined as a structure that is included, or is eligible for inclusion, on the National Register of Historic Places; or is a contributing structure in a district on the National Register. This Act does not apply to a structure for which demolition, removal or modification is subject to review by a Certified Local Government. (Effective August 26, 2008)



## **PUBLIC SAFETY**

### **State Grants to Purchase AEDs (P.A. 95-0721/HB 1058)**

Public park districts, forest preserve districts, conservation districts, municipal recreation districts and public or private schools, colleges or universities are eligible for 50-50 matching grants from the Heartsaver AED Fund to purchase automatic external defibrillators (AED). In addition, the requirement that applicants for the grant already have an AED is removed. (Effective June 3, 2008)

### **AEDs Required for Outdoor Facilities (P.A. 95-0712/HB 1279)**

Formerly, only indoor physical fitness facilities were required to have at least one AED on the premises. Under this new legislation, both indoor and outdoor physical fitness facilities must have one AED on the premises. Further, a trained AED user must be present during all physical fitness activities. Park districts, forest preserve districts or conservation districts would be exempt from this requirement. Municipal recreation departments would not be exempt. [House Bill 2819 would grant municipal recreation departments the same exemption. The Conference is working with IML to encourage action on this proposal during the veto session.]

### **County Board Member on ETSB (P.A. 95-0806/HB 4725)**

This simple legislation clarifies that a county board member may serve on an emergency telephone system board.

### **Vehicles Blocking Railroad Grade Crossings (P.A. 95-0753/HB 4754)**

Currently, vehicles that block a railroad grade crossing can be subject to a \$500 fine or 50 hours of community service. This legislation adds to that penalty a one month suspension of the driver's license (and a three month suspension for a second offense).

### **State Vehicle Accident Reports (P.A. 95-0757/SB 2391)**

Prior to this legislation, municipal police agencies were unable to obtain copies of accident reports filed by the Illinois Department of Transportation. Now, municipalities may receive these reports when engaged in highway safety studies. (Effective July 25, 2008)

### **Closure of Highways by Fire Department (P.A. 95-0803/SB 2488)**

In the absence of a law enforcement officer, this legislation would permit a firefighter, in the performance of official duties, to close to traffic a highway, or a lane or lanes of a highway, to protect the safety of persons or property.

### **Trained Police Officer Waiver (P.A. 95-0931/SB 2677) – Conference Supported**

See Notice of Involuntary Annexation under the Planning and Zoning section.

**Emergency Medical Technician Licensure (P.A. 95-0935/SB 2744) – Conference Supported**

This legislation grants municipalities the ability to require that all firefighters hired after the effective date of this Act to be licensed as an EMT.

**Technical Rescue Services (P.A. 95-0867/SB 2749) – Conference Supported**

This bill authorizes municipalities to fix, charge and collect reasonable fees for technical rescue services provided by the fire department (not to exceed the reasonable cost of providing the services, and may include charges for personnel and equipment).



## REVENUE AND FINANCE

**Foreign Fire Insurance Board (P.A. 95-0807/HB 4931) – Conference Opposed**

In an effort to reduce the transparency of government, this legislation removes the municipality from oversight of the foreign fire insurance receipts.

**County Jail Expenses (P.A. 95-0842/SB 1965)**

Municipalities that incur medical expenses for prisoners before they are turned over to the county jail will no longer be able to seek reimbursement from the County Jail Medical Costs Fund (formerly the Arrestee’s Medical Costs Fund). The municipality would be able to pursue reimbursement from the prisoner, including any insurance program or an other medical benefit program available to such person, including eligibility for medical assistance under the Illinois Public Aid Code. (Effective August 15, 2008)



## TRANSPORTATION

**RTA Funding and Reform (P.A. 95-0708/HB 656) – Conference Supported**

The Conference was a strong supporter of legislation that would strengthen the Regional Transportation Authority and provide funding for operations of public transit in northeastern Illinois. The year-long effort for this important proposal culminated in legislative approval in mid-January. (Effective January 18, 2008)

**Reporting of RTA Funding in Collar Counties (P.A. 95-0906/SB 1920)**

This legislation relates to P.A. 95-0708 (above), and makes some minor changes and corrections in that Act. The primary purpose of SB 1920 is to require an annual report from the collar counties to the General Assembly on the RTA sales tax levied by P.A. 95-0708. That report must show the amount of sales tax revenue received by the county for the year, and the amount of the “expenditures and obligations” for the year. Note that the report does not specifically require any information about the “expenditures and obligations” – only the amounts. (Effective August 26, 2008)



# VETOES & AMENDATORY VETOES

## **Village Trustees Hiring Attorneys (HB 4182) AMENDATORY VETO**

This one-sentence legislation provides that one or more individual members of the board of trustees in the strong mayor form of government may not hire a separate attorney using public funds unless the village attorney is disqualified or recuses from representing the trustee(s). *The Governor's amendatory veto expanded the application of this legislation to include villages organized under the trustee-village form of government.*

## **Insurance Requirement to Provide Shingles Vaccine (HB 4602) AMENDATORY VETO**

Originally, this bill required insurance providers to provide coverage for a vaccine for shingles. *The Governor's amendatory veto adds a provision that permits retired and disabled firefighters to move in and out of the municipality's health insurance program. This is similar to language originally in House Bill 5124 – a bill that the Conference opposed during the spring session this year.* THE CONFERENCE OPPOSES THE AMENDATORY VETO.