

Legislative Position Statements

Every year the Conference responds to many legislative proposals, initiated by a variety of groups on a vast array of topics, which significantly impact municipalities and their residents. The following Legislative Position Statements outline Conference positions on several of these issues and guide our legislative efforts through the course of the year.

Protect Municipal Revenues

Municipal officials duly elected by their citizens should be allowed the local authority to self-govern and have the flexibility to fund the programs and services they consider necessary. Funds owed to municipalities should not be diverted and state mandates should be balanced against other municipal spending priorities to prevent overburdening local budgets and taxpayers.

- **Determine and Protect the Appropriate Funding Level for Wireless 9-1-1 Systems and Remove the Sunset Date on the Wireless Emergency Telephone Safety Act**
At the advent of cell phone usage, a 73-cent per month access fee was instituted to fund technology which allows cell phones to contact 9-1-1. The decline in landlines necessitates that funding for 9-1-1 systems continue to be derived from the proliferative use of wireless phones.
- **Implement Streamlined Sales Tax**
Implement federal streamlined sales tax rules that preserve intra-state sourcing rules and require the state to treat the resulting funds as pass-through revenue to local governments.
- **Limit the Prevailing Wage Act**
Protect small businesses and reduce local project costs for taxpayers by amending the Prevailing Wage Act to exempt projects below a minimum cost threshold of \$250,000 and annually adjust the threshold by the Consumer Price Index (CPI). Without this exemption, we must oppose the imposition of “responsible bidder” requirements as they would greatly burden smaller, often local, contractors and taxpayers.
- **Permit Municipalities to Collect Hotel-Motel Taxes for Permanent Residents**
The Illinois Hotel Operators’ Occupation Tax Act specifically exempts permanent residents and limits municipal hotel and motel tax revenue for people staying 30 days or longer. The Act should be amended to remove the exemption or change the definition of “permanent resident.”
- **Reject Unfunded State Mandates**
Legislation often requires communities to divert local expenditures from municipal services and use them to fund state-imposed programs. The state should not impose mandates that increase financial obligations on local governments without providing adequate funds to reimburse municipalities for these new mandates.
- **Make Owners Responsible for Protecting Foreclosed Property**
The burden to maintain foreclosed property should rest not on the municipality and taxpayers, but on the bank or other owner of record.
- **Preferences for Illinois Contractors**
Allow municipalities to select out-of-state contractors, rather than in-state contractors, if the bid differential is greater than 10%.
- **Eliminate or Reduce the Fees for NPDES Permits**
The fees charged to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage for discharges from municipal separate storm sewer systems should be reduced to properly reflect the costs of regulating the systems.

Eliminate Barriers to Local Management of Labor and Personnel

Support must be given to local authority to manage labor and personnel and to implement the most efficient and effective means of delivering services. Legislative barriers that make it difficult to consolidate and coordinate services—including public works, code enforcement, police, and fire—should be eliminated. The resulting efficiency would permit municipalities to provide higher levels of services, save money, and reduce the burden on taxpayers.

- **Preclude Bans on Part-Time or Paid on Call Firefighters**
Many municipalities rely on paid on call (POC) and part-time firefighters and paramedics to staff fire departments and protection districts. Labor agreements should not be allowed to prohibit firefighters from working part-time or POC for other fire services when not on duty with their full-time employer.
- **Exempt Staffing Requirements for Collective Bargaining**
Repeal the recent statutory change making manning a mandatory subject of firefighter arbitration, permitting an outside arbitrator, with no concept of a community's needs and resources, to decide how many firefighters are required on a shift. This affects the number of firefighters that must be employed by a department and weakens municipal ability to manage the department's budget. Taxpayers will bear the burden of these additional costs.
- **Amend the Minimum Wage Law to Mirror the Fair Labor Standards Act Language**
The Federal Labor Standards Act (FLSA) was amended in 2004 to include new rules for determining the exempt and nonexempt status of employees and provide for salary deductions for "unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of written workplace conduct rules." Illinois statute should be amended to allow for a daily equivalent of unpaid disciplinary suspensions.
- **Prohibit Municipal Employees from Serving on the Governing Board**
No municipal employee should be eligible to serve on the governing board for that municipality.
- **Regulate Charitable Solicitations on Behalf of Police or Fire Unions**
Develop effective enforcement against fraud and misrepresentation by solicitors.
- **Amend Public Safety Pension Board Training Legislation**
Amend Public Acts 96-0429 and 94-0354 to permit pension board trustees and police chiefs and deputy chiefs to satisfy training requirements using online courses and webinars, and to allow certification of local community colleges to provide the training. Additionally, provide exemptions for professionals with relevant credentials and remove the requirement for annual review, making training a one-time event.

Preserve and Respect Local Authority

The freedom to make decisions at the local level is the best way that municipalities can fully serve their unique constituencies. Policies should not undermine or preempt local authority and responsibility to protect the health, safety, and welfare of local residents.

- **Expand FOIA Exemptions to Protect Employee Safety and Privacy**
The state should enact common-sense reform to alleviate some of the burden on local governments and taxpayers while still protecting transparency and public access to information. Exemptions to the Act should be expanded to keep private those records relating to employees' personal information and internal investigations into employee conduct. The right of the public to certain information must be carefully balanced with workers' privacy rights.
- **Amend Rules Regarding Publication of Reports and Notices**
Mandated reporting, printing, and notice requirements should be amended to permit municipalities to comply by posting online, providing paper copies on request. Double publication of two-county Truth in Taxation Notices, wasting limited public resources, should be eliminated. In addition, Public Act 97-0146 should be amended to allow municipalities to publish notice of the availability of a Treasurer's Report, rather than the entire Report.
- **Indemnify Municipalities Against Climate Change Lawsuits**
Municipalities cannot be responsible for preventing possible impacts of climate change, and so should be immune from frivolous climate change lawsuits.
- **Permit Municipalities to Adopt the International Plumbing Code**
Municipalities should be permitted to adopt plumbing standards that are at least as stringent as the Illinois Plumbing Code.
- **Preserve Local Risk Management Pools**
Support the preservation of local authority to enter into and manage cooperative risk pools.
- **Amend the Open Meetings Act**
Clarify all rules under the Act regarding the use of developing technology during meetings.
- **Protect Sign Regulation and Limit Billboard Removal Compensation**
Legislation is necessary to allow municipalities to use amortization as a form of "just compensation" when zoning changes cause a billboard to be a nonconforming use.
- **Expand Allowable Annexation Boundaries**
Expand municipalities' rights with respect to involuntary annexations by adding railroad and utility rights-of-way as allowable boundaries.
- **Limit Land Disconnection**
Prohibit the disconnection of land from a municipality without approval from the city council or village board.
- **Permit Special Service Areas for Stormwater Facilities**
Reform Public Act 97-0533 to prohibit the refusal of special service areas and permit municipalities to ensure maintenance of drainage facilities that are the responsibility of homeowner associations.
- **Allow Non-Home Rule Municipalities to Determine the Form of Security Posted by Developers**
Municipalities, rather than developers, should be able to decide whether developers will need a bond or a letter of credit for public improvements.
- **Allow Non-Home Rule Municipalities Greater Flexibility with Regulations and Expenditures**
Allow non-home rule municipalities to employ policies such as state and local funding alternatives, regulation of pawn shops, and economic development incentives. Also, permit non-home rule municipalities to assess and expend—for any government purpose—tax revenue from car rentals, gasoline, and natural gas utilities.

Transportation

A regional approach to transit governance and decision-making is necessary to promote multi-modal options, provide reliable and accessible bus and rail service, respond to current and future economic markets, and ensure an equitable allocation of federal, state, and regional transportation resources to DuPage communities.

- **Permit Municipal Control Over IDOT Projects**
Municipalities should be allowed to obtain partial or full waiver from IDOT review for certain projects, and to hire their own consultants to conduct state reviews to avoid delays. In addition, guidelines should be established to allow municipalities to administer their own Motor Fuel Tax funds without the delay of state approval.
- **Improve Federal Safety Standards for the Transportation of Hazardous Materials and all DOT-111 Tank Cars**
The federal government must institute safety enhancements to ensure public and emergency responder safety in the rail transport of crude oil and other hazardous materials.

Statewide Regulations

Certain issues affecting local health, safety, and welfare require statewide solutions to prevent wrongdoers from finding safe havens.

- **Implement State Legislation to End Puppy Mill Sales at Pet Stores**
Require pet shops to only sell dogs and cats acquired from animal shelters or animal control facilities.
- **Mandate Electronic Prescribing for Schedule II-V Drugs**
Implement the voluntary Drug Enforcement Administration rule and require pharmacies and care providers to handle prescriptions for controlled substances that are designated Schedule II-V entirely online. This system will decrease the risk of forged prescriptions and allow doctors and pharmacies to more easily identify potential cases of drug misuse.