

DUPAGE MAYORS AND MANAGERS CONFERENCE

2016 Legislative Position Statements

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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.

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 File for Federal Bankruptcy Protection

Illinois state law currently provides no recourse for municipalities beset by unsustainable public safety pension costs, unfunded state mandates, and beleaguered local revenues that are administered by the state. The legislature should permit municipalities to file petitions and exercise powers pursuant to federal bankruptcy law.

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 application to people staying less than 30 days. 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 Foreclosed or Abandoned Property

The burden to maintain foreclosed property should rest not on the municipality and taxpayers, but on the bank or other owner of record. In addition, liens should be preserved at the time of transfer to ensure municipalities recoup unpaid taxes, fines, and costs of property maintenance.

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 efficiencies would permit municipalities to provide higher levels of service, save money, and reduce the burden on taxpayers.

Amend the Illinois Labor Relations Act to Create a Level Playing Field for Labor Arbitration

Municipalities are at a severe disadvantage during interest arbitration, resulting in significant costs to taxpayers. Arbitrators should be required to take into consideration the interest and welfare of the public and financial ability of the unit of government to meet costs with current revenue streams. The Act should also be amended to reform other standards and rules which arbitrators follow in making decisions to ensure a level playing field for all parties.

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 fire 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 which permits 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 bear the burden of these additional costs.

Amend the Minimum Wage Law to Permit Daily Unpaid Disciplinary Suspensions

The Federal Labor Standards Act 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 due to the inherent conflict of interest this creates.

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, police chiefs, and deputy chiefs to satisfy training requirements using online courses and webinars, and 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 municipalities can fully serve their unique constituencies. Policies should not undermine or preempt the local authority and responsibility to protect the health, safety, and welfare of local residents.

Permit Municipal Administrative Adjudication of Minor Speeding Violations

Administrative adjudication provides local prosecution of code violations and related enforcement through a more efficient process than the circuit court. The legislature should permit municipalities to charge minor speeding violations—less than 20 mph over the posted limit and occurring on local streets—as local ordinance violations and prosecute them through an administrative adjudication program.

Expand FOIA Exemptions to Protect Employee Safety and Privacy

Enact common-sense reforms 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, and 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.

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.

Limit Land Disconnection

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

Amend State Statute to comply with *Reed v. Gilbert*

Amend 65 ILCS 5/11-13-1 to comply with the U.S. Supreme Court's ruling in *Reed v. Gilbert* and ensure municipalities have clear direction regarding the regulation of political signs.

Amend the Law Enforcement Officer-Worn Body Camera Act

Amend state statute to exempt officer-worn body cameras from FOIA requirements or, at the very least, provide additional time for law enforcement to satisfy FOIA requests for body camera recordings.

Amend the Special Service Area Tax Law

Amend the law to codify “dormant special service areas” and prohibit the refusal of SSAs which permit municipalities to ensure maintenance of facilities that are the responsibility of homeowner associations or other private groups. Also, eliminate the requirement to specify the SSA tax levy for the initial year for dormant SSAs. Allow waivers of objections after closure of the SSA public hearing and recordation for the SSA ordinance prior to the 60 day objection period in order to improve timing issues common to developments. Allow parties to a purchase and sale agreement to agree to waive their right to object to formation of an SSA for the property. Clarify statute to provide that a public hearing is required in any year when the SSA rate exceeds 105% of the preceding year’s levy.

Allow Municipalities to Determine the Form of Security Posted by Developers

Municipalities, rather than developers, should have the authority to decide whether developers need a bond or a letter of credit for public improvements.

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 independent consultants to conduct state reviews in order to avoid delays. In addition, guidelines should be established to allow municipalities to administer 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 require safety enhancements to ensure public and emergency responder safety in the rail transport of crude oil and other hazardous materials.

Statewide Regulations

In certain instances, the universal application of statewide regulations is required to ensure equity and protect local health, safety, and welfare.

Implement State Legislation to End Puppy Mill Sales at Pet Stores

Require pet shops to only sell dogs, cats, and rabbits acquired from animal shelters, animal control facilities, kennels, pounds, or training facilities operated by the government.

Extend the Open Meetings Act and all Requirements of the Freedom of Information Act to the General Assembly

Extend the policies and benefits of these Acts to the Illinois General Assembly to ensure equal rule of law, transparency, and accountability to the public.