



2012 LEGISLATIVE PLATFORM

RECOMMENDED NOVEMBER 22, 2011

1. PROTECT LOCAL GOVERNMENT FINANCIAL VIABILITY. PROTECT LOCAL GOVERNMENTS FROM ADDITIONAL LIABILITY, AND ELIMINATE UNFUNDED STATE MANDATES.

Revenue & Funding

- Refrain from Reducing State-Collected Local Government Revenues. Local governments provide quality-of-life services to their residents such as police, fire, roads and infrastructure, parks and snow plowing. The State has a long-standing tradition of helping to fund these services by collecting tax revenues for this purpose for local governments and their residents. Even while the State increased its own revenues by a 2% increase in the income tax in 2011 and did NOT share any of this new revenue with local governments, it also attempted to divert the local government share of Local Government Distributive Fund and did divert the Corporate Personal Property Replacement Tax to pay for State obligations. BACOG believes the State must **cease these attempts to reduce or divert any State-collected local government revenues** and honor its position as a fiduciary of these funds for local governments.
- Maintain Local Government Distributive Fund (LGDF) and Corporate Personal Property Replacement Tax (CPPRT) Revenues at Existing Levels. These funds were intended for local governments to pay for local services for residents, who pay taxes expecting this portion to be returned for police, fire, roads, snow plowing, and other local services.
- Direct Deposit and Timely Distribution of LGDF. Require the Department of Revenue to deposit received income tax funds directly into the LGD Fund instead of into the General Revenue Fund, thereby reducing delays in payment and the possibility of reductions by the State. Require LGDF funds to be distributed to municipalities within 7 days, with a penalty if not distributed within 21 days.
- Oppose Sweeps of the Motor Fuel Tax (MFT) and Other Funds. At the end of the spring 2010 session, the Governor was given broad powers under the Emergency Budget Act to sweep funds that are due to municipalities, townships and counties in order to balance the state budget. The MFT and other funds should remain whole, and the State should not take funds that are due to local governments in order to fix problems of the State.

Extend the Wireless Emergency Telephone Safety Act. Illinois residents rely on their local 911 telephone systems to notify public safety officials in times of emergency. The 911 surcharge

collected by wireless carriers funds the operation and improvements to 911 systems. The Act is scheduled to sunset on April 1, 2013, and the surcharge will cease at that time. Additionally, 911 surcharge revenue is decreasing as land lines are being discontinued. As we transition to new technologies, it is critical to maintain existing revenues to maintain operations for public safety through extension of the Act and increasing the surcharge on cell phones to more closely resemble the surcharge on land lines.

- Eliminate Joint and Several Liability for Municipal/Township Defendants. Support government defendants not being held jointly and severally liable for tort damages. Joint and several liability results in public moneys being diverted to pay for damages caused by a third party. This change would provide that the government is liable only for injuries caused by municipal or township officials, employees, or agents.

Pension & Benefits

- Pension Sustainability and Needed Reform. The issue of pension funding and the cost to taxpayers for those financial responsibilities is reaching a crisis state that necessitates changes to establish long-term stability and accountability. BACOG supports action: 1) to require a 3/5ths vote of the General Assembly for all legislation that increases a benefit to a pension or retirement system of the State or local government (HJRCA5); 2) that State-level discussions begin on impending liabilities and sustainability of benefit structure for existing employees in municipal police and fire pension funds; and 3) for the State to find resolve to address the pension crisis and balance the interests of taxpayers and public employees.
- Reduce Financial Burden under PSEBA in re “Catastrophic Injury”. Under the Public Safety Employee Benefits Act (PSEBA), police and firefighters who suffer a “catastrophic injury” – and their spouses and minors to age 25 -- are entitled to receive lifetime health insurance coverage paid for by local governments and their taxpayers. The State definition was expanded to obligate local governments to fully cover these individuals who, despite injury, are fully capable of gainful employment in the broader economy. The projected financial liability to local governments and their taxpayers is staggering. BACOG supports measures to reduce the financial burden on local governments of the “catastrophic injury” provision for those who are able to perform gainful employment elsewhere.

Labor & Building

- Address Interest Arbitration Issues. The Public Labor Relations Act dictates procedures for a municipality’s relationship with its public safety unions and requires the use of binding arbitration. Arbitrators, who are neither elected nor accountable to local taxpayers, make decisions that affect the allocation of the community’s limited resources. Arbitrators have been known to make politically-based decisions based on revenue streams that do not exist in a community. BACOG supports: 1) examination of the role arbitrators play in the formulation of local obligations; 2) requirement for consideration of the fiscal implications and affordability of arbitrators’ decisions on local governments and their taxpayers, such as tax levels, existing pension obligations, budgets, wages; 3) limiting arbitration awards.

- Increase Employer Flexibility in Service Delivery. Local governments need flexibility in determining levels of service and staffing for their functions and operations. Decisions are informed by revenues and needs.
- Re-establish Use of Voluntary and Part-time Firefighters in Bargaining. In 2008, P.A. 95-490 severely limited the ability of municipalities to supplement their full-time firefighters with voluntary and part-time firefighters. In light of current municipal financial struggles, declining revenues and increasing liabilities for mandated public safety employees' wage and benefit packages, BACOG supports repeal of P.A. 95-490 which would re-establish the use of voluntary and part-time firefighters as a topic of bargaining.
- Exempt Certain Projects from Prevailing Wage Act Requirements. Fixed works projects performed by a public body using public funds currently must pay the prevailing wage. BACOG supports an exemption from prevailing wage for construction projects under \$50,000. Also, routine maintenance and support activities in and around government properties such as snow shoveling on walkways and replacement of water heaters are subject to prevailing wage under recent legislative changes; BACOG supports exemption from prevailing wage for such routine activities.
- Increase Fines for Overweight Vehicles. The fines for violation of road weight limits should be increased to compensate for damage to roads.

2. PRESERVE LOCAL GOVERNMENT DECISION-MAKING AND THE RIGHT TO SELF-DETERMINATION. RESPECT THE ROLE OF MUNICIPAL AND TOWNSHIP GOVERNMENTS IN THE EFFECTIVENESS AND EFFICIENCY OF PROVIDING SERVICES TO THE PUBLIC.

- Freedom of Information Act (FOIA) – Support measures to: 1) Fully evaluate the impact and cost to local governments of the FOIA reforms of 2009; 2) Define the meaning of “commercial purposes” because too few requests seem to fall under “commercial purposes”, therefore unduly burdening public resources; and 3) Apply the requirements of the FOIA statute to apply equally to all levels of government.
- Allow Full Utilization of Technologies to Publish Notices and Information. Allow full utilization of websites for online publication of government information; for information that is already online, allow governments not to be required to provide such information in paper form but to refer FOIA requesters to specific web addresses for that information instead.
- Allow Municipalities to Determine the Form of Security Posted by Developers. Allow municipalities, townships and counties to decide the form of security posted by developers for completion of subdivision public improvements (e.g., bond, letter of credit, cash bond) instead of developers deciding the method.

3. OPPOSE ANY REDUCTION OR PRE-EMPTION OF HOME RULE POWERS OF LOCAL GOVERNMENTS. SUPPORT ADDITIONAL PERMISSIVE AUTHORITIES FOR TOWNSHIPS AND NON-HOME RULE MUNICIPALITIES.

- Expand Home Rule Authority to All Municipalities. Remove the distinction between home rule and non-home rule communities in recognition of the ability of all municipalities to govern themselves, regardless of population.
- Preserve Local Decision-making Over Cemeteries. Preserve local decision-making over township and municipal cemeteries, and monitor potential changes in regulation of cemeteries under the Cemetery Oversight Act.
- Additional Authority for Licensing of Pets. Grant townships the authority to license pets in unincorporated areas of the township.

4. PRESERVE, PROTECT AND ENHANCE ENVIRONMENTAL RESOURCES AND OPEN SPACE.

- Fund Local Groundwater Research and Protection Efforts. Support initiatives and funding for local governments that are engaged in research and mapping, local policy development and implementation of groundwater protection measures. Support public education towards a sustainable and safe water supply. Support “on the ground” efforts that supplement and enhance statewide work, especially projects toward local groundwater water levels and quality monitoring. Support and fund the comprehensive “BACOG Water Level Monitoring Program”.
- Support the Northwest Water Planning Alliance (NWP) and Cooperative Water Supply Planning. BACOG recognizes that water supply planning is a priority in the State. Since supply is provided by localities (not state or regional entities), municipalities and counties are appropriate entities to plan and manage regional water supply. BACOG supports a strong NWP educational component, and for recent local and regional water planning initiatives such as BACOG’s to be taken into account in the NWP planning efforts.
- Support Local Stormwater Management Efforts.

5. MAINTAIN AND IMPROVE THE TRANSPORTATION SYSTEM THROUGHOUT THE REGION WHILE BALANCING COMMUNITY INTERESTS WITH INVESTMENT AND EXPANSION. SUPPORT APPROPRIATE REGULATION OF VEHICLES, ROADWAYS AND TRAFFIC AT THE LOCAL LEVEL.

- Canadian National Rail Road – Support the CNRR underpass mitigation project for Barrington, and support mitigation measures for the BACOG-area communities affected by the CNRR. Continue to support increased emphasis on community interests balanced against freight rail interests at both the state and national level.
- Support the Extension of Route 53. Support funding for the Highway 53 Extension to Route 120 in Lake County, with appropriate environmental and aesthetic measures, to relieve traffic congestion in central Lake County, Route 12, and adjacent areas.

- Support Funding for Transportation. Support an increased share of funding from federal transportation dollars that are invested in the State of Illinois and the BACOG area for transportation projects.

6. SUPPORT LOCAL AND REGIONAL LAND USE, PLANNING AND ZONING AND THE IMPLEMENTATION OF SUCH PLANS AND REGULATIONS WITHOUT DISRUPTION.

- Disconnection of Property from Municipalities – Support changes that would reconcile case law to the intent of the statutes and strengthen existing standards for properties to be able to disconnect from municipalities, in order to: maintain stability of municipal boundaries and certainty in capital investment; protect local government’s ability to implement local comprehensive plans; support regional intergovernmental cooperation and planning; protect local zoning; protect existing residents’ property values; allow for adequate due process for all affected interests; and carry out planned development.

7. ENCOURAGE ECONOMIC DEVELOPMENT.

- Access to Sales Tax Information. Support authorizing the Department of Revenue to share detailed sales information regarding sales tax collections with all municipalities, including those that are non-home rule.
- Support Illinois Horse Racing. Fund local infrastructure, retain and create as many as 1,500 construction and other related jobs, and ensure the survival of the horse racing industry and its estimated 37,000 jobs.
- Empower Local Governments to Address Foreclosures. Foreclosures lead to deteriorating and dilapidated properties, unkempt lawns and surrounds, infestations, and social problems such as sites for drug use and squatters. Though measures have been taken to help address foreclosure problems, BACOG supports additional measures such as financial assistance to local governments and statutory authority to secure vacant properties to prevent further property deterioration, quality of life problems for residents, and neighborhood property value declines.