



Barrington Area Council of Governments

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2011 LEGISLATIVE PLATFORM

Recommended by the Legislative Committee

November 23, 2010

1. **Protect local government financial viability. Protect local governments from additional risk, liability and unfunded state mandates. Encourage economic development.**
 - 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.

REVENUE & FUNDING

Local governments have cut costs to the maximum extent possible. The State must honor its position as a fiduciary of these funds for local governments.

- Maintain 1/10th Share for Municipalities and Deadline for Payment in the Local Government Distributive Fund (LGDF). A topmost concern at BACOG is that the State will try to reduce the 1/10th share of the LGDF to municipalities, in effect taking funds collected on behalf of local governments to prop up state spending. Support for maintaining the 1/10th share. Also, the average length of time for distribution of LGDF funds to municipalities by the State is 128 days, in comparison to sales tax which is 5 days. Require LGDF funds to be distributed within 7 days, with a penalty if not distributed on time.
- 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 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 due to responsible local governments in order to fix problems of the State.

PENSION

- Support the IML/Pension Fairness Coalition Positions on Public Safety Pensions and Benefits. Public safety pension debt is out of control. Though public contributions to pension funds have been huge, funded levels have declined – indicating these pension systems are not sustainable. The legislature must make structural changes that will reduce rising costs and address the pension

financing burdens faced by local governments that threaten the solvency of local budgets and the provision of even basic services to residents. For disability pensions, define “catastrophic injury” according to the federal definition to limit PSEBA health insurance benefits to only those who are unable to perform gainful employment.

LABOR & BUILDING

- Labor, Collective Bargaining & Salary Arbitration Reform. Amend the Public Labor Relations Act for collective bargaining and arbitration requirements for police officers and firefighters. Define the financial factors arbitrators much consider when evaluating the ability of a government to afford the demands of a police or fire union, such as tax levels, existing pension obligations, budgets and wages. Exempt local governments from having to bargain over staffing and manning levels for any employees under any circumstances.

Allow additional protections under the Bankruptcy Code, allow early termination of collective bargaining agreements and negotiation of new agreements, oppose expansion of the definition of publicly-funded projects to include private and business-related projects, and seek timely disbursement of state funds for infrastructure.

- Exempt Projects under \$50,000 from Prevailing Wage Act Requirements. All fixed works projects performed by a public body using public funds currently must pay the prevailing wage. Support an exemption from prevailing wage for projects under \$50,000.
- 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.
- Collection of Debts Using Special Assessments. Support to expand when local governments may place a special assessment on property for unpaid debts to include non-payment of utility bills or building code violations, where the government has also expanded the building code violations to be eligible for a lien.
- Support Changes to Law and/or IEPA Policies regarding Construction Debris Testing. A new law, P.A. 96-1416, intended to make it easier for construction services to dispose of soil, instead complicates and requires more extensive testing of construction debris. Local governments are seeing added costs and a lack of defined standards. Support changes to or repeal of the law and/or policy changes at IEPA to reduce costs for construction debris/soil testing and clarify policies, such as defining “clean” soil.

ECONOMIC DEVELOPMENT

- Access to Sales Tax Information. Support for authorizing the Department of Revenue to share sales information regarding sales tax collections with all municipalities, including those that are non-home rule.
- Support Illinois Horse Racing. Allow electronic gaming slot machines at Illinois horse racetracks to support the state’s capital projects program and thereby 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.

2. 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.

3. Preserve local government decision-making and the right to self-determination.

- Freedom of Information Act (FOIA) – Support measures to: 1) Monitor the impact and cost to local governments and governmental districts of the FOIA reforms of 2009 (Public Act 96-0542/SB 189), i.e., the costs of fulfilling requests; 2) Define the meaning of “commercial purposes”, because many requests seem to fall under “commercial purposes” and unduly burden public resources; 3) Exempt requests for records containing personal information, including personnel performance; and 4) Apply the requirements of the FOIA statute to apply equally to all levels of government.
- Allow utilization of technologies to publish notices and information. Amend the Publication Act to allow online publication notices through government websites, with print newspapers still required for publishing of short descriptions of the information that is on-line, where information is available, etc. Allow online publication of legal descriptions of property, treasurer’s reports and budgets.

4. Preserve home rule authorities, and support additional permissive authorities for townships and non-home rule municipalities. Oppose the reduction or pre-emption of the powers and authorities of local governments.

- Preserve Local Decision-making Over Cemeteries. Monitor potential changes in regulation of township and municipal cemeteries under the Cemetery Oversight Act.

5. 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 pilot projects toward local groundwater measurement and monitoring. Support and fund the **BACOG 2011 WATER LEVEL MONITORING SYSTEM** project.

Evaluate the CMAP "Go To 2040" plan for northeastern Illinois including but not limited to current local and regional efforts, such as the recommendation for groundwater users to consider switching their water supply to the Fox and Kankakee Rivers. The reported available water in these rivers is due to effluent discharge from wastewater treatment plants upstream, most of which comes from groundwater consumption originally. The feasibility, cost and safety of such a proposal needs evaluation, and local science should serve as the basis for analysis.

- Support the Northwest Water Planning Alliance (NWPAA) and Cooperative Water Supply Planning. Local governments recognize 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 educational component and recent regional and local water planning initiatives being continued and taken into account by new water supply planning efforts of the NWPAA. BACOG also supports strong efforts for data collection, water supply planning and other initiatives.

6. Maintain and improve the transportation system throughout the region while balancing community interests with investment and expansion. Support appropriate regulation of special vehicles, roadways and traffic at the local level.

- Canadian National Rail Road – Support mitigation funding, if the transaction stands on appeal, and continue to support increased emphasis on community interests balanced against freight rail interests at both the state and national level.
- Support for 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 securing funding for the State of Illinois and units of local government for transportation.
- Classification of Non-Traditional Vehicles. Eliminate "neighborhood vehicle" as a type of non-highway vehicle, so that non-conforming vehicles may be prohibited from use on public streets. Non-highway vehicles are vehicles not specifically designated to be used on roads such as ATVs, golf carts, utility vehicles i.e. gators and dirt bikes. Non-highway vehicles also include "neighborhood" vehicles. These neighborhood vehicles are not equipped with safety equipment. The suggested change is proposed to alleviate some continued confusion for local officials, public safety officers and the general public.



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TO: Village Presidents and Township Supervisors
 Village and Township Boards and Commissions
 Village and Township Administrators and Staff

FROM: Janet L. Agnoletti, Executive Director
 Julie Losinski, Administrative Assistant

SUBJECT: BACOG Legislative Action Report – FOR DISTRIBUTION

DATE: November 23, 2010

2010 LEGISLATIVE ACTION REPORT

Legislative activity is a priority for the Barrington Area Council of Governments (BACOG). BACOG members' legislative strength has come from addressing needs on a regional basis and voicing the concerns of the BACOG community as one. This report gives a brief summary of the major components of state legislative action in the 2010 session, followed by BACOG's action on issues from our platform and those that are most important to our governments.

SUMMARY OF 2010 STATE LEGISLATIVE SESSION

State Budget

The FY 2011 budget was signed into law by Governor Quinn on July 1, 2010. The Governor also signed SB 3660, Emergency Budget Act of 2011, into law on July 1, 2010 and it became Public Act 96-0958.

Pensions

One of the most significant issues for local governments of the 2010 session was pension reform. Pension reform legislation, SB 1946, was approved in March 2010 and became Public Act 96-0889. The reforms covered all the state's pension funds, except that municipal police and firefighter pension programs were exempted from the bill. Police and fire pension reforms are still being negotiated this month, and we optimistically anticipate passage of a bill by the end of veto session on December 2nd.

BACOG ANNUAL LEGISLATIVE PLATFORM

BACOG and its Legislative Committee play an important role in promoting the area's agenda and accomplishing changes to bills that could positively, or negatively, affect local governments. The Legislative Committee develops a "BACOG Legislative Platform" each year, and it is utilized regularly in talks with state and federal legislators.

The 2010 Legislative Platform was adopted by the BACOG Board on January 26, 2010. The development process began with conversations between state legislators and federal legislative aides and the Board and researching other COG and municipal positions in fall 2009. The 2010 "Guiding Principles" and platform issues for each principle were identified as:

Protect local government financial viability. Protect local governments from additional risk, liability and unfunded state mandates.

- Support the IML and NWMC positions for pension, catastrophic injury and salary arbitration reform
- Maintain 1/10th share for municipalities in the Local Government Distributive Fund (LGDF)
- Support LGDF moneys going directly to LGDF fund.
- Support streamlining of administrative procedures for MFT small projects

Support local and regional land use planning and zoning and the implementation of such plans and regulations without disruption.

- Support new legislation regarding disconnection of property from municipalities
- Oppose municipal and township cemeteries being regulated the same as private, for-profit cemeteries
- Oppose expansion of prevailing wage

Preserve local government decision-making and the right to self-determination.

- Monitor costs of implementing the new Freedom of Information Act (FOIA), apply it to all levels of government, and exempt personnel performance records
- Support greater local control in setting speed limits on local roads. BACOG Initiative.

Preserve home rule authorities, and support additional permissive authorities for townships and non-home rule municipalities. Oppose the reduction or pre-emption of the powers and authorities of local governments.

Preserve, protect and enhance environmental resources and open space.

- Support mitigation funding for Canadian National Rail Road
- Fund local groundwater research and protection efforts
- Support joint COGs position on water supply planning
- Support for the extension of Route 53
- Support funding for transportation for the BACOG region

BACOG 2009-2010 INITIATIVES AND PROGRESS ON PLATFORM

BACOG Initiative: Road Speed Bill

This year, BACOG's *Legislative Platform* included a position to allow local governments to set appropriate speed limits, lower than currently allowed on some roads, to protect the public safety. **BACOG was successful in initiating and passing SB 2804, a bill that accomplished this goal.** The new law will allow local governments to respond to identified hazards such as hidden driveways, hilly conditions and known accident rates by setting the maximum speed limit to as low as 25 mph on roads in low density residential areas. Letters were sent and phone calls made in the spring to area legislators and committees assigned to hear this bill. BACOG Board and Legislative Committee members and Director Agnoletti worked for passage of the bill in Springfield. Letter sent to Governor Quinn to sign bill and Action Alert to BACOG members to send letters to the Governor. The votes were unanimous in both houses, and SB 2804 was signed into law effective July 2, 2010, becoming ***Public Act 96-0987***.

Progress on Issues in the Annual Platform

BACOG staff monitored and took action on a large number of bills. Letters were written to our area's Representatives and Senators, plus many letters were sent to committee chairpersons, committee members, and other legislators in both houses representing areas outside of BACOG. Many were specific to the BACOG Legislative Platform and a number of letters addressed BACOG's legislative priorities and supported issues. Listed below are just some of the bills BACOG addressed in letters:

Pension Fairness Coalition:

Recognizing the pension crisis and its effect on our local taxpayers, the BACOG Executive Board agreed to join the Pension Fairness for Illinois Communities Coalition in February 2010. The Coalition had a kick off press conference in Springfield on March 3, 2010, in which BACOG officials participated. BACOG has participated in the coalition, with the Executive Director meeting with legislators in Springfield, participating in Coalition telephone conference calls, writing letters to our area legislators and preparing letters to editors of local newspapers.

Pension Reform:

In April 2010, letters were sent to area legislators asking them to support Public Safety Pension Reform. A letter to the Editor from the BACOG presidents and supervisors was sent to local newspapers regarding BACOG's position on pension reform in addition to sending a press release regarding the importance for pension reform. On November 12th, letters were sent to area legislators to support reforms to public safety pensions during veto session. Negotiated police and fire pension reform bill is currently pending in veto session.

HB 4657 – Pension CD – Volunteer Credit. Letters sent to Personnel & Pensions Committee members to oppose bill. **Status:** Did not pass (re-referred to rules committee).

SB 552 – Police Pension Credit. Letters sent to Personnel & Pensions Committee members to oppose bill. **Status:** Did not pass (re-referred to rules committee).

Local Government Distributive Fund (LGDF):

Letter regarding LGDF Reduction sent to Governor Quinn urging him to maintain the 10% share of LGDF to municipal governments. Letters also sent to area Legislators in March 2010 to oppose the proposal to reduce Local Government Distributive Fund. A press release was also distributed including statements from BACOG members on how a LGDF reduction would affect their municipalities. A RESOLUTION opposing reduction of Local Government Distributive Fund was passed by the BACOG Executive Board on April 27, 2010. **No cuts have been made to the LGDF.**

Freedom of Information Act (FOIA):

HB 5154 – Personnel Record Evaluation. Letters sent to Labor Committee members to support the original bill to prohibit the disclosure of performance evaluations under FOIA and also to Governor Quinn when sent to his office for signature. On July 26, 2010, Governor Quinn issued an amendatory veto changing the bill to exempt only state and local law enforcement personnel disclosure. The BACOG office sent letters to area legislators on November 12th to vote for an override of the amendatory veto and issued an Action Alert to the BACOG members to do the same, during veto session. **The House passed a motion to override the amendatory veto** on November 16th with 6 votes more than the supermajority needed. The Senate is expected to vote during the second week of veto session.

Most of the following bills represent successes BACOG's efforts contributed to:

SB 580 – DuPage Water Commission. BACOG Position/Paper sent to Counties & Townships Committee members and to Governor Quinn, eventually support for the amended bill. **Status:** Public Act 96-1389, effective July 29, 2010.

SB 3146 – Horse Racing-OTB. Letters sent to area legislators on November 8th to support house amendments to this bill. **Status:** Did not pass (re-referred to rules committee). Bill is expected to be brought up during veto session.

SB 2612 – Utilities – Local Tax Audits. Letters sent to area representatives to oppose bill. **Status:** Public Act 96-1422, effective August 3, 2010.

SB 3134 – Muni CD Use Occupation Tax Proceeds. Letters sent to Governor to support the bill. **Status:** Public Act 96-1057, effective July 14, 2010.

SB 3151 – TIF Devaluation. Letters sent to area senators to oppose bill. **Status:** Did not pass (referred to assignments).

SB 3566 – Abusive Work Environment. Letters sent to Labor Committee members to oppose bill. **Status:** Did not pass (referred to rules committee).

SB 3616 – Increase DUI Administrative Sanction Distributions. Letter sent to Governor Quinn to support bill. **Status:** Public Act 96-1342, effective January 1, 2011.

HB 3665 – Healthy Workplace Act. Letters sent to Labor Committee Members to oppose bill. **Status:** Did not pass (re-referred to rules committee).

HB 6112 – Prevailing Wage Haul Excavated: Letter sent in April 2010 to Labor Committee members to oppose bill. **Status:** Did not pass (re-referred to assignments). Bill is expected to be brought up during veto session. On November 15th, letters sent to area legislators to oppose bill.

HB 4635 – Highway CD Motor Fuel Tax Funds. Letters sent to Transportation, Regulation and Roads Committee members to support bill. **Status:** Did not pass (re-referred to rules committee).

HB 4663 – Annexation Requirements. Letters sent to Cities & Villages Committee members to oppose bill. **Status:** Did not pass (re-referred to rules committee).

HB 5336 – Wireless Emergency Telephone Safety Act Extension. Letters sent to Public Utilities Committee members to support bill. **Status:** Did not pass (re-referred to rules committee).

HB 6127 – Public Labor-Manning Levels. Letters sent to Labor Committee members to support bill. **Status:** Did not pass (re-referred to Rules Committee).

HB 6151 – Minimum Traffic Fines. Letter sent to Governor Quinn to support bill. **Status:** Public Act 96-1462, effective January 1, 2011.

A comprehensive list of issues tracked by BACOG is contained in the “**Bill Status Summary**”. The list provides information on each tracked bill such as a description of the bill, BACOG’s position and the action taken by BACOG and legislature through November 2010. If you would like a copy of the Bill Status Summary, please contact the BACOG office.

COMMUNICATIONS & EVENTS

BACOG staff and the Legislative Committee connect in person with state legislators through locally-planned events and lobby days in Springfield during session of the General Assembly. BACOG also communicates with other COGs and participates in IML Legislative Committee meetings to gain additional support for BACOG legislative issues.

Springfield Lobby Days. BACOG hosted two Lobby Days in Springfield for the 2010 spring session. The Executive Director and BACOG members visited legislators in the Capitol and attended various lobbying events. At **BACOG’s March lobby day**, they reviewed the BACOG Legislative Platform and met with legislators about BACOG’s speed limit bill, attended press conference for the Pension Fairness for Illinois Communities Coalition, and met with staff of the Illinois Environmental Protection Agency to

discuss funding for our communities' projects. BACOG members also entered slips of support or opposition on various bills. The BACOG March lobby day included a reception and dinner for our area's legislators and other officials who are key to township and municipal issues. BACOG and McHenry County COG presented their legislative platforms to the legislators in attendance. The **April lobby day** focused on Illinois Municipal League (IML) events for the statewide regional COGs. The Executive Director and BACOG officials met with the House sponsor of BACOG's speed limit bill, worked on pension reform, retention of shared revenues to our local governments, SB 580 (water bill), and other issues.

Springfield – Fall Veto Session. The Executive Director and BACOG members went to Springfield for veto session from November 16-18th. They visited legislators to discuss pension reform, recent disconnection issues, disclosure of performance evaluations under FOIA, and prevailing wage expansion.

Local Legislative Events. BACOG co-hosted a Legislative Breakfast on February 6th with Lake County Municipal League. The BACOG 2010 Legislative Platform was presented to an audience of about 90 state legislators, local officials and staff.

Updates from Area Legislators. BACOG understands the importance of communication with our area legislators as a means for them to hear BACOG's issues and ask for their help in supporting or opposing bills. Reports on the 2010 Legislative Session were provided by Representative Suzie Bassi and Senator Pamela Althoff at the March 30, 2010 BACOG Board meeting, Representative Mark Beaubien at the October 26th Legislative Committee meeting.

Updates from Illinois Municipal League (IML): Joe McCoy, Senior Legislative Advocate from IML, provided a report of bills being introduced to the General Assembly at a Legislative Committee meeting on February 16th and a report of the 2010 Legislative Session at the May 25, 2010 BACOG Executive Board meeting.

Outreach. Staff recognizes the need to reach out to lawmakers who serve outside of the Barrington area to gain additional support for Barrington area issues. Strategies include meeting with leadership and key committee legislators in Springfield to educate on local needs.

BACOG staff participated in teleconferences hosted by the Illinois Municipal League where lobbyists review action and strategies for working in the Capitol; this helps us decide where to focus local efforts. The teleconferences also help raise awareness of other bills, and BACOG can promote our positions to other local governments.

TOWARDS 2011 / COMMUNITY PARTNERSHIPS

BACOG and CUSD 220 continue to work together on common interests and ways to support each other on legislative platform issues. BACOG Executive Janet Agnoletti attended a legislative breakfast in June 2010 with school district representatives and legislators from the region. Common issues on both BACOG and CUSD 220 Legislative Platforms are the CN Railroad and disconnection of property from municipalities.

ACKNOWLEDGMENTS

The BACOG office would like to acknowledge the members of the Legislative Committee, the efforts of BACOG member officials who were involved in lobby days during legislative session, and the village and township staff who responded to "action alerts" from the BACOG office.

The members of the Legislative Committee during FY 2009-10 were as follows:

Legislative Committee Members

Karen Y. Darch, President, Village of Barrington
Robert G. Abboud, President, Village of Barrington Hills
Eugene R. Dawson, Supervisor, Barrington Township
Keith Olson, Trustee, Village of Deer Park
Kevin C. Richardson, President, Village of Lake Barrington
David Raclaw, Trustee/Alternate, Village of Lake Barrington
Bruce J. Sauer, President, Village of North Barrington
Kathleen Leitner, Village of Tower Lakes

Thank you also to Julie Losinski, BACOG Administrative Assistant, for preparing this report, providing materials for the Legislative Committee, and developing materials including the extensive "bill tracker" and legislator letters during the course of the year.