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MEMORANDUM

To: Reaching Across Illinois Libraries (RAILS)
From: Julie Tappendorf, Ancel Glink
Subject: Compliance with the Decennial Committee on Local Government Efficiency Act, 50 ILCS 70/1 *et seq.*
Date: March 10, 2023

On June 10, 2022, Governor Pritzker signed the Decennial Committee on Local Government Efficiency Act, 50 ILCS 70/1 *et seq.*, into law. This law requires all Illinois local governments that impose a tax (as defined in the Act and exempting municipalities and counties) to convene a committee to study and report on local government efficiency. There are certain actions that impacted local governments must take to take the first step in compliance with this law by no later than June 10, 2023.

Under this law, impacted local governments must:

1. Form a committee to study local efficiencies and meet for the first time no later than June 10, 2023.
2. Have the committee meet at least three times.
3. Prepare a written report with recommendations (if any) on efficiencies and increased accountability.
4. File the report with the county (or each county in which your local government is located).

WHO HAS TO COMPLY?

The Act applies to "all entities that levy taxes and are also units of local government, as defined in Section 1 of Article VII of the Illinois Constitution, except municipalities and counties." This definition clearly includes library districts, as they are units of local government that levy taxes.

A question has been raised whether municipal libraries organized under the Local Library Act (including village and city libraries) must also comply with the Act. Unfortunately, this is not quite as clear under the Act.

Some municipal libraries have been advised by the municipal attorney that they do not need to comply because they are exempt under the "municipalities" exemption. This interpretation seems difficult to justify, however, as "municipalities" are separate governmental entities organized under the Illinois Municipal Code, where municipal libraries are organized under the Local Library Act, with both government entities having separate governing bodies. Moreover, the Attorney

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General has issued an opinion that municipal libraries are considered “units of local government” under Section 1 of Article VII of the Illinois Constitution, as special districts, separate and apart from municipalities. *See* Ill. Atty. Gen. Op. 81-002

An alternative argument for exempting municipal libraries from the Act that seems more legally defensible is that although municipal libraries fall within the definition of “units of local government, as defined in Section of Article VII of the Illinois Constitution,” they do not levy taxes solely on their own behalf – instead, the municipality levies the library tax on the library’s behalf. There are several Attorney General opinions finding that while municipal libraries are “units of local government” under the Illinois constitution, they do not have the authority to levy taxes. *See* Ill. Atty. Gen. Op. 98-002. Since the Act only requires units of local government that “levy taxes” to comply with the Act, there is a legally defensible argument that municipal libraries are not subject to the Act.

As I understand it, the Illinois Library Association (ILA) has taken the position that municipal libraries do not have to comply with the Act, providing some support to municipal libraries if they choose that position.

Although there is a defensible argument that city and village libraries established under the Local Library Act do not have to comply with the Decennial Act, that would not prevent a library from choosing to take a more conservative approach and follow the procedures set out in the Act.

Ultimately, each municipal library will need to make the determination itself whether to comply with the Act and form a committee and should consult with their legal counsel on this matter.

WHO HAS TO BE ON THE COMMITTEE?

Section 10(b) of the Act specifies that the committee’s membership must include the elected or appointed members of the governing board. In addition, it must include any chief executive officer (such as the library director) and “other officer” of the local government. The committee must also include at least two residents within the territory served by the local government who are appointed by the committee chair. The committee chair can also appoint others to serve on the committee. Committee members are not compensated but can be reimbursed for any committee-related expenses.

WHAT DOES THE COMMITTEE HAVE TO DO?

The committee is required to meet at least three times, with the first meeting occurring no later than June 10, 2023. The committee meeting can be the same day as the governing body’s board meeting. It can even be a part of the regular board meeting, provided the committee meeting is listed as a part of the meeting agenda and there is a majority of the committee members present. All other requirements of the Open Meetings Act (notice, minutes, etc.) also apply to these committee meetings.

WHAT NEEDS TO HAPPEN AT THESE COMMITTEE MEETINGS?

The committee must “summarize its work and findings within a written report, which must include recommendations in respect to increased accountability and efficiency and must provide the report to the county board in which the governmental unit is located no later than 18 months after the formation of the committee.” The goal is for the committee to study and report on local government efficiencies. Ultimately, this can be as simple or complex as you make it.

To assist libraries in working through the process of discussing, considering, and preparing the required report, we put together a draft sample report (attached as **Exhibit A**). Note that the specifics of the report are not detailed in the Act itself, so Libraries could customize the attached sample template or create its own report that meets its needs.

First meeting: This meeting would essentially be an “organizational” meeting to identify committee members, set deadlines for next steps, designate different committee members to compile information and identify efficiencies the local government currently has in place, and whether there are increased opportunities for efficiency and whether there are additional opportunities for accountability. This would include identifying any intergovernmental agreements currently have in place, or whether there are additional opportunities for intergovernmental cooperation (sharing equipment, personnel, resources, etc.). The committee can also discuss at this meeting whether the committee members want to gather and analyze information, or whether it wants to employ specialists in public administration and governmental management or other consultants. Keep in mind that this law is an unfunded mandate, so payment for anyone hired by the committee will have to come from library funds.

Second meeting: This meeting could be used to take the information gathered by the committee and compile it into a draft report. The committee can also identify any additional information that might be needed to prepare a final report.

Third meeting: At this meeting, the committee can finalize and approve the report.

Remember, the Act requires a *minimum* of three meetings; however, a committee could have as many meetings as it needs or wants. These meetings could be held throughout the year leading up to the report deadline, which is 18 months after the first committee meeting.

Additional Requirements: At the end of each meeting, the committee must “conduct a survey of residents who attended asking for input on the matters discussed at the meeting.” A committee could poll the people present at the meeting while at the meeting or send out an email survey following the meeting to those attendees who provided an email address to the committee.

WHAT DO WE DO WITH THE REPORT ONCE IT HAS BEEN PREPARED?

Section 25 of the Act requires the committee to provide its report to the county board. In addition, the Act provides that the reports must be available to the public, so libraries might consider posting the reports on their websites or making sure the reports are readily available upon request.

Exhibit A¹

**SAMPLE LIBRARY REPORT FOR COMPLIANCE WITH DECENNIAL
COMMITTEES ON LOCAL GOVERNMENT EFFICIENCY ACT**

I. Unit of government submitting this report:

Name of Library: _____

Address of Main Library Office: _____

II. Information about our Library

- A. We are located in _____ County. There are _____ libraries in our County.
- B. The population of the territory in which our Library is located is _____
(as of 2020 census).
- C. We have _____ employees of the Library (not including board members).
- D. Our annual budget for FY _____ is: \$ _____.
- E. Our Library's equalized assessed valuation (EAV) for 2023 is \$ _____.

III. Information about Our Committee

A. Committee Members:

Board President _____

Trustee _____

Trustee _____

Trustee _____

Trustee _____

Trustee _____

Trustee _____

¹ **DISCLAIMER:** Please note that the sample report is provided for informational and illustration purposes only. Libraries should consult with their own library attorneys in complying with the Act and in preparing, adopting, and filing their own library reports.

Executive Director _____

Library Resident _____

Library Resident _____

Note: Per 50 ILCS 70/10(b), the committee membership must include all the elected or appointed members of the library board of trustees (President and Trustees), the Executive Director or other official of the Library, and two residents appointed by the Board President. The President may appoint more than two residents if deemed appropriate.

B. Dates that our Committee Met (50 ILCS 70/20)

First Meeting (must occur prior to June 10, 2023): _____

Second Meeting: _____

Third Meeting: _____

Additional Meetings (List All, if any): _____

IV. Core Programs or Services Offered by our Library

A. Our Library offers the following core services and programs:

B. Other core services/programs we could possibly provide:

V. Awards and Recognitions

Our Library has received the following awards, distinctions and recognitions:

VI. Intergovernmental Agreements

We partner with or have Intergovernmental Agreements with the following other governments
(list as many as you have):

Entity:	Services Offered:
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

Our Library's efficiency has increased through intergovernmental cooperation in the following
ways (list cost savings, avoiding duplicated services, etc.):

VII. Community Partnerships

We partner with the following organizations (list as many as you have):

Organization:	Services Offered:
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

VIII. Review of Laws, Policies, Rules and Procedures, Training Materials, and other Documents

We have reviewed the following, non-exhaustive list of laws, policies, training materials, and other documents applicable to the Library in order to evaluate our compliance and to determine if any of the foregoing should be amended.

_____ State laws applicable to Libraries

- _____ Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*)
- _____ Policy on public comment
- _____ Designation of OMA officer (5 ILCS 120/1.05(a))
- _____ All Board Members have completed OMA Training (5 ILCS 120/1.05(b))
- _____ Schedule of Regular Meetings of the Library Board (5 ILCS 120/2.03)
- _____ Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*)
- _____ Designation of FOIA Officer (5 ILCS 140/3.5(a))
- _____ FOIA Officer Training (5 ILCS 140/3.5(b))
- _____ Computation and Retention of FOIA Requests (5 ILCS 140/3.5(a))
- _____ Posting Other Required FOIA Information (5 ILCS 140/4(a); 5 ILCS 140/4(b))
- _____ List of Types or Categories of FOIA Records under Library Control (5 ILCS 140/5)
- _____ Periodic Meetings to Review Closed Meeting Minutes (5 ILCS 120/2.06(d))
- _____ IMRF Total Compensation Postings (5 ILCS 120/7.3)
- _____ Designation of Whistleblower Auditing Official (50 ILCS 105/4.1 *et seq.*)
- _____ All applicable officials have filed statement of economic interests (5 ILCS 420/4A-101; 5 ILCS 420/4A-101.5 *et seq.*)
- _____ Sexual harassment prevention training (775 ILCS 5/2-109(C))
- _____ Our Intergovernmental Agreements
- _____ Our budget and financial documents
- _____ State Ethics Laws, including, but not limited to the State Officials and Employees Ethics Act (5 ILCS 430/1-1 *et seq.*)
- _____ Our budget and financial documents

_____ Reports on government efficiency, including “Local Government Efficiency and Size in Illinois: Counting Tax Revenues, Not Governments” by Wendell Cox (2016);

_____ Others (*List Below or Attach*):

IX. What Have We Done Well? (List any budget/levy freezes or reductions in the past decade; list new programs or services offered to residents over the past decade; list any ethics ordinances adopted; timely FOIA compliance; responsiveness to public; list any new intergovernmental agreements; list any increase in number of library patrons served, etc.)

X. What Inefficiencies Did We Identify/What Are our Next Steps?

XI. What Can We Do Better or More Efficiently?

XII. Studies on Governmental Efficiencies

In preparing this report, we reviewed several studies on local government efficiency. These studies show that the average local government in Illinois serves 1800 residents compare to the national median of 2850 individuals.

XIII. Our Committee's Recommendations Regarding Increased Accountability and Efficiency:

Note: This Report must be filed with the county (or counties) no later than 18 months after the first committee meeting.

Submitted by: _____
Chairman, Decennial Efficiency Committee

Date of Committee Approval of Report: _____