



Dates:



September 21-27
National Farm Safety & Health Week

October 15
County resolution submittal deadline

October 21
SWAT member application deadline

November 4
General Election

November 19
2nd Annual Illinois EMS Summit

November 25
Illinois Commodities Conference

September / October 2014

Volume 5 Issue 5

Dillon's Rule

Almost 150 years later, this rule still rules

by Kevin Rund

Much of the sprouting and growth of the local government system in Illinois took place during the late 19th and early 20th centuries, so its foundation rests squarely on a concept incorporated into the State's 1870 Constitution that embraced state preeminence over local governments—known more commonly as Dillon's Rule.

Judge John F. Dillon was serving on the Iowa Supreme Court in 1868. That year, he wrote an opinion expressing a concept that was to be upheld by the US Supreme Court and that would influence the constitution

of every state in the union. That concept generally states that local government is a creation of the state and as such it has only those powers explicitly granted to it by the state.

When Illinois drafted and ratified its third constitution in 1870, it incorporated Dillon's concepts. For the next 100 years, while Illinois' population grew by more than 430% and thousands of units of local government were created, all those local governments were structured within the confines of that rule.

It wasn't until ratification of the 1970 Illinois Constitution that the

(See *Dillon* on page 3)

Did you know...

Illinois is the nation's leading producer of the most-recognized autumn Cucurbit?

Illinois produces 11,000 acres of Jack O'Lantern pumpkins and 15,000 acres of processing pumpkins.



National Farm Safety & Health Week

Get involved, your life could depend on it — September 21-27

The rate of fatalities in agriculture continues to decline, but still remains the highest of any industry sector, according to preliminary data from the Census of Fatal Occupational Injuries, recently released by the U.S. Bureau of Labor Statistics.

AgriSafe encourages everyone involved in agriculture to recognize National Farm Safety and Health Week (September 21-

27) and promote awareness of safety solutions year round.

AgriSafe Network will be hosting webinars every day during this week. Visit our [National Farm Safety and Health Page](#) on our website.

LINK

Limitations to goodwill

The best of intentions are sometimes stymied by the best of intentions

by Kevin Rund

Recently I was asked whether a township could contribute to the ongoing maintenance of a cemetery within its borders that was not owned by the township. Generally, the simple answer is “no”.

But that question brings up two subjects that provide fodder for this issue of *LINK*. First, there’s the practical side of cemetery maintenance financing. Secondly, there’s something called Dillon’s Rule.

Of course, Illinois statutes provide that a township can finance the maintenance of its own cemetery(ies). But in addition, statues allow the township to *[65 ILCS 5/11-49-1c]* “enter the cemetery grounds and cause the grounds to be cleared and made orderly” in any cemetery (within the township’s borders) that has been abandoned, unless the owner prohibits it. This is generally taken to mean a one-time cleanup, a power not to be exercised frequently as a form of routine maintenance.

Beyond that, the statute appears not to provide any other option for a township to contribute financially on a routine basis to the upkeep of a cemetery it does not own.

An alternative to township oversight is the statutory provision for establishment of a Cemetery Maintenance District. This special purpose district

can be created following petition of the court, a public hearing and then a referendum among voters within the proposed district.

[70 ILCS 105/8] A cemetery maintenance district may rehabilitate, recondition and restore any neglected or abandoned publicly owned cemetery within the district and may thereafter maintain any such cemetery in good condition.

Statute doesn’t overtly state whether a cemetery maintenance district may directly assume responsibility for a cemetery that is currently in private ownership, but there are other ways to possibly arrive at that same result.

Illinois Farm Bureau® policy tends to favor minimizing the number of governmental units—especially special purpose dis-

tricts. *[#116 Local Government]* We support: The consolidation or combination of special taxing units or local government units and programs where such consolidation or combination is planned and approved by local initiative and referenda.

Creating yet another single-purpose unit of government with its own authority to tax—in a state with nearly 7,000 taxing bodies—should be among the last options considered. Still, it’s up to local voters who are most often also the taxpayers that will foot the bill.

The second topic that this situation raises has to do with a concept known as Dillon’s Rule. See the article on page 1 for that discussion.

[LINK](#)

\$10 Billion

Private investment fund to benefit rural areas

The White House Rural Council announced in late July the creation of the new U.S. Rural Infrastructure Opportunity Fund through which private entities can invest in job-creating rural infrastructure projects across the country.

An initial \$10 billion has been committed to the fund with greater investment expected to

follow. Target investments will include hospitals, schools and other educational facilities, rural water and wastewater systems, energy projects, broadband expansion, local and regional food systems and other rural infrastructure.

CoBank, a national cooperative

(See Investment on page 3)

Dillon

(Continued from page 1)

concept of home rule was applied here. Even then, only Cook County and municipalities of over 25,000 were automatically made home rule units, leaving the preponderance of the State's (then) more than 6,500 units of local government under Dillon's Rule.

Today, Cook remains the only county to have home rule powers, though voters in any county may choose to adopt it. Municipalities as small as 5,000 have that same capability. Still, the vast majority of local governments in Illinois continue to operate under Dillon's Rule. Like townships.

Recently, when a township (cited in the article on page 2) was looking for a way to help cover maintenance costs for a local cemetery it did not own, it couldn't simply decide to make a donation. Why? Because there is nothing in the law that specifically authorizes townships to do that. That's Dillon's Rule. Had the township

been a home rule unit, it could have made its own rule and the donation. But, since townships don't have that capability, they must function only within the powers they have, limited by the constitution.

It's not that home rule units don't have any limitations. The state reserves certain rights and powers to itself even from home rule units. Things like: rules of the road, professional licensing, income taxes, punishment for a felony, etc. And the state can apply its law to home rule units, but it has to explicitly state that home rule units are not exempt.

For residents in 101 of Illinois' 102 counties, every unit of local government you deal with—with the exception of most large municipalities—will be subject to Dillon's Rule. That's an especially important concept to understand if you happen to be serving on a governing board.

[LINK](#)

Investment

(Continued from page 2)

bank serving rural America and a member of the Farm Credit System, is the fund's anchor investor, committing \$10 billion to get the fund off the ground. Capitol Peak Asset Management will manage the new fund and work to recruit more investors to add to CoBank's initial commitment. The Agriculture Department and other federal

agencies will help to identify rural projects that could be potential beneficiaries of financing through this new fund and other private sources.

[USDA news release](#)

[LINK](#)

Few local offices are to be found on Nov. 4 ballot

Big day for Cook County

Unless you're in Cook County or there is a local referendum on the ballot, there won't be any local decisions placed before voters this fall. But the ballot is loaded with higher-level offices that all voters will want to have a say in.

Here's a look at what voters will be asked to decide when they pick up a ballot on Nov. 4.

- United States Senator
- Governor and Lt. Governor
- Attorney General
- Secretary of State
- Comptroller
- Treasurer
- Representatives in Congress
- State Senators
- Representatives in the General Assembly
- Commissioners of the Metropolitan Water Reclamation District of Greater Chicago (3 to be elected)
- President of the Cook County Board of Commissioners
- County Clerk of Cook County
- Treasurer of the Cook County
- Sheriff of Cook County
- Assessor of Cook County
- County Commissioners of Cook County (17 from single member districts)
- Commissioner—Bd. of Review of Cook County (Dist. # 3)
- Supreme, Appellate, Circuit and Sub-circuit Court Judges (to fill vacancies if required)
- Judicial Retention

[LINK](#)

Barn Quilts Add More Than Just Beauty to Rural Illinois

Bringing tourism and farm-family values to rural America

by Brenda Matherly

As you drive through the state traveling from countryside to countryside, take note of the painted barn quilts adorning the sides of barns throughout Illinois' rural landscape.

Thanks to aspiring groups who had the foresight to create the barn quilt craze, thousands of them are popping up on the side of agricultural buildings and rural landmarks in Illinois and across 48 other states and on into Canada.

If you haven't already had the



privilege of seeing one of these works-of-art, you might be asking yourself, what is a barn quilt and where can I see one? Barn quilts are painted quilt squares usually created on boards and then mounted on a barn or other building. Unlike cloth quilts that are typically

made up of a series of squares and patterns stitched together, a barn quilt is usually just a single square on display.

The patterns are often simple geometric shapes with large blocks of color, but, not always. The patterns can also be customized to represent the history of the farm, or be a replica of a quilt that honors the family's ancestry.

Whether simple or complex, the beauty of these quilts is raising awareness of the value of farm families and the rural communities where they reside.

The popularity and interest in seeing this type of artwork has led to an agritourism opportunity known as the American Quilt Trail Movement. In many communities, an organizing group, such as an arts council, a quilt club, a 4-H club, or simply a motivated group of residents-work together to organize their barn quilts into a trail.

Often times, quilt trails take visitors on a drive through the countryside where barn quilts are mounted on farm buildings, on homes, along fences, and sometimes on freestanding posts. A quilt trail may also benefit the community by including stops at galleries, farm stands, wineries and other points of interest in the area.



Your source for barn quilt information can be found on the Barn Quilt Info website at www.barnquiltinfo.com. Included on that website you'll find an interactive U.S. map that allows you to select a state and then a county within that state offering barn quilt trails and activities. The map provided here is Illinois' barn quilt trail map. While on the website you can click on a highlighted county to visit that county's barn quilt trail information and other similar activities happening in the area.

If you're interested in taking in the sights of scenic rural America, check out the opportunity to go on a quilt trail before heading out on your next getaway. You can find more information and an interactive map locating all quilt trails by visiting Barn Quilt Info at their website: <http://barnquiltinfo.com/>

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