

Why Illinois is in the wood pile: Wood Chips –

Springfield (*ECWd*) –

Follow the law and be honest, that is all we ask.

This is the condensed version(L0L) that every legislator in Springfield needs to read regarding the wood chips of DuPage County and the attempt to change one law that will impact the whole state. The more detailed exposure on this matter can be viewed at [this link](#).

We will highlight the claims provided in a so-called “analysis” for House Bill 2423 which we understand is provided to those who pass our laws.

- *Without distribution options to the public, the township would have to pay for the mulch’s transport to a landfill.*

And the Township would have to pay for the mulch’s transport even if this bill passes, just to a different destination so that is not a cost savings. How about you follow the EPA laws in place as it relates to municipal waste? There are multiple options to the public and as of this reporting, we are not getting ANY feedback on the solutions to this claimed problem of excess wood chips in Townships.

- *Watchdogs oppose and expressed concerns about the potential for graft, providing equal access to residents, and the possibility of lawsuits as a result of this type of public policy.*

May we suggest you simply [watch the video](#) to have a true representation as to why we oppose this bill as the above statement left out the most important issue, one of Constitutionality. We have urged a written opinion on this

matter from the Attorney General, yet to date no response from those pushing this bill. If they are so confident this bill is not allowing public property for private purpose, simply prove us wrong with a written legal opinion from the AG. Is that asking to much?

So why is it that not a single lawyer supporting this bill has taken steps to enforce the laws broken by the activity to include demanding an investigation into the claimed graft that created this mess in the first place? Yes, the law and Constitution forbid certain actions but what good does that do when you ignore it when exposed to it?

- *The sponsor believes that providing this public benefit is constituted with current local government programs such as rides for seniors and the bill provision would provide the legal standing for the policy. Current law and the constitution already forbid the potential repercussions described by opponents.*

Art. VIII, Sec. 1 of the Constitution of the State of Illinois clearly states, "Public funds, property or credit shall be used only for public purposes." Ill. Const. 1970, art. VIII, § 1. What constitutes a legitimate public purpose, however, is often unclear." It may be impossible to clearly delineate the boundary between what constitutes a **legitimate public purpose** and a ***private benefit with no sufficient, legitimate public purpose to support it.*** *Southwestern Ill. Dev. Auth. v. National City Environmental*, 768 N.E.2d 1, 8, 199 Ill.2d 225 (Ill. 2002) "Each case turns on its own facts." *Berman v. Parker*, 348 U.S. 26, 32 (1954).

The claimed public purpose is getting rid of municipal waste saves the township money by delivering it free on a first come first serve basis to residents. The private benefit (residents get free wood chips) is with no ***sufficient, legitimate public purpose*** as it only benefits a very limited group of residents. Does Due Process mean anything anymore?

Attempting to justify the delivery of wood chips by comparing the spending of township money on Seniors is frankly insulting. The well-established laws pertaining to the care of seniors has a ***well-defined public purpose*** that meets the constitutional test and we challenge those supporting this bill to provide a ***“sufficient”*** and ***“legitimate”*** public purpose for delivering their waste product to people of their choosing.

Public purpose on Seniors is well defined.

- ***To decrease the sense of isolation and dependence that often accompanies old age.***
 - ***To enrich the social and intellectual life of older adults.***
 - ***To help older adults meet practical problems attendant on aging, such as health, diet, adjustment to changed circumstances, and finances.***
 - ***To help older adults contribute to community well-being as effective and useful citizens.***
 - ***To help persons approaching retirement to appropriately plan for it.***
 - ***To organize community interest in generally improving the climate of living for older adults.***
-
- ***“Delivering mulch to residents is not specifically banned under current law, but townships have received a legal opinion that they should stop delivery of mulch to local residents because of the lack fo clarity in the law.”***

Once again, Illinois is a Dillon’s Rule state, which means you don’t have the legal power to do something unless the legislature gave you such power. The fact the law does not permit it now, is, in fact, a ban on the practice, which is why they want the law passed! The legal opinion they speak of

was that it was a violation of the Constitution as it was private use of public property. We know because that is the argument we presented and multiple townships confirmed that is what they were told. One township Highway commissioner even called back and thanked us and then apologized for insisting we were wrong. He stopped delivering mulch!

- *“Mulch from tree trimmings are currently in large piles so few people come get it, so the township has to both pay to store and then to dispose of the mulch in a landfill.”*

Few people come and get it because it is located behind ***gated, locked, mesh covered fences with a No Trespassing sign***. As far as paying to store? That is a lie as the pile in York Township is on York Township property, as are most other piles in other townships and we confirmed they DO NOT pay to store it. We have asked for disposal cost records and instead of turning over the records they have violated FOIA and to date refused to respond to our FOIA related to those records.

- *A township highway commissioner in the sponsors district suggested the bill.*

Yep, the same one that is refusing to provide us with the records to prove or disprove the claim of costs associated with getting rid of wood chips.

- *Fiscal Impact – None*

None? Since when does the use of township equipment, which takes fuel, maintenance, and personnel, have no fiscal impact. Loaders to load the trucks, Trucks to deliver the product, manpower, insurance, etc. How on earth can an Analysis on a bill claim there is no Fiscal Impact? Are you starting to understand why Illinois is in the Wood Pile?

- *Five Township Highway Commissioners support the bill*

Never mind the **1427 other Highway Commissioners** that don't

have the problem those in DuPage County have.

- *IDOT and Illinois MuMunicipaleague are neutral on this bill*

Well, isn't that special. A Township Government bill and no mention of Township Officials of Illinois. I was told that they confirmed our Constitutionality concerns and advised the practice stopped. Does anyone else find it Odd that TOI has not chimed in?

Does anyone else find it odd that no one wants to get a legal opinion from the Attorney General on the Public Purpose question?

This bill is not what Illinois needs. The information provided to legislatures about this bill is appalling as it is filled with misinformation and out-right fabrications. I urge you to bury this bill and never let it see the light of day until we get answers to our questions instead of more violations of law by withholding requested records.

