

GRASSROOTS

The Official Newsletter of the Indiana Township Association

SECOND QUARTER 2010

Task Force still at work

The Indiana Township Association's Task Force, created last year for the purpose of analyzing current practices and proposing changes to enhance township government, is still at work. Dubbed "Best Practices for the 21st Century," the goal of the task force is to provide better service to the citizens of Indiana through the efficient use of tax dollars.

At the May task force meeting, the body recommended the formation of two subcommittees. One subcommittee is looking at what changes, if any, can be made to bring more consistency to the delivery of township assistance while maintaining the necessary flexibility to help those that are truly in need. Townships have come under some criticism for having differences in how each unit determines eligibility and how services are rendered.

The other subcommittee was charged with examining all aspects of township boards, including duties, salaries, and meeting structures. Townships boards have become a focal point for reform at the Indiana Statehouse, and the task force has decided to address some of these issues head-on.

Each of these subcommittees have met once and are in the process of developing recommendations to the full task force. Once the subcommittees issue their recommendations, the full task force will have the opportunity to refine and approve these proposals. Any recommendations for language introduced during the 2011 Legislative Session must ultimately be approved by the ITA Board. A listing of Task Force members can be found on page 6 of this issue.

Conference committees hope for conference success

The 2010 ITA Conference Committee & Education Committee, Chaired by Linda Williams and Fred Barkes, have been working to make the September conference a success.

Last year, many evaluation forms were collected and the committees considered the comments in making plans for this year.

One of the questions in 2009 was "How would you rate the conference facility?". Eighty five percent of the respondents answered "excellent" or "good". Therefore, the ITA Board of Directors chose to once again have the conference at the Sheraton at Keystone Crossing in Indianapolis.

The response forms for the class evaluations guided the Education Committee in plans for classes this year and attendees will have more than fifteen classes from which to choose.

You will find on pages 8 and 9, descriptions of the "extra" activities that this conference will bring. It is the hope of the Conference Committee that you will find this conference even more enjoyable than years' past.

Should you not have received a registration packet by mail, log onto the ITA website, where you will find the packet along with information for vendors.

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The Elkhart County Commissioners invited the ITA Executive Director to speak to a group of county office holders, including township trustees, who are meeting on a regular basis to discuss ways to improve and retain local government in Elkhart County. Following is a press report from the May 26, 2010 meeting.

Elkhart County townships taking the initiative

Officials want to offer ways to improve service ahead of moves to dissolve offices.

Published: Thursday, May 27, 2010 — The Truth

By [Tim Vandenack](#)

Truth Staff

GOSHEN — It's easy for township boosters to reel off the positives of the local governmental unit.

“The difficult part,” says Deborah Driskell, executive director of the Indiana Township Association, “is sitting down and taking a hard look at where we can do things better.”

Given talk in recent years about getting rid of the governmental unit, though, such an inventory needs to be done, and Driskell said a special township task force, formed by the association, already has pinpointed some general areas of concern. With proposals to eliminate or scale back township government likely to emerge once again during the 2011 legislative session, the aim is to have reform initiatives of their own that township officials can offer into the mix.

Specifics are on the way. In the meantime, Driskell, addressing a group of about 30 township leaders from Elkhart County on Wednesday, offered hints into the issues task force officials are investigating.

Nepotism: Critics have blasted the hiring of family members by township officials and Driskell didn't deny that the practice takes place.

However, nepotism occurs at all levels of government and if lawmakers are going to crack down on it, restrictions ought to apply across the spectrum, all the way up to state government. Moreover, current family members of township officials ought to be grandfathered in and allowed to stay put.

Mergers: Where it makes sense, townships should voluntarily consider mergers or combining of forces, without the state having to impose its will. Sharing of caseworkers, who help investigate requests for poor relief, could be one possible area of cooperation.

Accountability: State officials audit township operations, but if townships don't follow the proper guidelines, there's limited recourse against them, Driskell said. That reflects badly on others and it's incumbent on officials in the townships that follow the rules to “knock some sense” into their counterparts.

Standards: Though not proposing uniform rules governing their operations, Driskell said township officials ought to have general standards guiding their operations, notably with regard to provision of poor relief. That, along with provision of fire protection, is a key township service.

Some township officials put request forms for poor relief on their front porches — townships frequently operate out of officeholders' homes — with instructions for applicants to leave completed paperwork in adjacent baskets, she ruefully noted. Though not commenting on specifics of their particular township offices, township officials here told Driskell that they have crafted uniform standards guiding eligibility for poor relief across most of Elkhart County.

Driskell, who serves as Delaware Township trustee in Hamilton County, also defended the cash reserves that townships frequently carry over from year to year. Though blasted by critics, she said such funds are accumulated over periods of years and help townships make large capital purchases, avoiding interest costs.

In light of talk of doing away with township government, Elkhart County township officials have been meeting to discuss what they can do to defend the governmental unit. Wednesday's meeting with Driskell was the latest of the gatherings.

NEWS from ACROSS THE STATE

Red Cross director commends trustee's office

-Phyllis Wilkins, Executive Director, Clark County Red Cross

The American Red Cross is in the disaster response business. However, we can't do this job alone.

Partnerships are critical, and I would like to take this opportunity to tell you about a working partnership between the Red Cross and the Jeffersonville Township Trustee's Office.

The trustee's office is unusual in that they take the initiative to contact our office to see if we need help in serving those affected by disaster, whether it be fire, flood, windstorm or other catastrophic event. Likewise, they are readily available to us when we call for help.

With Dale Popp at the helm of the Jeffersonville Township Trustee's Office, he and his staff have provided invaluable support to the Red Cross, and therefore, to our clients. Not only have they provided financial support when needed, but also a level of compassion which is a credit to his office.

On behalf of the Clark County Red Cross, I would like to say thank you.

Monroe Township, Washington County VFD receives \$95,315 grant for equipment

The Monroe Township Volunteer Fire Department is now equipped to perform their duties more safely and effectively, thanks to equipment purchased through a federal grant.

The FEMA grant was for \$90,549. With the local match of 5 percent, the 20-member department had a total of \$95,315 with which to purchase new equipment.

Fire Chief Greg Durbin said the new equipment was sorely needed because what firefighters were using was outdated and did not meet current safety standards.

The grant paid for 13 SCBA (Self Contained Breathing Apparatus) units, a thermal imaging camera and handheld radio equipment.

Durbin said the SCBAs replace the old model and protect firefighters from biological and chemical elements as well as allowing them to breathe safely when entering burning structures.

The thermal imaging camera greatly enhances firefighters efforts to locate both people trapped inside burning buildings and to isolate hot spots.

In Memorial...

Township government lost Trustee Ron Hakes from Jefferson Township, Allen County on October 12, 2009.

Our condolences to his family and colleagues.

In a past issue, the GRASSROOTS paid respects to Patricia Crick. We apologize for the misspelling of her name.

The GRASSROOTS would like to pay tribute to township officials when they pass away.

Please notify the ITA as you see fit at ita@indianatownshipassoc.org or by calling the ITA office.

Agency sifts through claims

Center Township Trustee office works to hold needy accountable

By Maribeth Holtz
[Chronicle Tribune](#)

Published: Saturday, April 17, 2010 1:08 AM EDT

Out of a job and out of luck finding one, 33-year-old Jamie turned to the Center Township Trustee office.

The office is swamped with thousands of requests for assistance annually, and officials say need has grown in central Marion over the last six years. While some that want to work the system and get handouts from various agencies, township officials say their measures prevent the tax-funded office from giving to those who don't help themselves.

Jamie, who asked that her last name be kept confidential, is working to improve her life.

She has been unemployed three years and recently recovered from cancer. She was approved for township assistance, but to receive it she is required to work at St. Martin Community Center through a program called Workfare. She's also working on completing a GED, and said the program helped her gain self esteem and pride.

"It's been so long since I've had a job – it'll just make my life a whole lot better," she said.

One function of local township offices is to provide poor relief to individuals that qualify, through funding their rent or utilities on a temporary basis. The Center Township Trustee office – located in central Marion — had 5,656 requests for assistance in 2009, and 639 were approved for assistance – that's 11 percent of the applications. The total value of assistance was \$92,472.

Center Township Trustee Bryce Coryea said there are some people that come to his office just to see if they can get a hand-out, but the extensive procedures often lead to denial. Also, the thought of doing community service for the funds veers them away.

The number seeking help was down last year from 2008, when 6,540 requests for assistance arrived, with 1,277 approvals.

Coryea said it's difficult to compare numbers and why they change each year. Statistics before 2008 are difficult to compile, he added, because a new reporting system was implemented in 2008.

Still, he said he believes the need in Center Township is high, and they have received even more calls in the last two years because of problems with the Family and Social Service Administration's automated system for benefits like food stamps. The toll-free and Internet-based system is difficult to navigate, he said, especially for those who struggle to even have a phone or the Internet.

Laura Dessing, chief deputy of the office, said a lot of their job at the township office is educating people on how to make a budget and live within their means.

"They'll pay enough just to get by to pay the rent, then they'll ignore the utilities until they get a disconnect (notice)," she said.

Trustees have it right

Published by the [Chronicle Tribune](#): Saturday, April 17, 2010 1:08 AM EDT

Township trustee offices might be archaic in many ways but, we think, the Center Township trustee might serve as a good example of how to do poor relief that is effective and meaningful.

More than 600 people were helped by the office last year. Many were funneled into workfare programs and into money management programs appropriate for the local resident in need.

The help, while not on the scale of food stamps and welfare, helps people get on their feet and get off of public assistance.

It works because of the two elements large scale welfare programs lack – it's personal and, for lack of a better term, it's judgmental.

Center Township Trustee Bryce Coryea and his staff make determinations about how appropriate it is to give certain folks public tax dollars. They require work from the able bodied and budgeting practices that make sense for low income people.

“You're making decisions on peoples' lives here, but it's really, really stressful because you know they need the help, but they've got to change their thinking,” he said in an article published in the *Chronicle-Tribune* today.

If only the rest of the social safety net in Grant County world or could adopt such practices.

In some cases, we've been told food banks cannot ask questions of clients about need. They are compelled by accepting federal grants, to hand the food over to anyone who asks — even if the car trunk belonging to the needy is already full of groceries from elsewhere.

Good luck to the next person in line whose family might be hungry for healthy food.

Government programs work best when they can be administered locally by people who can see the need and respond to it in ways that make sense.

In that sense, perhaps our trustees are not obsolete after all. They could provide a model for how government should help people in the future.

Please remember to send editorials and articles related to township government to the ITA. It's great to be able to share good words with others.



Indiana Township Association, Inc.

ITA Task Force

Best Practices for the 21st Century

Mission: To analyze the general operations of township government and determine recommended "best practices" for the same.

Task Force Members

Senator Richard Young (D)
Senator Travis Holdman (R)
Representative John Bartlett (D)
Representative Cleo Duncan (R)
Joe Smith, Trustee, Jefferson Township, Wayne County*
Julia Goon, Trustee, Prairie Township, Kosciusko County*
Jean P. Lushin, Trustee, Center Township, Howard County*
Steve Anderson, Trustee, Trustee, Franklin Township, Washington County*
Dan Combs, Trustee, Perry Township, Monroe County*
Frank Mrvan Jr., Trustee, North Township, Lake County*
Mary Hart, Trustee, Pigeon Township, Vanderburgh County, ITA President*
Bob Boyer, Trustee, Sugar Creek Township, Hancock County*
Lula Patton, Trustee, Pike Township, Marion County
Debbie Driskell, Trustee, Delaware Township, Hamilton County, ITA Executive Director*
Matt Norris, ITA Lobbyist, Corydon Group*
Steve Buschmann, ITA Attorney, Thrasher, Buschmann, Griffith and Voelkel*
John Spinks, ITA Associate Director*
Stan Rice, Associate Member, Lupke Rice Insurance*
Katrina Hall, Indiana Farm Bureau
David Botorff, Association of Indiana Counties
Mark St. John, St. John & Associates
Emily Weikert, Community Harvest
Tim Deckard, Indiana Volunteer Firefighters Association
Lucinda Nord, Indiana Association of United Ways
Cathy Serrano, Human Resources/Risk Management Attorney
Indiana Fire Chiefs' Association

Nobel Prize winner work shows favor to small units of government



Much of Dr. Ostrom's work (winning her the 2009 Nobel Memorial Prize in Economic Sciences) relates well to our present discussion on the restructuring of government. In her work, *Governing the Commons*, she states, " [We] developed the concept of poly-centric systems: Looking at metropolitan areas and understanding having small units, larger units, and very large units enabled people to try to govern problems at multiple scales." She has been quoted as stating that small to medium sized cities were more effective in monitoring the performance of their own officials so they could figure out what was going on and correct it. Citizens who were dissatisfied with services could exit; vote with their feet. She recommends that small units look for ways to contract together for services. Dr. Ostrom emphasizes that the important thing about small units

is that if it doesn't work, you can exit. If you have only big units, how do you exit?

Dr. Ostrom conducted studies of police departments over a period of 15 years. She never found a single instance of a large, centralized police department outperforming smaller departments, serving similar neighborhoods...She believes that the rules we use to govern need to fit the social or ecological area or field that they are supposed to control. She said, "Having one kind of rule that will work everywhere is a ridiculous kind of thinking"

We are not alone

Most of you are aware that Indiana is not the only state where local government has come under fire (namely townships). Michigan townships also have been weathering the storm of calls for elimination and/or reform. The Michigan Township Association's publication, "Reforming Michigan's Local Government", is a good reference tool for Indiana township officials since many of the arguments **for** keeping services local are very much the same.

For example: Township Fund Balances (p. 28 of the report) states, "Townships generally carry larger year-end fund balances than do other local units of governments, often exceeding the Government Finance Officers Association (GFOA) recommended minimum, an amount equal to two months' worth of operating expenses. **Unrestricted** fund balances are like a family's savings – it is money left over after all of the bills have been paid, and is needed to meet unanticipated obligations and emergencies, and to shore up services when revenue streams are disrupted, such as is occurring in the current economic environment. Fund balances allow services to be maintained in the short term without raising taxes."

"Local government critics, including some in state government, have criticized township for carrying what they believe to be excessive fund balances and cite the GFOA recommendation as their objective source. This criticism misses a number of important points".

The report continues with a list of positions, many of which the ITA has made on behalf of Indiana townships. Included in the list:

"Fund balances reported in local government audits are measured at their fiscal year-end. For the majority of township, the fiscal year ends just after property taxes have been collected, and the year-end fund balance does not reflect the township's minimum fund balance but rather is measured when it is at the maximum level of cash flow that fluctuates throughout the year.

"Townships often accumulate additional resources in their fund balances as savings toward planned future large capital purchases.

"Townships and other smaller entities should maintain larger fund balances because they have less predictable patterns of expenditures compared to larger entities, and unanticipated expenditures that are easily absorbed in the budgets of larger governments can have a much more detrimental impact on a smaller budget."

The report, in its entirety can be found at <http://www.michigantownships.org/downloads/localgovernmentreformlowres.pdf>

ITA Convention & Legislative Conference

February 7 & 8, 2011

Indiana Township Association's Annual Educational Conference

September 26-29

Sheraton Hotel Indianapolis

By now, you have received your registration packet for the upcoming ITA Educational Conference. (It is also available at www.indianatownshipassoc.org.) In that packet there is an event schedule and a list of classes that will be offered on Tuesday, September 27th.

Here are some highlights for "extras" you can expect this year!

Cornhole Tournament - September 27

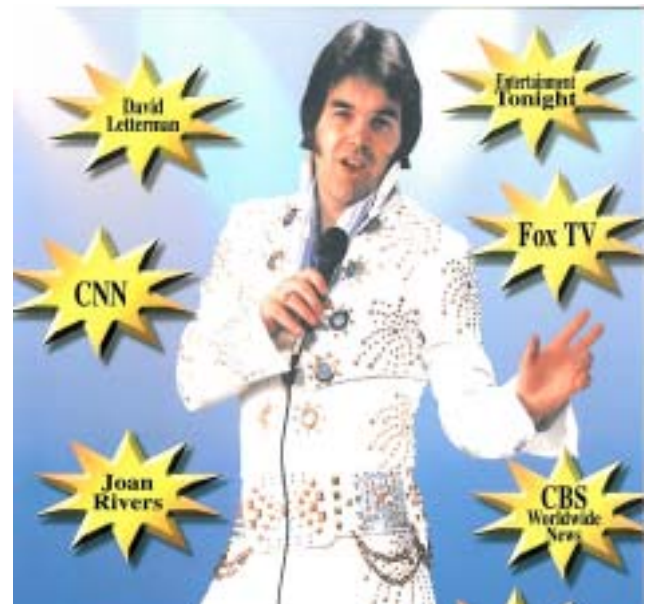
***We're Bringing It
Back!***



Start stretching and get your pitching arm ready. Monday night, during the Welcome Reception, there will be a cornhole tourney. We had a good turn out a couple years ago, so we decided to bring this event back. Bring your partner and join us for an evening full of fun and laughter. Even if you don't want to play there is always room for fans and cheerleaders.

***BRUCE BORDER
THE MAYOR OF ROCK-N-ROLL
PRESENTS HIS "TRIBUTE TO ELVIS"
at the Wednesday night Awards Banquet
September 28, 2010
Sheraton, Indianapolis***

***COME PREPARED TO "SOCK HOP"
following Elvis's performance!***





Wednesday, September 28
7 p.m.

ITA Annual Awards Banquet
Send in Your Nominations Today!

*You can expect a
"new and improved"
awards program this year!*

- ◆ *Trustee of the Year*
- ◆ *Township Board Member of the Year*
- ◆ *Township of the Year*
- ◆ *Township Employee of the Year*

Township Officials who are members of the ITA are eligible to win - but they must be nominated!

Check your registration packet for more information.

All nominations will be held and considered for a period of two years.

Questions? Call Steve Anderson, Awards Committee Chair

(812) 620-0334 or franklintwptrustee@blueriver.net



Philip Gulley
Humorist - Author

our Guest Speaker

Tuesday, September 28

Luncheon - 11:30

*followed by a special home-spun talk you are
sure to enjoy!*

Philip Gulley has become the voice of small-town American life. Along with writing *Front Porch Tales*, *Hometown Tales*, and *For Everything a Season*, Philip Gulley is the author of the [Harmony series](#) of novels, as well as *If Grace Is True* and *If God Is Love*, co-authored with James Mulholland. He hosts "Porch Talk with Phil Gulley" on the Indiana PBS affiliate WFYI television's flagship show *Across Indiana*. [Click here](#) to watch and listen to select episodes.

Gulley lives in Indiana with his wife, Joan, and their sons, Spencer and Sam—in a rambling old house with Gulley's eclectic chair collection (sixty-four at last count) and a welcoming back porch.

The ITA had as our guest in 2002, Philip Gulley. Many of you purchased his books, including his well-known Front Porch Tales. Philip's books will be available for purchase and he will be available after his presentation to sign them for you!

Investment News

Public Law 115 - House Enrolled Act 1336 effects how townships obtain quotes for investments in Certificates of Deposits. Indiana Code 5-13-9-4 (b) states The investing officer making a deposit in a certificate of deposit shall obtain quotes of the specific rates of interest for the term of that certificate of deposit that each designated depository will pay on the certificate of deposit. Quotes may be solicited and taken by telephone. A memorandum of all quotes solicited and taken shall be retained by the investing officer as a public record of the political subdivision under IC 5-14-3. If the deposit is not placed in the designated depository quoting the highest rate of interest the investing officer shall: (1) place the deposit in the depository quoting the second or third highest rate of interest; and (2) note the reason for placing the deposit on the memorandum of quotes

Indiana Code 5-13-9-5 is amended concerning quote procedures, changing (c) If a deposit is not placed in the designated depository quoting the highest rate of interest, the investing officer shall follow the procedures and priority for placing deposits that are set forth in section 4 of this chapter and note the reason for placing the deposit on the memorandum of quotes.

TA-7 is a must

The Township Assistance Form TA-7 (Township Assistance Statistical Report) is to be completed and filed with the State Board of Accounts with the Annual Report. Unfortunately, there are several townships which have not filed the 2009 TA-7. The Indiana Department of Local Government Finance (the entity responsible for final approval of government budgets) will not approve 2011 budgets for those townships if they fail to file the said form. Please, if you need assistance with the form, call the ITA for help. We will do our best to assist you.

County Council's "Non-Binding" Review

As you know by now, townships must submit their budgets to the county council for its review prior to adoption by the township board. **Remember: Do not have your township board adopt your budget until you have received the county council's review.**

The county council's review must be in writing. The county must submit their written review of each unit to the DLGF. **Failure of the county council to comply will jeopardize the approval of the county's 2011 budget and levy.**

After the review, county councils must include with their non-binding recommendation a "comparison of any increase in the civil taxing unit's budget or tax levy to:

(1) the average increase in Indiana nonfarm personal income for the preceding six (6) calendar years and the average increase in nonfarm personal income for the county for the preceding six (6) calendar years; and (2) increases in the budgets and tax levies of other civil taxing units in the county." This requirement is found in IC 6-1.1-17-3.5(f).

The township must adopt its budget **after** the county fiscal body completes its review and issues a non-binding written recommendation. **October 15** is the last day for the county fiscal body to complete this review and issue a written recommendation. If the county fiscal body misses this deadline, the county unit will risk the continuation of its most recent annual appropriation and tax levy for the ensuing budget year.

The township should meet on the date published for adoption of the budget. If they do not have the written recommendation from the county fiscal body, they should announce at the meeting that the adoption meeting will be continued giving the date, time and location of the continued adoption meeting.

From the Division of Family Resources

Indiana Family & Social Services Administration

Laura Betzinger

Policy and Communications Liaison

Dear Former V-Can Contact:

As you already know, the Division of Family Resources (DFR) discontinued the Volunteer Community Access Network (V-CAN) last December. At that time, we removed V-CAN contacts from our website.

Though we no longer have V-CAN, we do wish to continue our partnership with you. With this goal in mind, we have restructured critical pieces of V-CAN into two categories: Registered Access Points and Regional Advisory Groups.

The descriptions of both categories are listed below. The choice is yours to decide if you wish to be a part of both groups, one group or to not be involved at this time.

REGISTERED ACCESS POINTS

The primary purpose of the Registered Access Points is to provide local points of access to the public. DFR will maintain a listing of sites that will help clients know where they can go to receive assistance with registering for benefits from FSSA. Agencies must meet the following minimum requirements to be an access point:

Access points must offer telephone, fax and Internet for clients to apply for FSSA programs. If an agency wishes to register more than one location, each site is required to have all three means of applying.

Access points must provide DFR with current contact information for inclusion in our online directory of access points to be hosted on the FSSA web site. If an agency registers multiple locations, site specific contact information must be provided for each.

This is a significant change from V-CAN. Only locations that offer all three options and agree to be listed in the online registry will be considered. Also different from V-CAN, DFR regional offices will now be responsible for facilitating networking and distributing information such as newsletters.

If your facility would like to register as an access point, please contact me, Laura Betzinger, DFR Policy & Communications Liaison at 317-234-7604 or Laura.Betzinger@fssa.IN.gov.

To best serve our current and future clients, we require access points to immediately contact DFR if at any time an agency is no longer able to provide all three options for submitting an application so that we may remove your information from the registry.

REGIONAL ADVISORY GROUPS

DFR is working to bring together clients, families, providers and other industry professionals to form Regional Advisory Groups. Members of each advisory group will help to advise and collaborate with DFR on issues relating to the eligibility process and the rollout to the hybrid system in their part of the state.

On the next page, we show a map of Indiana counties and their corresponding region. If you would like to become part of a Regional Advisory Group, simply send a request to the e-mail address shown for that region. You may request to join more than one group by simply sending an e-mail request to each region's e-mail address.

ADDITIONAL INFORMATION

Please feel free to contact me at Laura.Betzinger@fssa.IN.gov or at 317-234-7604 if you have any questions about Registered Access Points or Regional Advisory Groups. I appreciate your ongoing partnership with DFR and for your support of Hoosiers in need.

The new "hybrid system" will be presented in one of the ITA workshops at the upcoming conference.

TOWN AND TOWNSHIP OFFICIALS TO CONVENE IN WASHINGTON, DC IN DEFENSE OF LOCAL DEMOCRACY

By Andrew Seth
aseth@tfgnet.com

This September 15-17, 2010, town and township officials from across America will gather in Washington, DC, to attend “America’s Town Meeting,” the annual conference of the National Association of Towns and Townships (NATaT). As the voice for nearly 12,000 towns and townships across America, NATaT is working with local government leaders to ensure that the needs of small communities are central in federal statutory, regulatory, funding, and policy decision-making. Please plan to attend this important conference to meet with your Members of Congress and make the voice of towns and townships heard in Washington, DC. The conference will also provide opportunities for NATaT members to network with their colleagues and share best practices, lessons learned, and strategies for success.

The theme of this year’s event will be the preservation of local democracy. Conference participants will engage in interactive discussions with senior Obama Administration and Congressional leaders, and will highlight the need to enhance federal resources in towns, townships, and other rural and small urban areas. The conference will feature:

- High-profile plenary speakers;
- Interactive panel sessions on the key legislative issues of creating jobs in America’s small communities, transportation infrastructure, benefits for volunteer firefighters and emergency medical responders, homeland security/public safety, and more;
- A networking reception, hosted by the Wisconsin Towns Association; and
- An opportunity to meet with your Member of Congress.

Optional events will bookend the conference. Plan to arrive on September 15 and enjoy a moonlight tour of Washington, DC. DC tour highlights will include visits to the Capitol Building, White House, Jefferson Memorial, Washington Monument, FDR Memorial, Lincoln Memorial, Vietnam Veteran’s Memorial, Korean Memorial, and Iwo Jima Memorial. Attendees can also register for an afternoon spouse/guest tour of historic homes and gardens on September 16, an evening walking ghost tour on September 17, and a bus tour to visit historic Civil War battlefields in Virginia on September 18.

The early bird registration rate for NATaT members is \$239 (\$259 after August 11, 2010). Negotiated room rates at the Hyatt Regency on Capitol Hill are \$239 plus taxes per night until August 11, 2010. To make a hotel reservation, visit <http://washingtonregency.hyatt.com> or call (888) 591-1234 and reference the National Association of Towns and Townships.

This conference is typically held the week of Labor Day, but it was pushed back a few weeks due to Congress being in recess.

Save the date for the 2010 America’s Town Meeting. For more information and to register, visit:

www.natat.org.

NATaT Urges Congress to Exempt Towns and Townships from Proposed Cemetery Legislation

Last year, Representative Bobby Rush (D-IL) introduced the Bereaved Consumer's Bill of Rights (H.R. 3655) in response to a case of major criminal offenses at a Chicago cemetery (Burr Oak). H.R. 3655 would require the Federal Trade Commission (FTC) to enact a new trade rule requiring a variety of consumer disclosures by all cemeteries providing funeral goods and services. The National Association of Towns and Townships (NATaT) is seeking to exempt units of local government, including towns and townships, from any new FTC cemetery rules.

As proposed, H.R. 3655 could impose serious fines on local governments that manage cemeteries. Minor violations of any new FTC cemetery rules could trigger fines at the rate of \$16,000 per violation. The FTC would seek such penalties by filing a suit in district court. In addition, rule violators (irrespective of the state of knowledge) would be liable for injury caused to consumers by the rule violation. State attorneys general could also bring civil actions against rule violators in district court.

Towns, townships, cities and counties across the United States responsibly manage cemeteries for the public good. Cemetery operations are not a money-making operation for local governments, and oftentimes their maintenance have fallen onto municipalities after cemeteries have either gone bankrupt or been abandoned. Heavy fines for minor violations would bankrupt a number of publicly-managed cemeteries that operate with volunteer staffs and possibly one or two paid employees.

The FTC's jurisdiction is also generally limited to for-profit businesses. H.R. 3655 proposes to expand the FTC's oversight to not-for-profit organizations, including local governments. If enacted, H.R. 3655 would stretch the FTC's mandate well beyond its current scope.

In May 2010, the U.S. House of Representatives' Energy and Commerce Committee began consideration of H.R. 3655. However, H.R. 3655 was tabled from consideration when unexpected amendments were offered to exempt religious organizations from the bill's purview.

NATaT has submitted a letter to House Energy and Commerce Committee Chairman Henry Waxman (D-CA) and Ranking Member Joe Barton (R-TX) that expresses our concerns with the legislation, and urges Congress to exclude units of local government from any rules that the FTC would develop regulating cemeteries.

H.R. 3655 is currently opposed by the International Cemetery, Cremation and Funeral Association (ICCF), the Catholic Cemetery Conference and other organizations.

ACTION – H.R. 3655 could be reconsidered by the House Energy and Commerce Committee and the 111th Congress at any point. NATaT urges town and township leaders from across America to contact your Representatives and Senators and express your concerns with H.R. 3655. Contact your Representatives' and Senators' Chief of Staff in Washington, DC, and the District Director in your state. Contact information is available for your Representatives and Senators at www.house.gov and www.senate.gov, respectively. For more information, visit www.natat.org.

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