

GRASSROOTS

The Official Newsletter of the Indiana Township Association

MAY 2010

ITA Final Report of the 2011 Session of the Indiana General Assembly

The 2011 Session of the Indiana General Assembly drew to a close on April 29th, and by all accounts it was a rousing success for township government and the thousands of Hoosiers that rely on their trustees for vital services. The state legislature approved a number of bills that will improve the delivery of services at the local level while protecting taxpayers, but most importantly, several bills that would have greatly altered the structure of township government were defeated.

The Legislative Committee of the Indiana Township Association had prepared for this legislative session by convening a task force to determine how services can be delivered to Hoosiers in a more effective and efficient manner. Recognizing that Governor Daniels and key legislators would continue their efforts to greatly alter the structure of local government, the ITA Task Force, dubbed “Best Practices for the 21st Century”, worked to address some of these criticisms head-on by introducing our own reform proposals. The recommendations adopted by the task force were bundled into two identical bills and were introduced in the Indiana House by Rep. Saunders (R- Lewisville) and the Indiana Senate by Sen. Sue Glick (R- LaGrange) and Sen. Richard Young (D-Milltown).

As expected, a number of other reform bills were also introduced by members of the Indiana General Assembly. These proposals took on a variety of forms and included language calling for the elimination of townships in lower-populated areas, the elimination of townships located entirely within a municipality, and the elimination of township boards along with a number of other reforms (including many of the task force-endorsed reforms).

From this group of bills, HB 1469 and SB 405 became the primary vehicles for township reform in the House and Senate, respectively. HB 1469 would have given oversight of township budgets to county councils and

required a referendum in each county on the elimination of township government, along with a number of other measures. Though the bill passed out of the House Government & Regulatory Reform Committee, it died on the House calendar as a result of the House Democrat walkout in February.

SB 405 called for the elimination of township boards along with a number of other reform proposals (many of which were included in our task force recommendations). We met with the bill’s author on a number of occasions to express our support for some of these measures, but reiterated our opposition to the elimination of township boards and some of the other more onerous provisions contained in the bill.

After an intense lobbying effort by the ITA’s lobbying team, allies of township government (including the Indiana Fire Chiefs Association and Indiana Volunteer Firefighters Association, and through your efforts in contacting your legislators, SB 405 was defeated on the Senate floor by a 21-28 vote.

Despite this vote, efforts at township reorganization continued in the 2nd half of session. HB 1357 was amended in the Senate Local Government Committee to call for binding review of township budgets by county councils (though township boards would stay in place), as well as limitations on township budget growth. Again, though there were several provisions in the bill that we fully supported and endorsed as part of the task force, we opposed the binding review of township budgets at the county level and township budget growth limitation. Senator Glick introduced an amendment at our request that would have removed those provisions from the bill (and would have allowed us to fully support the bill with this language removed), but when it became clear that

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Message from the ITA Legislative Chair

By: Ralph Flowers

Fellow honorable Trustees - calls are being made this morning as I type this message. Our professional lobby core team of Debbie Driskell, John Spinks and Matt Norris of the Corydon Group ran the General Assembly marathon this session in world record time. As I watched the drama unfold April 29th on SB 526 at the Statehouse and watched our lobby team work. It was incredible.

What we accomplished in this session is nothing short of a miracle based on our feedback in January from our opponents and representatives. Remember, we are at the Statehouse when in session everyday. I am so proud of what these folks did the last four months. You have no idea of the sacrifice and time they committed to us.

I want to thank all of you who responded to our ITA alerts and contacted your reps in the house and senate. You should have seen the hugs and high fives last night after the final vote was made in the Senate Chamber on 526 at 10:00pm. We (ITA) are now recognized and respected as a professional organization at the Statehouse by other lobby groups because of the hard work of Deb, John and Matt. Our opponents even had to admit what a great job we did and have done over the last three years.

Now as we go forward it is very important to make sure, we as Trustees, perform our elected positions and make sure other fellow trustees in our county's follow standard guidelines and the Code. Our work is never done and we (ITA) will continue to serve all Trustees in the State. We have the opportunity to promote ourselves and what we do going forward.

I encourage you to get involved as Trustees in your Township, talk to people and communicate what we do as many of you currently do on this email list. Your ITA leadership is committed to help and serve you, Thanks for your support.

Thank you from the Executive Director

I cannot say enough to thank all of you who worked so hard this session to see the preservation of township government. As I have told you many times - YOU are a vital part of the ITA lobby team. Many of you faithfully contacted your senators and representatives each time an ITA alert was sent out; and I hope you know what an impact that has on our legislators! Importantly, too, is that many of you sent back to the lobby team important feedback - comments that you received from your legislators. We truly depend on that kind of "intel".

It is impressive that so many of you helped work against SB526 (The Marion County bill). Although it would not have had a direct impact on your townships - many of you realized that it would eventually work against you where you live.

Now, as we prepare for next session, WE NEED TO HAVE YOUR EMAIL ADDRESSES in our data base! Alerts come up with very little notice and we need to reach trustees as quickly as possible. Faxes work fine, if needed; however, they cost time and resources whereas emails can be sent with the click of a button.

Finally, I want to thank Ralph Flowers (our legislative chair), John Spinks (my associate) and Matt Norris (of the Corydon Group). It was my honor to work with them this session.

Debbie Driskell

our amendment would have passed the Senate, the bill's author decided not to call the bill down, thus killing it.

Though the demise of HB 1357 marked an end to statewide township reform efforts this session, we still had to contend with efforts to eviscerate township government in Marion County. SB 526 was this year's effort to reorganize local governments in Marion County. Though the bill would have kept trustees in place and did not call for the consolidation of the township fire departments into the Indianapolis Fire Department, it would have eliminated township boards in Marion County (and thus subjected township budgets to county approval), transferred all township property to the county and rendered all township employees under the purview of the county. In our estimation, the ability of the county to control the purse strings amounted to county control of township functions, and had this bill passed this year it was easy to envision the proponents of reorganization eventually call for the elimination of trustees and consolidation of the fire departments. We were also concerned about the precedent this bill would set for other municipalities in the state.

SB 526 passed the Senate earlier this session on the same day that SB 405 was defeated and passed the House by a narrow margin a couple of weeks ago. After conferees met in conference committee to reach an agreement on the final form of the legislation, the bill was subjected to a final vote in the House and Senate on the last night of session in order to become law. The bill passed the House by a slim 51-46 vote, but was defeated on the Senate floor by a single vote, 24-26.

Not only was this a successful session for township government in terms of proposals that were defeated, but the ITA Lobbying Team was able to enact one of our proactive agenda items in its entirety while our other two agenda items were addressed in a scaled-down fashion.

As most of you are aware, township government is criticized for the perceived excessive cash balances held by some trustees. For years we have argued that these cash balances are largely a result of a legislative change made by the General Assembly that eliminated the ability of local units to "bank" their unused levies, thus forcing local units to "max out" their property tax levies each year. However, with the passage of HB 1288 this year, local units will again be able to levy only what they need each year to operate without losing the maximum allowance going forward. This bill will allow townships and other units to be frugal with property tax dollars. A special thanks to Rep. Milo Smith (R- Columbus) for his work on this bill, which passed the House 98-0 and the Senate 49-1.

The ITA Lobbying Team also pursued legislation that would have allowed townships to receive a portion of public safety LOIT dollars in counties that adopt such a tax (current law only allows counties and municipalities to receive a share of the revenue). Despite our efforts to pass legislation that would simply allow townships to automatically receive a share of the revenue, HB 1004 allows a fire department or emergency medical service to request to receive a distribution of the public safety LOIT dollars.

Finally, we also sought a clarification to the law regarding excess levy appeals, and though we were unsuccessful in obtaining the change to statute, we were able to obtain relief for certain townships that were negatively affected by changes made to the excess levy appeals law a few years ago.

Other provisions worth mentioning include:

- In addition to the public safety LOIT issue mentioned above, HB 1004 also creates an Indiana Transparency website and requires the DLGF to post information from local units on the website (state agencies, universities, and locals schools will also have information posted).
- HB 1004 also makes several minor changes to the law governing fire protection territories that the ITA supports. We worked with officials from the fire services and several legislators in amending an introduced version of the bill that would have made it very difficult for new territories to be formed, and instead reached agreement on a compromise version.

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Final Report continued from page 3

- HB 1004 also prohibits DLGF from approving a budget of a local unit until they file their annual report with the State Board of Accounts.
- We also worked extensively with the officials and lobbyists for Indiana Fire Chiefs Association and the Indiana Volunteer Fire Fighters Association to defeat a proposal that would have completely prohibited volunteer fire departments from charging fees for incidents and also worked with them in passing language that allows for recovery of attorney's fees in recovering an unpaid charge in HB 1365.
- SB 590, which addresses illegal immigration matters, requires townships and other governments units that provide public benefits to verify the eligibility of an applicant by requiring the person to execute a verification stating that the person is a US Citizen or a qualified alien. The State Board of Accounts is required to adopt rules to implement this provision.
- In addition, SB 590 also requires all local units and public subdivisions to verify the work status of all employees through the E-verify system, and also requires units to only contract for services with business entities that use the E-verify system. Both of these provisions apply after June 30, 2011.
- Finally, SB 292 prohibits a local unit from prohibiting the possession of a handgun in a public building if the person has been issued a valid license to carry the handgun.

SENATE BILL 405 ROLL CALL

YEAS - 21

Alting	Gard	Long	Walker
Becker	Grooms	Merritt	Waltz
Boots	Head	Miller	Wyss
Bray	Hershman	Mishler	
Charbonneau	Holdman	Smith	
Eckerty	Lawson	Tomes	

NAYS - 28

Arnold	Kenley	Paul	Tallian
Banks	Kruse	Randolph	Taylor
Breaux	Lanane	Rogers	Waterman
Broden	Landske	Schneider	Yoder
Buck	Leising	Simpson	Young, M
Glick	Mrvan	Skinner	Young, R
Hume	Nugent	Steele	Zakas

EXCUSED - 1

Delph

“Thank you” Notes

Please take the time to write a “thank you” note to the Representatives and Senators whose votes reflect support for township government.

So many times our legislators only hear from us when we want something and not in the form of thanks after the fact.

Mailing Addresses

House of Representatives

Indiana House of Representatives
200 W. Washington Street
Indianapolis, IN 46204-2786
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(800) 382-9842

Senate

Indiana State Senate
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(317) 232-9400
(800) 382-9467

SENATE BILL 526 ROLL CALL

HOUSE

VOTING YEA: 51

Bacon	Espich	Lutz	Steuerwald
Baird	Foley	Mahan	Sullivan
Brown,T	Friend	McClain	Thompson
Burton	Gutwein	McMillin	Torr
Cherry	Heaton	McNamara	Truitt
Clere	Hinkle	Messmer	Turner
Crouch	Karickhoff	Morris	Ubelhor
Culver	Knollman	Noe	VanNatter
Davis	Koch	Rhoads	Welch
Davisson	Kubacki	Richardson	Wesco
Dermody	Lehe	Smith,M	Wolkins
Eberhart	Lehman	Soliday	
Ellspermann	Leonard	Stemler	
Mr. Speaker			

VOTING NAY: 46

Austin	Dobis	Kirchhofer	Reske
Bardon	Dodge	Klinker	Riecken
Bartlett	Dvorak	Lawson,L	Saunders
Battles	Frizzell	Moseley	Smith,V
Bauer	Fry,C	Moses	Speedy
Behning	Frye,R	Neese	Stevenson
Borders	GiaQuinta	Niezgodski	Summers
Brown,C	Goodin	Pelath	Tyler
Cheatham	Grubb	Pierce	VanDenburgh
Crawford	Harris	Pond	Yarde
DeLaney	Heuer	Porter	
Dembowski	Kersey	Pryor	

EXCUSED FROM VOTING: 1

Pflum

NOT VOTING: 2

Candelaria Reardon Day

SENATE

YEAS - 24

Alting	Grooms	Lawson	Smith
Boots	Head	Long	Tomes
Bray	Hershman	Merritt	Waterman
Charbonneau	Holdman	Miller	Wyss
Eckerty	Kenley	Mishler	Young, M
Gard	Landske	Schneider	Zakas

NAYS - 26

Arnold	Glick	Paul	Taylor
Banks	Hume	Randolph	Walker
Becker	Kruse	Rogers	Waltz
Breaux	Lanane	Simpson	Yoder
Broden	Leising	Skinner	Young, R
Buck	Mrvan	Steele	
Delph	Nugent	Tallian	

Would you like to see how your legislators voted on other bills? Follow these simple steps on the internet...

- *Go to www.in.gov/legislative*
- *On left side of page, click on "Bills & Resolutions"*
- *Click on "Complete Info for all bills"*
- *Insert bill number under "Go to bill."*
- *Press "GO"*
- *Scroll to the bottom of the bill digest and look for "Roll Calls"*

In Memorial...

Ronnie D. Austin of Avon died Dec. 27. He was 53. He was born July 11, 1957. Ronnie served as the Avon Washington Township Trustee from 2002-10. He also served as a reserve deputy for the Hendricks County Sheriff's Department. His memberships included the Fraternal Order of Police and the Free Masons and the Indiana Township Association.

Don Schwab passed away in April. Don was former Trustee of Abington Township, Wayne County. He was a former Navy Seal who was one of the men who would retrieve the early space exploration capsules from the ocean. He was buried at Arlington National Cemetery.

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.



Indiana Institute for Township Government

The Institute was incorporated as a 501 C 3 nonprofit organization in 2004 for the purpose of education regarding township government, improving the image and operation of township government, and award educational scholarships.

Past accomplishments of the Institute include a study on township government, performed by Indiana University, and a paper, written by Dr. Maureen Pirog, also of I.U.

For the future, the Institute is considering educational videos to be put on the internet and made available to the media and others, educating them on township government.

Your membership to the Institute would help make this happen! An application for membership can be found on page 11 of this issue.

Please remember that the Institute is an affiliate of the Indiana Township Association - two separate entities.

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Is your volunteer fire corporation compliant?

What's Happening?

The Pension Protection Act of 2006 requires the IRS to revoke the tax-exempt status of any nonprofit that is required to file an annual information return (Form 990, 990-N, 990-EZ, or 990-PF) and has not done so for three consecutive years. Revocation is automatic and mandatory under the law.

May 17, 2010, was the first filing date to trigger revocations. When it became clear that many small nonprofits had missed the deadline, the IRS initiated one-time filing relief for small organizations with filing deadlines falling on or after May 17, 2010, and before October 15, 2010. The filing relief program has expired, and the IRS will soon publish the initial Nonfiler Revocation List; see the box at the top of this page for more information.

Who Should Be Aware of These Changes?

- Nonprofits required to file an annual return that have not done so for three consecutive years. Small organizations with revenues of \$25,000 or less are particularly vulnerable, since before 2008, they were not required to submit annual filings to the IRS, and they still may not be aware of the requirement.
- Grantmakers and others who need to verify nonprofits' status to know which ones are exempt and which are not.
- Donors who want to ensure that their charitable contributions will be deductible—and that the organizations they are supporting are in compliance with the law.

How Much of an Impact Will the revocations Have?

In December 2010, the IRS released a list of more than 321,000 nonprofits at risk of losing their exemptions for failure to file. GuideStar's analysis indicates that the vast majority are smaller nonprofits that previously were not required to file an annual return because their gross revenues were \$25,000 or less. A few larger organizations—those with annual incomes ranging from \$100,000 to over \$10 million—were on the list, however. Further, the nonprofits that have been revoked may also face dissolution by the state.

What Happens if I Give to a Charity That Has Lost Its Exemption?

As long as the nonprofit has not received a revocation notice from the IRS, your gift will still be deductible to the extent allowed by law. Donations made to a charity after it has received a revocation notice will no longer be tax deductible, however.

Annual Report Filing Statistics Released

During this past session of the General Assembly, townships were highly criticized for late filings of our annual reports. This begs the question: "How do townships compare with other taxing units on meeting our deadlines?"

<u>UNIT TYPE</u>	<u># OF UNITS</u>	<u>REC'D LATE</u>	<u>NOT REC'D</u>	<u>% RECEIVED</u>
COUNTY	92	20	2	97.83
TOWNSHIP	1006	68	77	92.35
CITY/TOWN	568	92	79	86.09
LIBRARY	241	26	10	95.85
SP. DIST	380	55	91	76.05
<u>TOTAL</u>	2287	261	259	88.68

Townships did a better job this year! We are above average and ahead of cities and towns!

Do you think of yourself as an advocate for the needy?

Below is an example of a township caseworker's letter to the local housing authority on behalf of her client. May it be an example to all of us on going the "extra mile" for our clients. While we want to hold them accountable for their choices; there are times for mercy, as well.

Lafayette Housing Authority
100 Executive Drive, Suite J
Lafayette, IN 47905

Dear ...:

I am writing to request that you reconsider Jane Doe's application for Section 8 Housing Assistance.

Although I am writing this letter from work, and in the context of my position as a caseworker at the Fairfield Township Trustee's office, I hesitate to write on letterhead stationery as my knowledge of Jane Doe comes primarily from an intuitive response to Jane's story – and not from physical documentation. That said, I have been in this position for over three years and have worked with this population for many more years as a mediator. I am an excellent listener, and I believe that I have good instincts 😊

From my understanding, Jane made a series of mistakes when she was younger – which she "paid" for by being charged with "maintaining a common nuisance," and "possession of marijuana," as drugs belonging to her boyfriend were found in her car. Court records do show that these charges, issued in August of 2004, were dismissed in December of 2005 after the judge heard her story and determined that she was simply "guilty" of making a bad choice in boyfriends. Since then, she has remained drug-free (and crime-free).

Jane also "paid" for these mistakes by being terminated from your list until August of 2011. While I understand and support the Housing Authority's (or HUD's) desire NOT to reward drug users with government-supported housing, I also support the judge's decision to dismiss Jane's charges and not subject her to a lifetime "sentence" of being denied employment opportunities or government assistance because of mistakes she made when she was only 18. Unfortunately, by the standards of this office I have had to "punish" her again by denying her township application for rental assistance.

Jane is 25 now, and struggling to support her two young children – her beautiful reward for this same "mistake." She has made difficult choices and sacrificed opportunities so that she can be with her children during their formative years. I admire her attitude and her devotion to her children, and I would like to help her get Section 8 assistance until her boys are older and she can continue her education – and eventually get a better paying position.

Jane deserves a break, and I hope that you can reconsider her case. Please call me if there is anything further that I can do.

Sincerely,

Fairfield Township Caseworker



Despite Budget Cuts, Many Grant Programs Critical to Towns and Townships Survived

Shortly before midnight on Friday, April 8th, President Obama and leaders from the House and Senate reached a deal to fund the federal government through the end of Fiscal Year 2011 (September 30, 2011). Both the Senate and the House are expected to approve this legislation by the end of the week. The legislation must be passed by 11:59 p.m. on April 15th to avoid a government shutdown.

Although this legislation contains nearly \$40 billion in total spending cuts, approximately \$17 billion of this total will come from changes to mandatory spending programs. As a result, the legislation reduces discretionary spending by less than \$23 billion compared to FY2010. While several programs of interest to local governments did receive funding reductions, many of the most important grant programs available to towns and townships were preserved at near-FY 2010 level, including: various Rural Development programs, Assistance to Firefighters, EDA Public Works and Infrastructure, EPA Brownfields, and many more.

Details of the program funding levels that are of interest to townships are provided in the tables below. Of note, all programs listed below will be automatically reduced by an across-the-board rescission of 0.2%.

Program	FY 2010 Funding	FY 2011 Funding	Program Notes
Environmental Protection Agency			
Brownfields Grant Program	\$100,000,000	\$100,000,000	
Department of Homeland Security			
Assistance to Firefighter Grant Program	\$390,000,000	\$405,000,000	DHS expects to publish the Notice of Funding Availability for this grant program in April / May.
Staffing for Adequate Fire and Emergency Response Grant Program	\$420,000,000	\$405,000,000	DHS expects to publish the Notice of Funding Availability for this grant program sometime this summer.
Emergency Operations Center Grant Program	\$60,000,000	\$15,000,000	DHS expects to publish the Notice of Funding Availability for this grant program in April / May.



INDIANA INSTITUTE FOR TOWNSHIP GOVERNMENT

See Page 6 of this issue for more information on the Institute!

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Mark Your Calendars

2011

Educational Conference

September 25-28

Sheraton Hotel - Indianapolis

ATTENTION TO THOSE OF YOU WHO ARE NOT ITA MEMBERS

This issue of the GRASSROOTS is complimentary and is considered to be one of our membership benefits. In order to receive future issues, please join us today!

If you are considering membership, but still have questions, please do not hesitate to contact us!

Remember that the ITA has been in existence for over 120 years and continues to be the leader in education and legislative services. We hope to count you as a member soon.

You can receive timely updates IF we have your correct email address. If you are in doubt, email us today at ita@indianatownshipassoc.org

Some of our members change email addresses frequently. One way to save the hassle is to get a "hotmail" or "yahoo" account - it's free!

GRASSROOTS

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AMERICAN TOWN MEETING

2011 LEGISLATIVE CONFERENCE



September 6 - 8, 2011

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Early Bird Registration Available

WHY SHOULD I ATTEND?

How your town/township can benefit from working with Congress and the Federal agencies. Attend this important event to meet with Federal officials and your Members of Congress and help make the voice of towns and townships heard in Washington, DC.

Draft Agenda

- Tues. 9/6: Afternoon Registration
DC After Dark Tour (optional)
- Wed. 9/7: Opening Session
Educational Sessions
Plenary Speakers
Capitol Hill Preparation
Evening Reception
Premium Shopping Outlet Tour (optional)
- Thurs. 9/8: Visits with Members of Congress
Featured State Reception (hosted by Minnesota Association of Townships)
Historic Georgetown Mansion Walking Tour (optional)
- Fri. 9/9: Historic Leaders Tour (optional)

REGISTRATION INFO

ATTENDEE REGISTRATION FEES

- \$249 for town/township official *before August 9*
- \$299 for town/township official *after August 9*
- \$299 for all other registrants

SPOUSE/GUEST REGISTRATION FEE

- \$99 for spouses/guests without lunch
- \$149 for spouses/guests with lunch

Hotel Information

Hyatt Regency Washington on Capitol Hill
400 New Jersey Avenue, NW
Washington, DC 20001

Rates: Single \$229+ taxes, Double \$254 + taxes

To make a hotel reservation, visit <https://resweb.passkey.com/go/2d4f1c69> or call (888) 421-1442 and reference the National Association of Towns and Townships. Call now, we expect the hotel to sell out.

Rate effective until August 9, 2011



National Association of Towns and Townships

1130 Connecticut Avenue, NW ☒ Suite 300 ☒ Washington, DC 20036
Phone: (866) 830-0008 ☒ Fax: (202) 331-1598 ☒ Web: www.natat.org

SSI Program

Does your Township participate in the SSI Program?

What a great way for a township to recycle taxpayers dollars while benefiting the township with their Township Assistance budgets of all sizes.

For many townships, Township Assistance is one of , if not the, most costly duty. The State of Indiana granted a contract with the ITA to aid in the reimbursement of Township Assistance incurred by the townships.

This is done through the SSI Reimbursement Program.

The ITA Office manages the intake of a recipient's initial settlement from the Social Security Administration. Townships may contract with the ITA to recoup assistance dollars given during the interim period pending SSI eligibility.

Contact the ITA Office on how your township can start participating in the SSI Program.

If your township already participates in the SSI Program, there have been changes to the claim form and the completion of the claim form, effective 11.22.1010.

Your township should have already received the new information.

Contact the ITA if you have not received the new changes or visit www.indianatownshipassoc.org under SSI Forms.

317.813.3240 Phone

317.813.3187 Fax

ita@indianatownshipassoc.org Email

IT'S NOT TOO LATE TO REGISTER...

Township Budget Workshop
Instruction provided by
the Indiana Department of Local Government Finance

Wednesday, June 15, 2011
9 AM – 4 PM

No Charge – No Membership Required

Location

Delaware Township Community Center
9094 E 131st Street
Fishers IN 46038

REGISTRATION MATERIALS AVAILABLE AT

www.indianatownshipassoc.org



Indiana Township Association, Inc.
P.O. Box 611
Fishers IN 46038