

**RESOLUTION NO. 2013-11
VILLAGE OF SPENCER**

Resolution in Opposition to SB 349, Preempting Municipal Authority to Regulate Water Quality and Quantity, Air Quality, Use of Explosives, Borrow Pits Associated with DOT Construction Projects, and Nonmetallic Mining

Whereas, since the 1920s the state has granted cities and villages broad general powers to regulate for the health, safety and public welfare of the community; and

Whereas, a municipality may use its home rule powers to address local issues of concern unless the state has specifically prohibited such regulations; and

Whereas, Senate Bill 349, which was introduced on October 22, 2013, eliminates the ability of a municipality to rely on its home rule authority to regulate air quality, water quality and quantity, the use of explosives by quarry operators, and borrow pits and material disposal sites related to DOT construction projects; and

Whereas, SB 349 also reduces local government authority to enter into contracts with highway users requiring reimbursement for highway damage; and

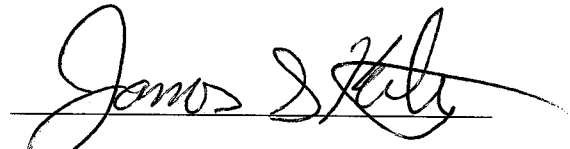
Whereas, SB 349 also eliminates the ability of municipalities to regulate nonmetallic mining in ways other than through zoning; and

Whereas, SB 349 is unnecessarily broad and eliminates local control in areas well beyond frac sand mining; and

Whereas, by taking away statutory home rule powers, SB 349 removes from municipalities the ability to address unique local concerns and problems that might apply to denser, more populated areas, or areas with unusual topography, such as local drainage or flooding concerns, which the legislature hasn't anticipated and therefore has not specifically authorized municipalities to regulate.

Now, Therefore, Be It Resolved, that the Village Board of the Village of Spencer opposes SB 349 as an unnecessary and overly broad attack on local control and urges Senator Moulton and the future Representative of the 69th Assembly District to vote against the bill.

Dated this 4 day of 11, 2013

A handwritten signature in black ink, appearing to read "James S. Kilty", written over a horizontal line.

James S. Kilty

Village President

Attest:

A handwritten signature in black ink, appearing to read "Thaddeus Kubisiak", written over a horizontal line.

Thaddeus Kubisiak

Village Clerk