DILLON’S RULE

Dillon’s Rule can be found on Page 1 of the Township Officials of Illinois Laws & Duties Handbook (Revised 2013). TOIRMA bases many of their coverage decisions on Illinois statutes.

Townships and other units of local government are regulated by provisions of Article VII, Sec. 8 of the 1970 Illinois Constitution which states in part, these governments “shall have only powers granted by law.”

In the late 1800’s, John F. Dillon, a Supreme Court Justice in Iowa, developed this legal principle, which is known as Dillon’s Rule. In plain language it means that if there is no statute permitting a township or road district (or official) to perform a function or service, the government or official may not carry out that function regardless of how much it’s needed or wanted. If the statutes are silent (do not mention) regarding a particular power or function, it does not exist. If the power doesn’t exist, the government (or official) may not perform the service.

The next season to look forward to is Spring. Although technically it does not arrive until March 20, 2014, my humble opinion is it can come any time and the sooner the better. It has been cold for a few days and the 7-day forecast is more of the same. As I listen to comments from others, I realize I am not the only one looking forward to Spring. With the welcome arrival of Spring, it will be time for the Annual Town Meeting which includes several required reports being presented to the electors. It is important that those reports be presented correctly and to whom they are supposed to be presented. In many meetings there will be those in attendance looking to find fault with those presenting. Getting to the meeting prepared will help eliminate some of those issues.

As the townships are preparing for the Annual Town Meeting, those of us who are responsible for managing the TOIRMA Program will also be dealing with reports. Renewal will also be happening at the same time so it will be a busy time for all of us.

TOIRMA appreciates those of you who reply with the requested information necessary to help us manage your program. If you have not returned the information requested, please do so at the earliest opportunity.

Spring is coming. It will truly be a welcomed change.

Roderick D. Beck
Executive Director
YOU CAN HELP REDUCE WORK INJURIES!

There were 182 workers’ compensation claims reported for injuries that occurred between 6/1/12 – 5/31/13, TOIRMA’s last fiscal year. These claims resulted in over $1 million dollars paid for work injuries. Some of these claims remain open due to the severity of the injuries and we project nearly $3 million dollars will be paid once the claims are concluded.

Lifting, overexertion, slip/trip/fall were the top causes of injuries for the majority of those claims. We understand accidents happen and there are some injuries that simply cannot be avoided. On the other hand, there are injuries that can be avoided and it takes a collaborative effort by each member to minimize these injuries and exposures which would in turn reduce the cost of claims.

Help reduce the frequency and severity of these injuries by:

- Using proper bending/lifting techniques.
- Don’t attempt to lift an object that is too heavy or bulky.
- Evaluate your surroundings to determine if the surface is uneven or if there are any objects/uneven/wet/slippery surfaces that could cause one to slip, trip, or fall.
- Be realistic and ask for assistance.
- Climb in, on, and out of vehicles/equipment properly — do not jump.

Call TOIRMA as soon as possible to report injuries.

See the back of this newsletter for contact information on the TOIRMA Claims Department (Katie Musgrave, Julie Flynn, Mike Maloy, Erica Sandlin, Heather George, and Evan Haun).

Erica Spezia was married on January 1, 2014. Her new name is Erica Sandlin. Congratulations to Erica and her new husband, Damien.

SEEN & NOTED:
Safety records don’t happen by accident.
KNOW YOUR COVERAGE...

TOIRMA TEST

By: Beth Eyrich, Underwriting Supervisor

1. What is true regarding Intergovernmental Agreements?
   a. TOIRMA would like to review all Intergovernmental Agreements for approval before they are signed
   b. TOIRMA would like a copy of your Intergovernmental Agreement only after it is signed
   c. They are not necessary if all parties involved are friends or relatives
   d. Agreements are only good if notarized

2. The Human Resources Help Line covers areas such as:
   a. Discipline & Documentation
   b. New purchases
   c. Legal Termination
   d. Discrimination
   e. A, C and D

3. How can a contracted Assessor be covered through TOIRMA?
   a. Two entities that are both TOIRMA members can enter into an Intergovernmental Agreement with each other (not with the contracted Assessor)
   b. Contracted Assessors wouldn’t need coverage
   c. Sign TOIRMA’s Assessor Agreement for Independent Contractors (with the contracted Assessor) and pay $200 annually
   d. A or C

4. Which statement is most accurate regarding safety for pulling into an intersection?
   a. Shift to reverse, pause for 5 seconds
   b. Look both ways one time
   c. Governmental entities have the right-of-way
   d. Allow plenty of time to slow down and come to a complete stop

5. TOIRMA covers which of the following:
   a. General Liability
   b. Workers Compensation
   c. Public Officials Liability
   d. Bridge Coverage
   e. All of the above

6. Which one of the following statements is true regarding a Liability claim?
   a. They are claims made against the township by a “third party”
   b. They involve employee related injuries
   c. Be honest up front and admit fault to the claimant if you truly feel responsible
   d. Take your time in reporting a lawsuit to TOIRMA

7. Why do we get two payrolls to complete every year?
   a. One is a practice copy, one is a final copy
   b. They are the same; feel free to pick which one you would like to complete
   c. TOIRMA is being bothersome
   d. One is an estimate, one is an audit

8. Which of the following statements is true?
   a. TOIRMA cannot help with Railroad Protective Liability Coverage needs
   b. It is necessary to report all on-the-job injuries as soon as possible
   c. Loss Control meetings are only for Highway Commissioners
   d. Summer help can be any age with a parental note of permission

9. What is the duty of the township board?
   a. Make sure funds available to pay expenditures
   b. Make sure the order/warrant is being drawn from the proper fund in line with the adopted budget and appropriation ordinance
   c. Examine each proposed expenditure
   d. B & C only
   e. A, B & C

10. In order for TOIRMA to cover a township owned cemetery, the Supervisor must control the checkbook for the cemetery and:
    a. The cemetery board must be elected
    b. The cemetery board must be appointed by the township
    c. A cemetery board won’t be allowed
    d. The cemetery board has to be approved by TOI

Answer Key:
- 7 answers correct: TOIRMA Whiz
- 4 answers correct: TOIRMA Whiz-in-Progress - Brush up a little by reading past TOIRMA newsletters at www.toirma.org/newsletters
- 1 answer correct: TOIRMA Turkey - TOIRMA Turkey - Call Matt Knight or Sean Richardson for a Loss Control Visit
TOIRMA MEMBER CALENDAR * Following are highlights of the upcoming TOIRMA calendar:

March .................................. Renewal Packet due March 1
                        Dividend Issued
April .................................. Annual billing mailed to all members renewing June 1
                        Dividend cashed?
June .................................. Renewal contribution due June 1
                        Declaration pages and payroll audit mailed

Sean Richardson attended a Pike County Highway Commissioners Meeting this past December.

TOIRMA TOTAL MEMBERS  As of 1/31/2014
Townships * 1374
MTAD’s * 311
Welcome New Members: Bloomingdale Township/DuPage County; Maine Township/Cook County;
Pekin Township/Tazewell County; Princeville Township/Peoria County

John Cairns, Clerk and Bill Weidling, Highway Commissioner from Wilmington Township/Will County at the TOI Educational Conference this past November. Do you think they are trying to tell us something?

Beth Eyrich took these pictures at her house last spring as she and her son, Charlie, watched a bird hatch through an egg (a first for Beth and her son).
By: Sean Richardson

The chain saw is one of the most efficient and productive portable power tools used in the industry. It can also be one of the most dangerous. If you learn to operate it properly, and maintain the saw in good working condition, you can avoid injury as well as being productive.

Before Starting the Saw

3 Check controls, chain tension, and all bolts and handles to ensure they are functioning properly and adjusted according to the manufacturer's instructions.

3 Fuel the saw at least 10 feet from sources of ignition.

While Running the Saw

3 Keep hands on the handles and maintain secure footing while operating the chainsaw.

3 Clear the area of obstacles that might interfere with cutting the tree or using the retreat path.

3 Do not cut directly overhead.

3 Shut off or release throttle prior to retreating.

3 Shut off or engage the chain brake whenever the saw is carried more than 50 feet, or across hazardous terrain.

3 Be prepared for kickback; use saws that reduce kickback danger (chain brakes, low kickback chains, guide bars, etc.).

Personal Protective Equipment Requirements

3 Personal protective equipment (PPE) for the head, ears, eyes, face, hands, and legs are designed to prevent or lessen the severity of injuries to the individual or other workers using chain saws.

3 PPE must be inspected prior to use to ensure it is in serviceable condition.

3 The following PPE should be used when hazards make it necessary:

- Head Protection
- Hearing Protection
- Eye/ Face Protection
- Leg Protection (Chaps)
- Foot Protection
- Hand Protection

There is no reason to take a chance when it comes to safety. JULIE’s call center agents are available to receive and process requests 24 hours a day, seven days a week at either 811 or 800-892-0123.

E-Request is a free, online option via www.illinois1call.com.

JULIE Celebrates 40 Years of Damage Prevention in Illinois

April Recognized as Safe Digging Month

As JULIE, Inc. (JULIE) marks 40 years of service this year, the Illinois One-Call System encourages damage prevention stakeholders to remind homeowners and professional contractors about the importance of calling 811 before planning any type of digging project. April is also recognized as Safe Digging Month.

“According to a recent report from the Common Ground Alliance (CGA), when an excavator notifies a one call center before digging, damage occurs less than one percent of the time,” said Kevin Chmura, director of public relations for JULIE, Inc. “It is more clear than ever that calling 811 before digging is the most critical step in preventing damage to underground utilities.”

Since its inception in 1974, JULIE has logged more than 25.5 million locate requests and its annual call volume makes it one of the largest industry one-call centers in the nation. Based in Joliet and covering the entire state outside the city limits of Chicago, the not-for-profit organization represents more than 1,860 members and annually receives 1.2 million locate requests. This is a free call and service.

3 WAYS TO PROMOTE 811

Becoming a part of JULIE’s safe digging campaign this spring is easy. Here are three ways you can help promote the message:

1. Share. Post the “Call JULIE Before You Dig” safety message on your Web site or via social media, in a community newsletter or on the sign/marquee in the front of your local fire department and/or municipal building(s). Here are a few examples to consider:

   • Know What’s Below. Call JULIE at 811.
   • Call JULIE Before You Dig. Dial 811.
   • April is Safe Digging Month. Call JULIE at 811.
   • Safe Digging is No Accident. Call JULIE at 811.

2. Display. “Call 811” banners are available at no cost to display on posts, fences or other high traffic locations. We have a limited supply of the 4’ x 8’ banners available. Simply send your contact information, including a mailing address, along with a quantity to Barb Huff at huff@illinois1call.com before March 14. She can be reached at 815-741-5936.

3. Educate. Distribute education materials at safety forums, events or open houses. For a list of free materials, visit www.illinois1call.com.
Playground Safety Is No Accident

National Playground Safety Week: April 21 – 25, 2014

Now that Spring has arrived, so will the people at your playgrounds and parks. It is estimated that each year, nearly 220,000 children ages 14 and under are treated in emergency departments for injuries associated with playground equipment. Many townships own and maintain playgrounds and recreational areas. It is important to recognize potential hazards and maintenance issues at these play areas. Important things to look for when examining your playgrounds for the busy season ahead are:

- Safety surfacing
- Mechanical breakdowns
- Structural breakdowns
- Age specific equipment
- Entanglement and entrapment hazards
- Proper signage

TOIRMA Loss Control Consultant, Matt Knight, is a Certified Playground Inspector with the National Playground Safety Institute and is available for consultation and safety recommendations. It is important that we provide a safe play environment for our younger residents and visitors. **If you need assistance, please give Matt a call at 1-800-252-5059, Ext. 1387.**

Building Alteration/New Construction

Will you be starting an addition or remodeling project on your township building this spring? If so, did you call TOIRMA to report your project? Maybe you put up a new building. Did you call TOIRMA? If not, please call or e-mail your changes to Debbie Prentice at 1 800 252-5059, ext. 7204 (dprentice@ccmsi.com) or Beth Eyrich at ext. 1139 (beyrich@ccmsi.com).

Debbie and Beth also take care of vehicle and equipment changes. If you have traded or added vehicles or equipment, make sure you report them to TOIRMA.
Don’t Forget about the New Cell Phone Law

By: Jim Donelan, Associate Director

We’ve all seen this when driving down the road—a car in front of you is swerving all over the place. When you finally muster enough courage to pass the vehicle you glance over and see that the driver is talking on their cell phone. I remember a few years ago when my eight-year-old daughter injured her arm during gymnastics, her orthopedist pulled up an x-ray on the screen that showed an arm of an unknown person broken in several places with all kinds of plates and screws. He asked her if she knew what happened. Of course she didn’t. The doctor went on to explain that this individual had been talking on her cell phone which had caused her to wreck her car and get injured. This kind of thing sticks with you and I really appreciated the message the doctor was not only driving home to my daughter, but to me.

Here in Illinois on January 1, 2014, a new law went into effect that bans the use of hand-held devices while driving. This law builds upon a 2010 law that banned texting and emailing while driving. The following questions outline the new law:

**Question:** What does the new law actually ban (what is an “electronic communication device”)?

**Answer:** State law makes it unlawful to operate a motor vehicle on a roadway while using an “electronic communication device.” Specifically, “an electronic communication device means an electronic device, including but not limited to a hand-held wireless telephone, hand-held personal digital assistant, or portable or mobile computer...” [Public Act 098-0506, 625 ILCS 5/12-610.2(a)]

**Question:** Does the new law apply to navigation systems?

**Answer:** No. The law did not change regarding the use of navigation systems. The ban does not apply to “global positioning systems or navigation systems, or to a device that is physically or electronically integrated into the motor vehicle.” [Public Act 098-0506, 625 ILCS 5/12-610.2(a)]

**Question:** What is the fine for a person found guilty of using an electronic device while driving a motor vehicle?

**Answer:** The fine for violating the statute is as follows: 1st offense, $75; 2nd offense, $100; 3rd offense, $125; and for a 4th or subsequent offense, $150.

**Question:** Can a person talk on a cell phone using a hands free device?

**Answer:** Yes. An “electronic communication device” may be used by a driver of a motor vehicle “in hands free or voice operated mode, which may include the use of a headset.” [Public Act 098-0506, 625 ILCS 5/12-610.2(d)(3)]

A Bluetooth headset, earpieces, and other voice activated systems are still permitted.

**Question:** Are there other circumstances where an “electronic communication device may be used lawfully?”

**Answer:** Yes. An “electronic communication device” may be used on a roadway under the following circumstances: (1) if you are a law enforcement officer or operator of an emergency vehicle performing their duties; (2) a driver reporting an emergency and continued communication with emergency personnel; (3) a driver is parked on the shoulder of a roadway; (4) a driver of a vehicle stopped due to normal traffic being obstructed and the vehicle is in neutral or park. [Public Act 098-0506, 625 ILCS 5/12-610.2(d)]

**Question:** How many other states have a similar ban?

**Answer:** According to the National Conference of State Legislatures, 12 states, Washington D.C., Puerto Rico, Guam and the U.S. Virgin Islands prohibit all drivers from using hand-held cell phones while driving.

We hope this information is helpful. If you have any further questions regarding the above topic, please feel free to contact me at 888-562-7861 or by e-mail at jdonelan@toirma.org.
Human Resources Help Line

Don’t forget to call for help with employee issues. 1-888-472-6785 Ext. 1180 or Ext. 1201