



association of illinois
**SOIL &
WATER**
conservation districts

4285 north walnut street road
springfield, il 62707
(217) 744-3414
fax (217) 744-3420
www.aiswcd.org

July 3, 2014

officers

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6787 Township Rd. 1400E
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(765) 730-1030

Vice President

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staff

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Peoria SWCD

JEREMY PRUDEN

Brown SWCD

TIM ROYER

McDonough SWCD

DAN SAHM

Schuyler SWCD

JAKE VANCIL

Sangamon SWCD

mission

*"to represent and empower
illinois' swcds"*

Mr. ????????

Chairman

?????????? County SWCD

SWCD Street Address

SWCD City, State and Zip

Dear Chairman ??????,

Regarding the question posed by the district regarding the ability to levy a tax under the provisions of the Illinois Tort Immunity Act, I am providing the following references contained in the Illinois Compiled Statutes.

Illinois Soil and Water Conservation Districts were given protection under the provisions of the Local Governmental and Governmental Employees Tort Immunity Act by Public Act 84-114. The provision is contained in 70 ILCS 405/2.

The Local Governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/9-103) states that "A local public entity may protect itself against any property damage or against any liability or loss which may be imposed upon it or one of its employees for a tortuous act under Federal or State common or statutory law, or imposed upon it under the Workers' Compensation Act, the Workers' Occupational Diseases Act, or the Unemployment Insurance Act by means including, but not limited to, insurance, individual, or joint self-insurance, including all operating and administrative costs and expenses directly associated therewith..."

Paragraph (b) of Section 9-107 (745 ILCS 10/9-107) states further that "A local public entity may annually levy or have levied on its behalf taxes upon all taxable property within its territory at a rate that will produce a sum that will be sufficient to: (i) pay the cost of insurance, individual or joint self-insurance (including reserves thereon), including all operating and administrative costs and expenses directly associated therewith..."

The Illinois Attorney General's Office has interpreted the above to mean that soil and water conservation districts are clearly protected by the Tort Immunity Act and can have a tax levied on their behalf to cover the cost of liability insurance, worker's compensation and unemployment insurance and any costs associated with administering insurance protection.



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I hope this will answer any questions you may have concerning the district's ability to levy a tax to cover the cost of insurance. Please feel free to contact me if you have any other questions or concerns regarding this matter.

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Sincerely yours,

Richard W. Nichols