

**From:** [Mayor Brandt](#)  
**To:** [Brad Burke](#)  
**Subject:** Fwd: Daily Herald Article Re: Economic Development and Worker Empowerment Ordinance - Additional Background Information - FEEDBACK REQUESTED  
**Date:** Monday, November 30, 2015 5:59:24 PM

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**Date:** November 30, 2015 at 5:58:04 PM CST  
**To:** Mayor Brandt <[MayorBrandt@lincolnshireil.gov](mailto:MayorBrandt@lincolnshireil.gov)>  
**Subject: Re: Daily Herald Article Re: Economic Development and Worker Empowerment Ordinance - Additional Background Information - FEEDBACK REQUESTED**

I had already expressed that I did not want an opinion from Adam/Ancel Glink and do not want to over react to a threat of litigation. Personally, I thought Lisa Madigan's opinion was weak. I don't think the Village Board should be intimidated by a threat of litigation. We can be sued at any time for almost anything.  
Sent from my iPhone

On Nov 30, 2015, at 5:16 PM, "Mayor Brandt" <[MayorBrandt@lincolnshireil.gov](mailto:MayorBrandt@lincolnshireil.gov)> wrote:

I do not want an opinion from Adam. If the ordinance passes and Madigan pursues Adam/Ancel -Glink would not be representing us.

Sent from my iPhone

On Nov 30, 2015, at 4:37 PM, "Brad Burke" <[bburke@lincolnshireil.gov](mailto:bburke@lincolnshireil.gov)> wrote:

Mayor Brandt and BoT's,

Please see attached PDF copy of Daily Herald newspaper article from Saturday, November 28, 2015 pertaining to Lincolnshire's consideration of the Ordinance Pertaining to Economic Development and Worker Empowerment by Regulation of Involuntary Payroll Deductions for Private Sector Workers in the Village of Lincolnshire.

In the article, Trustee McDonough noted he was unaware of Attorney General Madigan's questions pertaining to the legality of right-to-work zones in Illinois. The materials included with the November 23, 2015 agenda

packet included a report from the Illinois Policy Institute, which referenced Attorney General Lisa Madigan's opinion claiming federal law prohibits a home-rule municipality from adopting a right-to-work ordinance. However, a complete copy of her opinion was not provided in the Board packet. For Village Board reference, attached is a copy of Attorney General Lisa Madigan's opinion on the "Authority of Counties and Municipalities to Adopt Right-to-Work Ordinances."

Based upon the Illinois Policy Institute report and Attorney General Madigan's opinion, it is evident there are two differing opinions on this matter pertaining to home-rule community's authority to pass such an ordinance. At this time, Village Attorney Adam Simon has not been requested to provide an opinion on this topic. When asked by the Daily Herald, Attorney Simon noted Village officials are relying on Illinois Policy Institute analysis on this matter. Attorney Simon is prepared to provide an opinion for the Village Board if requested.

Staff requests Village Board feedback to determine if there is consensus to direct Attorney Simon to provide an opinion/analysis on the Village's authority to pass such an ordinance. Please email me and let me know whether or not you would like an opinion/analysis prepared by Ancel Glink on this topic by Wednesday morning, December 2, 2015 to provide adequate time for Attorney Simon to prepare a report for Village Board consideration by the December 14, 2015 Village Board meeting.

Thank you in advance for your response.

Brad

Bradly J. Burke | Village Manager

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