

Minutes of the Legislative Subcommittee

The Legislative Subcommittee of the Executive Committee of the McLean County Board met on Wednesday, January 7, 2003 at 3:00 p.m. in Room 703, Law and Justice Center, 104 West Front Street, Bloomington, Illinois.

Members Present: Chairman Berglund, Members Gordon, Sorensen, Hoselton and Dean

Members Absent: None

Staff Present: Mr. John Zeunik, County Administrator;
Mr. Terry Lindberg, Assistant County Administrator;
Mrs. Carmen Zielinski, County Administrator's Office

Chairman Berglund called the meeting to order at 3:05 p.m.

Mr. Terry Lindberg, Assistant County Administrator, stated that the McLean County Board has developed a 2003 Legislative Program based on three principles. First, Recognize that County government is an Agent of the State. State Government and County Government share public policy objectives as well as fiscal resources. It is clearly counterproductive and not in the best interests of the citizens of Illinois to attempt to balance the State budget by returning less of the taxpayer's money to local governments. County government has no capacity to absorb additional unfunded mandates, whether these are created by new legislative enactment's or by reducing State financial support for existing programs. Second, Enable County Government to have more control over fiscal policies. None of McLean's initiatives request additional State funding. None of the initiatives propose increase in State fees. None of the initiatives expect the Illinois General Assembly to even vote for a local fee increase. McLean County is simply asking for the ability to determine their destiny. When County Government is prohibited by statute from adjusting charges for certain fees and services to more closely match the cost of providing these services, County Government has little choice other than to raise local property taxes, or reduce or eliminate vital public service programs. Thirdly, Partner with County Government to find ways to be more efficient and effective. Many of McLean County's proposals call for increased intergovernmental cooperation and for legislative authorization to develop programs that will do more and cost less.

Chairman Berglund referred to the County Clerk's Resolution to Oppose Reduction in State Reimbursement for Election Judges. Ms. Peggy Ann Milton, County Clerk, stated that that traditionally, election jurisdictions are reimbursed \$25.00 for each election judge. In late 2002, Election authorities have strongly encouraged the State Board of Elections to pursue supplemental appropriations in order to cover the budget deficit for these reimbursements. Ms. Milton explained that, to date, the County Clerk has not received reimbursement for the

2002 General Election. The outstanding amount is \$7,875.00. The anticipated revenue loss for fiscal year 2003 is approximately \$7,775.00 if the reimbursement is discontinued. In a General Election, McLean County could lose approximately \$17,500.00 in revenue.

Mr. Hoselton asked if other Counties are making the same type of request to their Legislative Committees. Ms. Milton confirmed that other counties are making the same requests regarding reimbursements, because elections cannot be run without election judges. Mr. Sorensen stated that he was not overly concerned with reimbursement issues but with the continued symptoms the State is creating across Illinois.

Motion by Sorensen/Gordon to tentatively insert
a Resolution to Oppose Reductions in State
Reimbursement for Election Judges into the
Legislative Program Packed. Motion carried.

Chairman Berglund was not present to discuss a Resolution to Allow Certain Court Fees to be Set by County Boards. Mr. Lindberg stated that in Page 9 of the 2002 Legislative Program was a proposal to allow the Setting of Court Fees to be Set by County Board. Mr. Lindberg noted that the last proposal included all the counties in Illinois and the proposal did not pass. This year, this proposal has been revised. The Illinois Association of Circuit Clerks Fee Adjustment Bill notes counties with population of 180,000 or less, who have not had an adjustment or change in filing fees since 1976. The fee increase passed last spring and signed into law affected only the top four counties in population, Cook, DuPage, Lake and Will. None of the remaining 98 counties were included in that increase. Mr. Lindberg does not raise taxes. The users of the court system (both civil litigants and criminal defendants) pay the fees, not the citizens. The members of the General Assembly do not make the fee adjustments. The Bill authorizes County Boards to set the fee levels appropriate for their jurisdiction, allowing the local government to maintain local control. This Bill will not reduce revenues on traffic fines to the local enforcement agencies, state police or municipalities. The Bill does not allow for an increase in the Clerk's fee for traffic cases. The revenue to the municipalities and law enforcement agencies is preserved.

Mr. Lindberg noted that this bill assist counties in collecting additional revenues from those who use the court system or criminal defendants without raising taxes. The cost of doing business is the same across the State, regardless of County size, therefore, the fees charged by the various counties should be

equalized. This Bill simply applies parity to the Circuit Court Clerk's fee structure and equalizes the larger and smaller counties. There is still flexibility built into the minimums and maximums allowable by the bill so that the local authority, the County Board, will have the autonomy to make those decisions appropriate to their county environment. This Bill is structured to make the fee statute less complicated by combining two of the original four population categories and creating only three categories of counties relative to population rather than the four categories that have existed previous to this proposal.

Motion by Dean/Gordon to tentatively insert
a Resolution to Allow Certain Court Fees to be
Set by County Boards. Motion carried.

Chairman Berglund referred to a Resolution to Clarify Notice of Seizure and Forfeiture of Property presented by the McLean County Sheriff. Sheriff Owens stated that 720 ILCS 5/36-1, Seizure and Forfeiture of Vessels, Vehicles and Aircraft notes that "Within 15 days after such delivery the Sheriff shall give notice of seizure to each person and the County's State's Attorney, according to the following method..." Sheriff Owens stated that his office makes notifications of seizure even if they aren't the law enforcement directly involved with the incident. This notification process occurs at no charge to anyone, but the Sheriff's Department. Sheriff Owens would like clarification on responsibility of notice, charges and liability.

Sheriff Owens presented a Resolution to Limit the Sheriff's Responsibility for Transporting Involuntary Commitments. Sheriff Owens stated that a person 18 years of age or older, who is subject to involuntary admission and in need of immediate hospitalization may be admitted to a mental health facility pursuant to Article 405 ILCS 5/3 600. Article 405 ILCS 5/3 605 states that "upon receipt of a petition and certificate, the County Sheriff in which a respondent is found shall take a respondent into custody and transport him to a mental health facility or may make arrangements with another public or private entity, including licensed ambulance services, to transport the respondent to the mental health facility. In the event it transport the respondent to the mental health facility that the respondent is in need of commitment or treatment at another facility, the County Sheriff shall transport the respondent to the appropriate mental health facility, or the County Sheriff may make arrangements with another public or private entity... The County Sheriff may delegate his duties hereunder to another law enforcement body within that County, if the law enforcement body agrees." Sheriff Owens would like to change part of this Article to limit the responsibility of the McLean County Sheriff to certain, specific cases. Sheriff Owens would like for

local law enforcement agencies to take the responsibility and expense of transporting respondents. Sheriff Owens noted that by scheduling his deputies to the transportation of respondents, diminishes the level of service he is able to provide for the community. Mr. Lindberg recommended that the present statute be changed to state that the larger local law enforcement agency requesting the involuntary commitment be responsible for the transport. Sheriff Owens stated that he is not opposed to assisting the smaller communities with the transportation process, because the smaller communities only have one or two officers to begin with. Entities like Bloomington or Normal have a larger number of officers that can accommodate the transporting process easier.

Motion by Dean/Hoselton to tentatively insert
a Resolution to Clarify Notice of Seizure and
Forfeiture of Property into the Legislative Packet.
Motion carried.

Mr. Sorensen recommended that the Resolution to Limit the Sheriff's Responsibility for Transporting Involuntary Commitments be added to "Study List" for future review.

Chairman Berglund referred to a Resolution Seeking "Quick Take" Authority for County Highway Departments. Mr. Jack Mitchell, County Highway Department, stated that this issue has been discussed and presented before. The present process to reach an Imminent Domain declaration encompasses at least a year's worth of time. The process starts with the filing of the appropriate documentation with the Court and a deposit is made depending on the established appraised value of the property. Eventually, the Highway Department has to return to Court in order to plea for the deposit after any deductions for damages incurred have been deducted. Overall, money is lost between the time lapsed and the money lost to damages or court cost. The proposed "Quick Take Claim" would save a substantial amount of money and time.

Mr. Mitchell presented a Resolution Exempting County Highway Departments from Manifesting and Tracking Construction Debris. Mr. Mitchell stated Article 415 ILCS 5/21 amends the Environmental Protection Act. It provides that the requirement that an entity that conducts any generation, transportation or recycling of construction or demolition debris or uncontaminated soil generated during construction, remodeling, repair and demolition of utilities, structures, and roads must maintain documentation identifying the hauler, generator, place of origin, weight or volume, and location, owner, and operator of the location where

the debris or soil was transferred, disposed, recycled or treated does not apply to a County Highway Department.

Mr. Mitchell that a bill regarding the construction debris exemption for County Highway Departments would make the Environmental Protection Act consistent in its treatment of entities that generate and handle construction debris. Specifically, the bill would add language to include County Highway Departments in the current construction debris manifest exemption. Under the current law, certain entities are exempt from maintaining manifests on the generation, transportation or recycling of construction debris. Included in the current exemption are permitted pollution control facilities that transfer or accept construction or demolition debris, public utilities, municipal utilities and the Illinois Department of Transportation (IDOT). Mr. Mitchell noted that contractors that do business with these entities are required to document such information, but the entities themselves are exempted. One omission to the exemption, however, needs to be addressed. The current language exempting entities from manifesting construction debris does not include County Highway Departments. This means that all County Highway Departments are required to manifest construction debris. It is inconsistent to require these entities, which execute the same type of projects as IDOT, and which handle as much or more construction debris as utilities, to document each truckload of construction debris they generate, transport or recycle. The requirements of current law place an unfair financial and administrative burden on County Highway Departments and are inconsistent with the intent of the law.

Mr. Mitchell discussed a Resolution Proposing Equitable Tax Treatment for Wind Farms. Mr. Mitchell cited that this Equitable Tax could provide additional revenue for McLean County since the Wind Farms could be categorized as real estate property instead of personal property. Another issue to keep under consideration is that the lifts needed to transport and place the windmills on their appropriate spot are extremely heavy and could ruin county roads.

Mr. Mitchell presented a Resolution to Establish a Road Improvement Fee Structure when Developers Affect County and Township Roads. Mr. Mitchell explained that there have been instances where a developer proposes a rural subdivision that runs off a county road. Presently, a law does not exist that mandates the developer to develop and maintain a road that connects the subdivision with a main county road. Mr. Mitchell suggested that a fee be charged per the number of residential lots in the proposed subdivision.

Mr. Sorensen wondered if this fee structure would be an issue to be considered under the County's Zoning Ordinance. Mr. Zeunik noted that DuPage County has a fee structure in their Zoning Ordinance regarding Road Improvement Fees.

Motion by Sorensen/Hoselton to tentatively insert the Resolution Exempting County Highway Departments from Manifesting and Tracking Construction Debris into the Legislative Packet.

Mr. Sorensen recommended that the "Quick Take Resolution, Equitable Tax Resolution and the Road Improvement Fee Structure Resolution be added to the Study List for further review.

Motion carried.

Chairman Berglund referred to a Resolution Requesting State Funding for Juvenile Offender Treatment Programs presented by Ms. Roxanne Castleman, Director, Court Services. Mr. Lindberg noted that some of the central tenets of Restorative Justice revolved around the competency development of youthful offenders. Offenders who enter the juvenile justice system should be more capable when they leave than when they entered; Community safety. The Juvenile Justice System has a responsibility to protect the public from juveniles in the system, and Accountability. When an individual commits an offense, the offender incurs an obligation to individual victims and the community. The Illinois General Assembly has recognized the need to treat rather than incarcerate children and has provided for substantial aid to counties by directing the Department of Children and Family Services to allocate up to three percent (3%) of its budget for residential treatment of minors. The Department of Children and Family Services budgeted only \$344,600 of a possible \$27,816,621 for residential treatment, thus providing less than 1.2% of what could be provided under Illinois law. The Department of Children and Family Services has, despite the express intent of the Legislature, budgeted an inadequate amount for residential treatment of juvenile offenders, thereby placing the burden of treatment costs almost entirely on individual counties, which have little or no flexibility in their budgets. At this time, a request is being made to the Governor and General Assembly provide adequate funding to treat juvenile offenders commencing on July 1, 2003 with State of Illinois Fiscal Year 2004 and thereafter.

Motion by Sorensen/Gordon to tentatively insert a Resolution Requesting State Funding for Juvenile

Offender Treatment Programs into the Legislative Packet. Motion carried.

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Chairman Berglund referred to a Resolution Supporting IMRF/SLEP Health Insurance Plan presented by the County Board.

Mr. Lindberg explained that there had been numerous proposals introduced and discussed by the General Assembly during the past several sessions, but that none had passed thus far. He reminded the Sub-Committee that previous Legislative Programs had opposed IMRF/SLEP efforts to add retiree health insurance because there was no supporting data as to costs and benefits. He further stated that rising health care costs had called more attention to this issue and the Sub-Committee might want to consider supporting a study of the matter, providing that the recommendations were reasonable and affordable.

Motion by Gordon/Hoselton to tentatively insert a Resolution Supporting IMRF/SLEP Health Insurance Plan presented by the County Board.
Motion carried.

Chairman Berglund to a Resolution Supporting County/Municipal Zoning Cooperation presented by the County Board. Mr. Lindberg explained that the McLean County Board is seeking an amendment to the Municipal Code 65 ILCS 5/11-13-1, which would permit the McLean County Board to enter into Intergovernmental Agreements to allow certain municipalities to exercise their Zoning powers beyond the Municipality's Territorial Limits. The current law gives cities the capability to consider the 1.5 mile "buffer zone" with respect to comprehensive planning, counties which have adopted zoning ordinances must apply their zoning standards to any land outside the city limits. The present proposal would introduce an amendment to the Municipal Code that would allow cities or towns with populations in excess of 40,000, located in counties with populations in excess of 150,000, to enter into intergovernmental agreements to resolve the potential zoning conflicts within the 1.5 mile buffer zone.

Motion by Gordon/Hoselton to tentatively insert a Resolution Supporting County/Municipal Zoning Cooperation presented by the County Board.
Motion carried.

The Committee discussed the Legislative Breakfast, which will be in the County Board Room on January 17, 2003, at 7:30 a.m.

Motion by Hoselton/Dean to authorize the

mailing of invitations to the Legislative
Breakfast. Motion carried.

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The Committee briefly discussed the details of the McLean County Annual
Legislative Program Book.

There being nothing further to come before the Committee at this time, Chairman
Berglund adjourned the meeting at 4:44 p.m.

Respectfully submitted,

Carmen I. Zielinski
Recording Secretary

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