

## Minutes of the Legislative Subcommittee

The Legislative Subcommittee of the Executive Committee of the McLean County Board met on Tuesday, March 9, 2010 at 3:30 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Bob Nuckolls, Members Sorensen, Gordon, and Hoselton

Members Absent: Member Owens

Staff Present: Mr. Terry Lindberg, County Administrator; Mr. Bill Wasson, Assistant County Administrator; Ms. Judith A. LaCasse, County Administrator's Assistant

Department Heads/  
Elected Officials  
Present: None

Others Present: None

Chairman Nuckolls called the meeting to order at 3:35 p.m.

Chairman Nuckolls presented several requests associated with approval of the 2010 Legislative Program. The first request is for approval to oppose unfunded mandates, especially continuing erosion of Probation Officer Reimbursement.

Motion by Hoselton/Sorensen to Recommend Approval to Oppose Unfunded Mandates, especially continuing erosion of Probation Officer Reimbursement.  
Motion carried.

Chairman Nuckolls presented a request for approval to protect the Local Government Distributive Fund from any reductions or dilutions.

Mr. Lindberg stated that he was advised a week ago that the General Assembly was going to be so focused on state issues that the issue to reduce the amount of State Income tax revenue that is deposited into the LGDF for distribution to local governments would probably not come up again. He added that it may or may not be in the Governor's message tomorrow. Mr. Lindberg indicated that it would not be effective until July 1, 2010 for McLean County. He noted that McLean County has already seen delays in current payment, and the impact of this reduction could be \$500,000-\$600,000 less in the County's budget.

Mr. Hoselton asked if this reduction in State Income tax revenue affects all Counties in Illinois. Mr. Lindberg replied that the reduction does affect all counties. He stated that the Illinois Municipal League will be the lead organization in opposing this reduction. Mr. Lindberg added that Metro Counties will also be involved in protecting the counties.

Motion by Gordon/Hoselton to Recommend Approval to  
Protect the Local Government Distributive Fund from any  
Reductions or Dilutions.  
Motion carried.

Chairman Nuckolls presented a request for approval to make it permissive for counties to publish Assessment Notices in a newspaper.

Mr. Lindberg explained that there are several ways in which counties publish notices. He noted that some counties publish every notice, every cycle; some counties publish only the notices that change every year; and some counties publish only the notices during quadrennial reassessment. Mr. Lindberg stated that the people most interested in making sure that assessment notices are published as often as possible are the print media. He indicated that the goal is to give local counties the option to decide the extent to which they want to publish as the information can be obtained from other sources.

Mr. Lindberg advised that this is the time of year in which McLean County publishes 80 to 100 volumes of the final Adopted Budget. He stated that it would save the County money if the Administrator's Office were to publish one copy of the budget book and then placing a PDF on the website for perusal. Mr. Lindberg noted that the County pays around \$5,000 to publish the final Adopted Budget, which has only a few minor changes from the Recommended Budget.

Mr. Lindberg noted that a study he made a year ago revealed that McLean County spends approximately \$140,000 a year in advertising in *The Pantagraph*. He added that a good portion of that expense was for publishing assessment notices.

Mr. Lindberg stated that this effort is to eliminate the requirement statute and enable a county to determine its own plan to publish notices.

Mr. Hoselton asked what other sources are available if notices are not published in the newspaper. Mr. Lindberg replied that other sources include the website and individual mailed notices.

Motion by Gordon/Sorensen to Recommend Approval to make it Permissive for Counties to publish Assessment Notices in a Newspaper.  
Motion carried.

Chairman Nuckolls presented a request for approval to amend 55 ILCS 5/5 – 1114 to allow a Code Enforcement Officer to issue a Notice to Appear.

Mr. Lindberg stated that this amendment would provide additional authority to a Code Enforcement Officer to issue a Notice to Appear immediately upon discovering a building or subdivision code violation, and would put an end to the pattern of repeat offenders waiting to correct a violation until immediately prior to a hearing on the violation.

Motion by Hoselton/Gordon to Recommend Approval to Amend 55 ILCS 5/5 – 1114 to allow a Code Enforcement Officer to issue a Notice to Appear.  
Motion carried.

Chairman Nuckolls presented a request for approval to amend SB 2275 to provide sufficient funding to offset additional costs that will be imposed on Juvenile Detention Centers.

Mr. Lindberg indicated that SB 2275 raises the age of Juvenile Offenders to include 17 year old misdemeanants. He added that, under certain circumstances, there could be individuals as old as 19 or 20 years old in our Juvenile Detention Center.

Mr. Lindberg stated that it is estimated that this change in age will result in a 33% increase in the number of juvenile interviews and police reports that are currently written. Mr. Lindberg stated that at least \$25 million in additional funding would be required to fund this workload increase.

Mr. Lindberg advised that another Bill has been introduced that mandates that any juvenile justice offender who violates their parole is not sentenced to time in a juvenile facility but will automatically become a client of the juvenile probation agency. He noted that this Bill is based on the lack of success of the new State Department of Juvenile Justice and the woeful condition of state Juvenile Justice facilities.

Motion by Sorensen/Hoselton to Recommend Approval to Amend SB 2275 to provide sufficient funding to offset the additional costs that will be imposed on Juvenile Detention Centers.  
Motion carried.

Chairman Nuckolls presented a request for approval to Amend the Freedom of Information Act (FOIA) Laws.

Mr. Lindberg stated that because there were a few governmental entities that were not complying with FOIA law, the Legislature acted to make FOIA much tougher. He indicated that the County Administrator's Office and Civil State's Attorneys feel that the Legislature overreacted. Mr. Lindberg noted that one of the fundamental purposes of public bodies is to be free and open to their citizens and other stakeholders. Mr. Lindberg indicated that the new FOIA legislation attempts to do so, but in some instances they place an undue and unnecessary burden on local governments.

Mr. Lindberg advised that the County has already invested resources to develop an Access Database to track FOIA requests. He stated that the main concern is that if the County receives an FOIA request, and if a department head or elected official does not comply with the FOIA on a timely basis, the County Board is responsible.

Mr. Lindberg indicated that Mr. Wasson, the Information Technologies staff and the legal staff have developed a system to track and manage the FOIA requests. He noted that a lot of the FOIA requests are routine requests. Mr. Lindberg pointed out areas that need to be addressed in the Bill, as follows:

- Potential abuse of commercial requests; give public bodies discretion to respond or deny commercial requests. Allow public bodies to ask questions to clarify requests, and begin the five-day response clock after the request is clarified;
- Exempt the names and identities of minors who participate in park district or municipal recreation agency programs;
- Exempt personnel records, performance reviews, employment applications, and personnel files;
- Provide that judicial review of a Public Access Counselor opinion would be heard in the county where the public body is located – not limited to Cook or Sangamon counties;
- Eliminate the costly requirement for a citation of factual basis and a citation supporting legal authority for each denial.

Chairman Nuckolls asked if department heads respond to FOIA's on their own or go through the Administrative Office. Mr. Wasson responded that the new system, though still in the implementation period, is being actively used by high use departments. All the FOIA requests, if received at the department level, are entered into a shared database to which the Administrator's Office and Civil Counsel have access. Mr. Wasson stated that if an FOIA request comes in on line, it comes directly to the County Administrator's office and the Civil Counsel. The Civil Counsel then makes a determination as to what department this FOIA goes and routes it directly and automatically within the system to that department, so that it can be processed immediately. Mr. Wasson indicated that the responses are also recorded in the database as they are prepared by the departments and a copy of the response is maintained in the database and issued to the requesting entity.

Mr. Lindberg advised that, since this process has been implemented, one request went to the Attorney General's Office on appeal, which had to do with the extent to which Coroner's inquest data should be shared.

Mr. Sorensen noted that the Illinois Recorder's Association is preparing to lobby the Legislature's FOIA requirements. He stated that recorders are concerned that the recently enacted Act is so broad that it may replace what they can currently charge. Mr. Lindberg responded that part of the suggested amendments is to get the General Assembly to distinguish those things and delay out what things can be excluded because there is already a charge structure.

Motion by Sorensen/Gordon to Recommend Approval to  
Amend the Freedom of Information Act (FOIA) Laws.  
Motion carried.

Mr. Lindberg stated that the items approved by the Legislative Subcommittee will become part of a Resolution adopting a legislative program that will go to our local Legislators and to Metro Counties. He further explained that if the Legislative Subcommittee approves the items, they will be forwarded to the County Board for Board recommendation and then will be presented to the Legislators for their support.

Chairman Nuckolls presented a request for approval of a Contract between the County of McLean and Anderson Legislative Consulting for Professional Services. He noted that this is a yearly contract.

Mr. Lindberg advised that nothing has changed in the contract. He noted that when the County joined Metro Counties, it was with the idea that Metro Counties might replace Anderson Legislative Consulting. Mr. Lindberg noted that it was determined that both entities were beneficial to the County.

Minutes of the Legislative Subcommittee  
March 9, 2010  
Page Six

Mr. Lindberg stated that the Anderson consultants bring a particular local flavor to some of the Legislature and issues affecting Tazewell, Peoria and McLean counties. He added that Anderson also relates better with the local Legislators.

Mr. Hoselton recommended that the Administrator's Office provide the County Board with reports provided by Anderson Legislative Consulting. Mr. Lindberg replied that he will provide Anderson Legislative reports with the Board on a regular basis.

Motion by Hoselton/Gordon to Recommend Approval of a  
Contract between the County of McLean and Anderson  
Legislative Consulting for Professional Services.  
Motion carried.

There being no further business to come before the Committee, the meeting was adjourned at 4:03 p.m.

Respectfully submitted,

Ms. Judith A. LaCasse  
Recording Secretary