

Minutes of the Legislative Subcommittee

The Legislative Subcommittee of the McLean County Board met on Wednesday, January 2, 2019 at 1:00 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Jim Soeldner, Members William Caisley, Scott Murphy, Josh Barnett and George Wendt via remote attendance

Members Absent: Members Scott Murphy and Carlo Robustelli

Other Board Members Present: Members Jacob Beard, Logan Smith and Elizabeth Johnston

Staff Present: Mr. Bill Wasson, County Administrator; Mr. Eric Schmitt, Administrative Services Director, Ms. Jessica Woods, First Assistant State's Attorney – Civil Division; Ms. Julie Morlock, Recording Secretary

Department Heads/
Elected Officials Present: None

Others Present: None

Chairman Soeldner called the meeting to order at 1:00 p.m. and declared a quorum. He informed the Committee that Member Wendt had requested to attend remotely under County Board Rules and asked if there was any objection. Hearing no objection, he approved Mr. Wendt's request to attend remotely and declared him present.

Mr. Soeldner presented the minutes from the December 12, 2018 meeting for review and approval.

Motion by Caisley/Barnett to approve the minutes of the December 12, 2018 meeting.
Motion Carried.

Chairman Soeldner presented for action a request to approve the 2019 Legislative Program for McLean County. Mr. Soeldner reminded the Committee that at the last meeting they were given a copy of the current 2018 program with some information stricken that was no longer pertinent. He asked that they go through each bullet point and discuss amendments as might come up and then approve entire legislative program at the end.

1. Support legislation allowing counties to expand fee and non-property tax revenue sources. Mr. Barnett indicated that under point five we have examples and wondered why not examples under number one. Mr. Soeldner indicated this is a high-level

request. Mr. Wasson stated that sometimes legislation is introduced and we have little time to respond, so this gives general direction to staff to analyze and act on specific legislation not currently projected without bringing together the legislative committee, executive committee and County Board to make a change in the legislative program.

Mr. Caisley indicated that he is opposed to imposing fees in excess of the cost of the County services performed and that are not related to the crime committed. He went on to provide several examples. Mr. Soeldner asked if he wanted to propose a change to this item. Mr. Caisley said that he wanted legislation to limit fees to cover costs. Mr. Soeldner indicated he felt that was more of a County issue. Mr. Wasson indicated that the State has determined that the cost of operating the Courts should be based upon the users of the Courts. He stated that with limits on property tax and the amounts of income tax and sales tax the State shares with the County there is no capacity to operate the court through the general funds we have to find another revenue source to provide these mandated services. Mr. Wasson stated that we are looking for the legislation that will allow more freedom to the Counties to address those revenue needs. He also stated that Court Fees and Fines are being addressed by the State through the Supreme Court, but the outcome of those consolidations of fees will not be known for a while. Mr. Wasson stated that if they were going to talk to legislators about decreasing the capacity of county boards to have the ability impose fees and non-property tax revenue then we should suggest there be an accompanying expansion of revenue from non-local sources. Mr. Soeldner suggested that if Mr. Caisley would like to make a motion to amend number one he could do that at the end before final vote on policy.

2. Support legislation granting additional permissive authorities for counties. Mr. Soeldner said he had discussions about McLean County having its own Motor Fuel Tax, as there have been discussions to raise the Motor Fuel Tax. He stated that he is not sure how much the County will gain if this is done at State level but if this was done locally then we would have more control over where the money could be put to use. Mr. Gordon stated that motor fuel taxes depend on consumption and increased use of electric vehicles will impact these taxes. Mr. Soeldner also pointed out that as vehicles become more gas efficient there is less income. He indicated that several counties have been granted ability to impose a motor fuel tax, but the largest geographical county, McLean County, has not. Mr. Wasson stated that McLean County has the second largest number of miles behind Cook County and counties given this ability have fewer miles that our county. Mr. Caisley stated that our motor fuel tax receipts continues to decline but the cost of building and maintaining highways continues to increase. He said giving us or all counties the authority to do this would be a great help.

3. Oppose unfunded mandates imposed by the state or federal government. Mr. Soeldner provided an example of recent unfunded mandate that while the mandate is not bad, the fact that they do not propose legislation to cover the cost is not good. He stated that this would give staff permission to oppose these types of legislation. He asked if there were questions or comments, hearing none, he moved to the next topic.

4. Oppose legislation that would reduce the existing authority of county governments. Mr. Soeldner stated that while he could not think of any current legislation this opposes any that might come up. He asked if there were any questions or comments; hearing none, he moved to the next topic.

5. Oppose proposals that erode or divert existing County revenue base.

a. Proposals that reduce state-collected local government revenue. Mr. Soeldner provided examples of lowering PPRT and instituting a fee on sales tax revenue collection that take away from local revenue. Mr. Wasson said the committee might want to consider additional language that if new revenue sources are identified by the State of Illinois then a portion of those revenue sources should be directed to expenses of local governments associated with those revenues. Mr. Soeldner provided example of legalizing sale of marijuana and the question of whether there would be tax revenue directed to local governments. Mr. Gordon asked about proposed language. Mr. Wasson suggested adding general wording and not specific language. Mr. Soeldner asked if they could add language and put together language that would be considered at stand-up. The Committee agreed.

b. Juvenile Court Hearings – Mr. Gordon asked if the recommendation would remain in the policy even though the topic had been struck from the policy. Mr. Wasson stated that although there have been changes to the juvenile court hearings process; we continue to support wider provisions for utilization of remote video participation for parties in juvenile detention hearings. Mr. Gordon asked for confirmation that we would leave the heading and recommendation wording. Mr. Wasson confirmed.

c. Transportation Infrastructure Construction Program – Mr. Soeldner stated that under this would be Motor Fuel Tax. Mr. Wasson stated that if the Legislative Committee believes appropriate to move forward with amendment provided to them, then he recommended adding amendment as an additional bullet point. He stated that staff would then go to our Legislators and ask for sponsorship and introduction of this bill. Mr. Gordon asked if wording could be devised and we could approve at stand up. Mr. Soeldner stated he did not feel the entire document provided to the committee needed to be included but it could be summarized as a separate bullet point. Ms. Johnston indicated that at Transportation Mr. Stokes had gone over projects set aside because of the declining motor fuel tax and would like to have more specific examples put into this legislation to show how the reduction is impacting our County and our residents. Mr. Wasson asked for clarification that we are leaving in transportation infrastructure item and adding motor fuel tax permissive authority policy point. The Committee confirmed.

Motion by Caisley/Gordon to amend original motion to direct staff to develop and provide at a stand up meeting a separate provision specifically requesting modification to ILCS 5/5 1035.1.

Motion Carried.

d. Municipal Adjudication of minor traffic offenses. Mr. Wasson stated that this Bill has come up in the last couple of legislative session and is supported by the Municipal League to move minor traffic offenses to the municipality adjudication process. Mr. Wasson stated that court revenue is challenged in this matter. He said that many times we do not collect all or even a portion of the fees and fine assigned to court cases, but traffic offenses are an area where we do collect those fees and fines. He stated that to move this to municipality would greatly reduce our revenues that fund the Courts. He said many counties are concerned about the process put in place January 1st for the redistribution of fees and fines and until we know more about the outcome from those redistributions from a budgetary standpoint, we would be concerned about eliminating expenditures or other ways to generate revenue. Mr. Barnett asked if the City of Bloomington has already started doing this with ordinance offenses and if we track those. Mr. Wasson stated that we are not responsible for tracking and do not have fees imposed on those. Mr. Wasson stated that if fine paid there are no costs for use of courts, but not everyone capable or want to pay fine, so our court system tends to only handle cases that are more difficult to collect on and the municipality keeps the revenue generated from those easily collected. Mr. Barnett stated that if municipalities continue to collect on costs in this manner there will be a gap in our ability to properly fund courts. Mr. Wasson stated that is already occurring and did not occur before there was municipality adjudication. Mr. Caisley provided examples of changes in DUI cases where legislature stepped in and required that Circuit Clerk send in reports so that all cases whether through a municipality or County were reported to the Secretary of State. Mr. Soeldner stated that based on this discussion it seems that we want to keep this topic in our policy.

e. Court Probation Funding – Mr. Soeldner stated that we continue to have issues receiving our portion on time. Mr. Wasson stated that fiscal year 2015 was the highest reimbursement rate, and we have now seen it continue to go down each year. He said that he would modify the statement in the policy to recognize that. He stated that at the last meeting they discussed the state taking responsibility for funding to provide for electronic filing for civil and criminal cases. Mr. Wasson stated this might be the appropriate location to add language regarding electronic filing funding. Mr. Gordon asked him to clarify this would go in as separate item in the document. Mr. Wasson confirmed. Mr. Gordon indicated he would be in support of that as there is concern about costs we have incurred and continue to incur regarding this mandate. Mr. Caisley indicated that if legislature had presented this then they would have been required to add a note about costs but this came from the Courts and they do not have to point out the costs local governments would incur. Mr. Wasson indicated that Staff would summarize the language provided, as draft was more detailed than what is usually included in the policy. Mr. Gordon also pointed out that the Tyler system that the Circuit Clerk is required to work with is not compatible with our system.

Mr. Gordon stated that putting this in our program might make legislators aware of issue that originated with the court system.

Motion by Gordon/Barnett to incorporate into our legislative program for 2019 the topic and recommendation regarding electronic filing funding.
Motion Carried.

f. Behavioral/Mental Health Funding – Mr. Wasson indicated that nothing has changed with respect to this item.

g. Hazardous Waste – Mr. Wasson stated that we have worked with collared counties on this issue to address hazardous waste collection. He said there has been a significant reduction by the State of Illinois and IEPA for household hazardous waste collection and each event costs over \$150,000. He stated that while this is a significant benefit to the community we are currently doing this every other year and would like to see annual and permanent collection efforts. He stated that each year a third of the collection is oil based paints and many states have established paint collection system where recycling is funded through taxes imposed on the sale of those items. He said that each year they get closer to a final compromise that would address this.

h. Recorder's office FOIA requests – Mr. Wasson stated this issue continues and so we ask that this continue to be included. He stated that currently we do not have a way to differentiate between commercial and non-commercial request for FOIA. Mr. Wasson indicated that because of that, we are required to respond to FOIA intensive requests that take large portions of staff time and the results of those FOIAs are used by companies to generate income. He stated that they would propose legislation to clarify ways for local governments to recoup the costs associated with the commercial income generated FOIAs. We have not seen a lot of support for this matter, but have been successful in getting frivolous FOIA requests addressed through legislation and goal would be to continue this effort. Mr. Soeldner asked if this fell under the purview of the Attorney General and if we should promote through the Attorney General. Mr. Wasson stated that the Attorney General has the obligation to review FOIA complaints and provide direction to local governments to those complaints and he did not feel the Attorney General's office would take an active role in this.

Mr. Soeldner indicated the Committee was now done reviewing the program as presented and asked if there were other suggestions as to items that should be considered. Mr. Barnett asked if there had been discussion about additional fee being imposed on owners of electric cars to help fund transportation infrastructure. Mr. Wasson stated that he had not encountered anything, but the global discussion about how revenue will continue to shrink from motor fuel tax and a system that might need to be implemented to assist that system have been at the federal level. Mr. Schmitt agreed that most discussions are at federal level and there have been some studies

done but distribution complicates the issue. Mr. Soeldner provided examples of alternatives discussed to help with motor fuel taxes.

Chairman Soeldner asked if there was any other suggestions to come forward and recognized Mr. Beard. Mr. Beard stated reminded the Committee that there was a non-binding referendum, which received over 90% support for term limits. He stated that we have not been given the authority to impose term limits on ourselves and so he would like to have language added to our policy that would allow local governments to impose terms limits. Mr. Soeldner stated that the 90% was supporting term limits on all elected officials. Mr. Wasson asked for clarification as to whether he was asking to impose limits upon themselves as County Board members or limits at that level to say include County elected officials such as the Coroner, Sheriff, etc. Mr. Beard clarified that he was thinking about imposing term limits on themselves. There was general discussion about imposing limits on themselves and other bodies at same government level or giving authority to each body to impose upon themselves. Mr. Wasson said they could possibly write something up that would be general in nature for our policy program if they wanted it included.

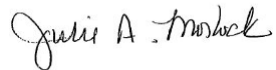
Mr. Soeldner asked if we could add items to our legislative agenda throughout the year. Ms. Woods indicated they could, but was not sure how it would affect lobbyist job. Mr. Soeldner indicated he would rather do research on this before including. Mr. Barnett asked if this would fall on the County Clerk to keep track of these positions and term limits and costs associated. Mr. Gordon asked about Constitutional rights to impose these restrictions. Mr. Wasson stated he felt it would fall to the Illinois Supreme Court to decide these matters. Mr. Soeldner asked about incorporating something to our Rules. Mr. Wasson stated Staff did not feel there was statutory authority and possible a constitutional issue to do that. Mr. Smith said he felt there were already term limits as the constituents voted out members and voted others back in. Mr. Beard asked if there was consensus to support this then language to be approved at stand up. Mr. Gordon indicated he was not in support of legislation for term limits and indicated that he did not feel there was enough information today to support adding language to our policy, but would support getting more information for this to be considered later. Mr. Soeldner agreed. Mr. Soeldner asked if there was a motion to include. No motion was made. Mr. Beard indicated he would follow up with staff but would like to see more legislation that give Counties rights to make decisions such as this locally. Mr. Barnett asked that we follow up with other counties about this matter so that we do not hinder other items on our agenda.

Ms. Johnston asked that when staff drafts language about new revenue streams they take into consideration adding wording about not moving money from behavioral health programs to cover new mental health programs revenues. Mr. Wasson stated that adding language to the mental health provision makes sense and provides avenue to discuss revenue streams that would affect behavioral health revenue.

Motion by Gordon/Barnett to table recommendation/approval of 2019 Legislative Program for McLean County until a stand up meeting before the County Board meeting on January 15, 2019.
Motion Carried.

Chairman Soeldner asked if there was any further business for the Committee to consider; hearing none, he adjourned the meeting at 2:53 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Julie A. Morlock".

Ms. Julie Morlock
Recording Secretary