

Agenda Item # 49

DISTRIBUTION  
County Board  
County Administrator

STATE OF ILLINOIS     )  
                                  ) SS  
COUNTY OF LAKE     )

COUNTY BOARD, LAKE COUNTY, ILLINOIS  
ADJOURNED REGULAR SEPTEMBER, A.D., 2005 SESSION  
DECEMBER 13, A.D., 2005

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Revenue, Records and Legislation Committee presents herewith a Resolution presenting and requesting approval of the 2006 Lake County State Legislative Program, and requests its adoption.

Respectfully submitted,

Aye

Nay

Carol Spielman  
CHAIRMAN

✓

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[Signature]  
VICE CHAIRMAN

✓

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Ann B. Maio

✓

\_\_\_\_\_

Juday Martini

\_\_\_\_\_

\_\_\_\_\_ *pass.*

Michael Adgett

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[Signature]

x

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## RESOLUTION

**WHEREAS**, your Revenue, Records and Legislation Committee has solicited legislative proposals from elected officials and department heads and prepared a Lake County Legislative Program for the 2006 session of the Illinois General Assembly; and

**WHEREAS**, the proposed Lake County 2006 Legislative Program encompasses a variety of recommendations designed to upgrade the efficiency and effectiveness of county government in Lake County and throughout the state; and

**WHEREAS**, the Revenue, Records and Legislation Committee seeks your approval of the 2006 Lake County State Legislative Program.

**NOW, THEREFORE, BE IT RESOLVED**, by this County Board of Lake County, Illinois, that the 2006 Lake County State Legislative Program is hereby approved, a copy of which program is attached hereto and made part hereof; and

**BE IT FURTHER RESOLVED**, that this County Board does hereby approve and support those efforts necessary to draft, introduce, and support legislation designed to implement the objectives of this program, with those efforts to be executed by the County Administrator in coordination with the Chair of the County Board and the Chair of the Revenue, Records and Legislation Committee; and

**BE IT FURTHER RESOLVED**, that because of the unique and often unpredictable timing by which actions occur in the General Assembly, the County Administrator, in coordination with the Chair of the County Board and the Chair of the Revenue, Records and Legislation Committee, is hereby authorized and directed to take all appropriate actions regarding other legislative proposals that may impact upon Lake County government.

DATED at WAUKEGAN, LAKE COUNTY, ILLINOIS this 13<sup>th</sup> day of December,  
A.D., 2005.

**2006 State Legislative Program  
Lake County, Illinois**

December 2005

In 2006, Lake County government will again need the help of our State Legislators in the state capital. Constitutional restrictions on the powers and functions of County government slow or constrain the County Board and our departments in providing for the safety and needs of approximately 700,000 residents, as well as for commerce and industry.

We are well aware of the state's financial situation and have made every effort to be responsive and responsible as we prepared the 2006 Lake County Legislative Program. You will note there is an emphasis on seeking Authority, to enable more effective governance and sound financing.

As in the past, the county's general legislative policy is to:

1. Support legislation granting additional permissive authorities for counties.
2. Support legislation allowing counties to expand non-property tax revenue sources.
3. Oppose unfunded mandates imposed by the state or federal government.
4. Oppose legislation that would reduce the existing authority of county government.
5. Oppose proposals that erode the existing County revenue base.

Sponsorship of specific initiatives and support of other proposals listed in the 2006 Lake County Legislative Program will be greatly appreciated.

**2006 State Legislative Program  
Lake County, Illinois**

**Sponsorship Initiatives**

**Topic:** Lake County Transportation Summit  
Priority Projects for IDOT SFY2007 Funding

**Problem:** Lake County has not received its fair share of state road investments in the past, despite a growing need for road infrastructure improvements. Therefore a countywide Transportation Summit was held on 9/16/05 sponsored by Lake County Partners, College of Lake County, Lake County and the TMA of Lake Cook. More than 210 residents, government, business, academic and civic leaders attended the Summit, which was convened around the theme: "One Voice...One Transportation Future."

**Solution:** Since there are many competing priorities for limited state highway dollars, the consensus developed at the Transportation Summit provides clear guidance so Lake County's governmental, business, academic and civic leaders can support our legislative delegation in its aggressive pursuit of the County's fair share of transportation funding. The top three highest priority projects in 3 readiness categories are as follows:

| Category   | Top 3 Priority Projects  |
|--|--|
| <b>Add lanes projects ready for Construction Funding</b> | <ol style="list-style-type: none"> <li>1. US Hwy 45 (From IL Rt. 137 to IL Rt. 120)</li> <li>2. IL Rt. 21 (From IL Rt. 137 to IL Rt. 120)</li> <li>3. US Hwy 45 (From Rollins Rd to IL Rt. 132)</li> </ol>               |
| <b>Add lanes projects ready for Engineering Funding</b>  | <ol style="list-style-type: none"> <li>1. US Hwy 45 (From IL Rt. 120 to Washington St.)</li> <li>2. IL Rt. 22 (Quentin Rd to IL Rt. 83)</li> <li>3. US Hwy 45 (From IL Rt. 21 to IL Rt. 83)</li> </ol>                   |
| <b>Add lanes projects ready for Planning Funding</b>     | <ol style="list-style-type: none"> <li>1. US Hwy 41 (From Lake Cook Rd to IL Rt. 137)</li> <li>2. IL Rt. 60/83 (Diamond Lake Rd to Fairfield Rd)</li> <li>3. US Hwy 45 (IL Rt. 132 to north of Grass Lake Rd)</li> </ol> |

**2006 State Legislative Program  
Lake County, Illinois**

**Topic:** **Clearing Road Lanes of Vehicles involved in Minor Crashes**

**Problem:** Many states laws require the drivers of vehicles involved in property damage only traffic crashes to remove their vehicles, if drivable, to the shoulder of the road so as to not obstruct other traffic. It has been shown that the congestion from backup delays from traffic obstructions can last up to four times as long as the obstruction is present. Illinois drivers involved in minor crashes often think they have to leave the vehicles on the pavement waiting for the police to show up, perhaps because Illinois law is too vague on this subject. The relevant sections of the Illinois law are as follows: 625 ILCS 5/11-402/Motor vehicle accident involving damage to a vehicle and 625 ILCS 5/11-404/ Duty upon damaging unattended vehicle or other property. Both sections state that "Every such stop shall be made without obstructing traffic more than is necessary." This vague language allows drivers to remain in the traveled way of the roadway obstructing traffic and causing congestion.

**Solution:** Revise the Illinois Vehicle Code to require the drivers of vehicles involved in property damage only traffic crashes to remove the vehicle from the travel way of the road way; further, hold harmless any police, fire, emergency or transportation agency vehicle who use reasonable care in removing such vehicle from the traveled way of the roadway by either towing or pushing said vehicle to the shoulder of the road or other area such as a side street.

**Topic:** **Coroner's authority to cremate unclaimed bodies**

**Problem:** According to 55 ILCS 5/3-3034/Disposition of Body, after the inquisition a coroner may deliver the body of the deceased to his friends or family, if there are any, but if not, he shall cause him to be decently buried. If the property of the deceased is insufficient to cover the costs of burial, the County shall be required to pay these costs. Although cremation represents a significantly less expensive process, this alternative to burial is not permitted in such cases according to the statute. Compared with the typical burial cost of \$3000 to \$4000, the \$1000 cremation cost would represent a significant savings to the County.

**Solution:** Amend 55 ILCS 5/3-3034 to allow the coroner to cremate an unclaimed body.

**2006 State Legislative Program  
Lake County, Illinois**

**Topic:**                   **Water Supply Protection – Support the work and legislative recommendations of the Ground Water Strategy Advisory Group**

**Problem:**               As noted in the Regional Framework Plan, An abundant, safe, clean, and economical supply of water is essential for prosperity and a desirable quality of life in Lake County. Following the mining of the deep bedrock aquifer, water from Lake Michigan was substituted. After a period of recovery, the deep bedrock aquifer is being mined again and now, due to international law, the County's Lake Michigan allocation cannot be greatly increased. The shallow aquifers are forecast to have sufficient water for the County's need to 2020 but the impacts of increased use of this water source are not known. Scientific studies are especially needed to determine the recharge rates for the shallow aquifers, the impacts of increased withdrawals from the shallow aquifers on existing shallow aquifer wells and surface waters, and how increased use of the shallow aquifers during a major drought will impact groundwater and surface water resources. In addition to providing adequate State funding for studying groundwater aquifers and assessing long term water availability, additional steps are needed to protect the region's water supply.

The Department has been coordinating with the Ground Water Strategy Advisory Group to craft legislation assessing groundwater supplies and protecting the region's water supply. This ad hoc group includes State Senator Susan Garrett and representatives from the Metropolitan Planning Council (MPC), Openlands, Lake County, Kane County, the Campaign for Sensible Growth, Northeastern Illinois Planning Commission (NIPC), the Illinois Environmental Council, IDNR, and IEPA.

**Solution 1:**           Propose enabling legislation to establish Priority Water Quantity Planning Areas in areas where existing data suggest future water shortages. These areas would be established at the regional level based upon shared watersheds and aquifers.

**Solution 2:**           Propose legislation requiring a statewide water withdrawal permitting program.

**2006 State Legislative Program  
Lake County, Illinois**

**Topic:** **Increase County authority to regulate cellular towers**

**Problem:** The placement of cellular towers in the unincorporated areas is a significant concern to residents of Lake County, given the siting of many such towers within residential areas. Cellular companies' failure to design additional tower space for co-locating antennae exacerbates this concern, leading to the construction of new towers when existing sites would otherwise be available for co-location. Municipalities have discretion over the placement of cellular towers within their borders, but Illinois State Law allows cellular towers by right in all unincorporated areas, and provides counties with no discretion over the siting, height and setbacks of cellular towers. This law has led to a proliferation of cellular towers in unincorporated areas, despite county efforts to encourage more isolated siting and co-location on existing towers.

**Solution:** Amend 55 ILCS 5/5-12001.1 to provide counties with more discretion in the siting, height and setbacks for cellular towers in the immediate vicinity of existing residential development, and to require all new cellular towers to provide additional capacity for co-locating antennae.

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**Topic:** **Provide adequate funding for the MDS-based Medicaid reimbursement tool for the care of nursing home residents**

**Problem:** Reimbursement for the care of nursing home residents covered by Medicaid covers less than 70% of costs state-wide. In fact, Medicaid reimbursement for nursing home residents in Illinois is ranked 49 of 50 states. Costs for care in Nursing Homes have increased by over 50% in the last 11 years, yet Medicaid reimbursement increased in that time by less than 10%.

**Solution:** The state nursing home associations and the state have agreed upon a new Medicaid reimbursement tool that measures the care provided for nursing home residents. In order for this tool to be effective, adequate funding needs to be approved by the state legislature in the spring, 2006 session.

**2006 State Legislative Program  
Lake County, Illinois**

**Topic:**                   **Notarization of Signatures on Deed**

**Problem:**               Recently there has been a tremendous concern over the growing crime of mortgage fraud. In order to address this concern, the Lake County Recorder of Deed's Office has been working with the Lake County State's Attorney's Office to identify opportunities to prevent this serious crime. Through their efforts, it has been ascertained that such criminals typically visit a recorder's office in person to record their fraudulent deeds in lieu of using the mail a title company in order to expedite the commission of such fraud. Despite other measures such as the installation of security cameras in the Lake County Recorder of Deed's Office, such individuals still attempt to commit such crimes in the absence of a statutory requirement for a more thorough identity check at the time of recordation.

**Solution:**              Seek legislation requiring that all signatures on a deed be notarized. Notaries are licensed by the State to certify signatures on legal documents, to prevent fraud and forgery, and to act as official witnesses when people sign legal papers. Requiring signatures on deeds to be notarized, particularly on Quit Claim deeds, would constitute a significant deterrent to criminals intent on committing mortgage fraud.



**2006 State Legislative Program  
Lake County, Illinois**

***Supported Initiatives***

**Topic:**                   **Fund Public Defender Salary Reimbursement**

**Solution:**               Support funding for the reimbursement that the County is entitled to under 55 ILCS 5/3 4007(b) which requires that the State reimburse the County for two-thirds of the salary of its chief Public Defender.

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**Topic:**                   **Sexually Violent Persons – Statutory Reform**

**Solution:**               Support amending the Sexually Violent Persons Commitment Act to authorize commitment for any convict with a history of sexual violence, if such individual is serving a sentence for crime committed while on mandatory supervised release for an sexual violence persons (SVP) offense. Additionally, support similar efforts to amend the Act to authorize commitment for a wider variety of sexually-motivated enabling felonies including but not limited to aggravated battery, aggravated unlawful restraint, and non-custodial child abduction. Further, support extended sentencing available for forcible felonies committed on Forest Preserve grounds, public parks and other public places of accommodation, and on school grounds.

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**Topic:**                   **Illinois Clean Indoor Air Act**

**Solution:**               Amend the Illinois Clean Indoor Air Act (410 ILCS 80/1) to authorize non-home rule counties to regulate smoking in the unincorporated areas, consistent with the authority granted to municipalities and home-rule counties under the Act. Secondhand smoke causes or exacerbates a wide range of adverse health effects, including cancer, respiratory infections, asthma and heart disease.

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**Topic:**                   **Animal Control Act**

**Solution:**               Support strengthening the Animal Control Act (510 ILCS 5/) to protect the public from dangerous and vicious animals. Animal control agencies are very concerned about frequent incidents involving aggressive dogs, and such agencies are committed to doing more to protect the public.

2006 State Legislative Program  
Lake County, Illinois

*Monitor Issues*

**Monitor state legislative efforts to restrict eminent domain authority**

The recent United States Supreme Court *Kelo* decision upheld the right of local governments to utilize eminent domain in certain cases involving the disposition of the government-acquired land to a private developer in order to promote a local government's economic development goals. Private property rights groups and other organizations reacted to the *Kelo* decision by rallying for serious statutory limitations on local governments' authority to exercise the power of eminent domain. Consequently, legislative efforts have begun to surface at the federal level and in Illinois as well. Such efforts have primarily focused on (a) preventing the disposition of government-acquired land to private developers and (b) increasing land owners' compensation upon governments' acquisition of their property. Lake County intends to monitor proposed changes in eminent domain statutes to ensure that such efforts promote responsible government while preserving the technique's fair market value-based compensation mechanism.