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COUNTY OF LAKE)

Agenda Item # 70

COUNTY BOARD, LAKE COUNTY, ILLINOIS
ADJOURNED REGULAR SEPTEMBER, A.D., 2006 SESSION
NOVEMBER 14, A.D., 2006

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Revenue, Records and Legislation Committee presents herewith a Resolution presenting and requesting approval of the 2007 Lake County State Legislative Program, and requests its adoption.

Respectfully submitted,

Aye

Nay

Caryl Spielman

CHAIRMAN

[Signature]

VICE CHAIRMAN

Ann B. Mare

[Signature]

Michael A. Talbot

[Signature]

Revenue, Records and Legislation Committee

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 2007 session of the Illinois General Assembly; and

WHEREAS, the proposed Lake County 2007 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 2007 Lake County State Legislative Program.

NOW, THEREFORE, BE IT RESOLVED, by this County Board of Lake County, Illinois, that the 2007 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 14th day of November,
A.D., 2006.



LAKE COUNTY, ILLINOIS
State Legislative Program for County FY2007

In 2007, 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 over 700,000 residents, as well as for commerce and industry.

We are well aware of the state's financial situation and have tried mightily to be responsive and responsible as we prepared the County's 2007 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 2007 Lake County Legislative Program will be greatly appreciated.

Direct Sponsorship Initiatives

Topic: Requirement to Use Local Building Codes for Public School Buildings

Issue: Pursuant to the School Code, all occupancy permitting for schools is performed under the jurisdiction of the Regional Superintendent of Schools. Additionally, the Regional Superintendent of Schools, or their designee, performs required inspections for schools. Recent legislation provides local governments with the opportunity to inspect public school construction pursuant to the State's building codes, but at no cost to the schools.

Recommendation: Lake County proposes an amendment of the School Code clarifying the certifications and requirements necessary for a third party to conduct public school construction inspections.

Topic: Brownfield Property Late Penalty Write-off

Issue: Existing regulations require that the County assess a late payment fee on properties when property taxes are not paid by the due date. Late fees accumulate and must be paid in full upon transfer of property to another owner. Upon receipt of payment, all local taxing bodies are allocated their payment due, with all late fees retained by the County as general fund revenue.

In the case of brownfield properties, back taxes and late payment fees can accumulate rapidly. The Illinois Statutes currently require that the County Treasurer collect the full amount due, including the late payments. The inability of the County to waive late payments has been viewed as a deterrent to redeveloping brownfields.

Recommendation: Support legislation that would provide permissive authority to counties to waive or write-off late fees to encourage redevelopment of brownfields. The brownfield property would have to be incorporated in a redevelopment plan of a local government and have that local government support the application to waive or write-off the late fees.

Topic: Clearing Road Lanes of Vehicles involved in Minor Crashes

Issue: 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.

Recommendation: 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.

Significant progress was made during the 2006 legislative session. Barring further progress during the Fall Veto Session, it is recommended that this issue be reintroduced.

Topic: **Lake County Transportation Summit
Priority Projects for IDOT SFY2008 Funding**

Issue: Lake County has not received its fair share of state road investments in the past, despite a growing need for road infrastructure improvements. Therefore the second countywide Transportation Summit was held on 9/20/06 sponsored by Lake County Partners, College of Lake County, Lake County and the TMA of Lake Cook. More than 62 of the eligible 105 local Lake County elected officials attended the Summit, which was convened around the theme: "One Voice...One Transportation Future."

Recommendation: 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 Priority Projects	
Add lanes projects ready for Planning Funding	1	IL-176 (IL Rte 21 to IL Rte 131)
	2	US 45 (Millburn Rd to IL Rte 132)
	3	IL 83 (IL Rte 120 to IL Rte 176)

	4	IL 176 (US Rte 12 to Fairfield Rd)
	5	IL 21 (Lake-Cook Rd to US 45)
	6	IL 60 (Fairfield Rd to IL Rte 176)
Add lanes projects ready for Engineering Funding	1	US 45 (IL Rte 60 to IL Rte 21)
	2	IL 60/83 (South of IL Rte 176 to EJ&E Railroad)
	3	IL 131 (Wisconsin state line to Sunset Ave)
	4	US 45 (Millburn Bypass)
Add lanes projects ready for Construction Funding	1	IL 21 (South of IL Rte 120 to IL Rte 137)
	2	US 45 (Washington St to IL Rte 120)
	3	IL 83 (Wisconsin state line to Petite Lake Rd)
	4	US 45 (IL Rte 132 to Rollins Rd)
	5	US 45 (Rollins Rd to Washington St)

Topic: Senior Citizens Assessment Freeze Homestead Exemption

Issue: Current State regulations require that senior citizens file an annual application with the County for the Senior Citizens Assessment Freeze Homestead Exemption. The annual filing requirement is viewed as duplicative and requires that senior property owners travel to the County Building in order to file for the exemption. With a permanent exemption status, should a senior property owner sell and move to another property within Lake County, it is recommended that the exemption be portable; when a senior sells their home, transfer the exemption to a new home.

An amendment to legislation recently signed by the Governor regarding assessment freeze and the phased ramp-up to \$50,000 may be a topic of discussion during the Fall Veto Session. If no action is taken at that time, it is recommended that an amendment eliminating the phased ramp-up to \$50,000 for counties with populations over 500,000.

Recommendation: Propose legislation that would (1) provide counties with permissive authority to adopt policies that would enable seniors to be permanently entered in the freeze program after a successful application; and (2) should a senior citizen who has an assessment freeze sell their home and move to a new home in the same County, calculate percentage benefit from freeze on property sold, and have it transferred to the purchased property.

Also recommended should legislation not be passed during the Fall Veto Session is an amendment to eliminate the phased ramp-up to \$50,000 for counties with populations over 500,000.

Topic: **Sunset Provision for Sales Tax Referendum**

Issue: Existing statutory language do not provide counties the opportunity to include a sunset provision for a sales tax, nor to include language on a referendum ballot questions indicating that a proposed sales tax will expire at a predetermined date. In the case of an effort to obtain funding for a capital project with a predefined payback period, the inability to provide that information on the ballot has not provided the electors with the relevant information as they cast their vote.

Recommendation: Support permissive legislation that would provide counties with the ability to incorporate a sunset provision on a sales tax and insert language in a referendum question that a proposed sales tax will sunset, or expire, on a predetermined date.

Topic: **Efficiency in Highway Funds Record Keeping**

Issue: Illinois law (55 ILCS 5/6-1006) requires, the County Auditor, if any, and the County Clerk to maintain a list of additional information beyond what the County Treasurer keeps on "appropriations" for county funds. Included by default, are the appropriations for highway construction projects, in the County Bridge fund, Matching Tax Fund and Motor Fuel Tax Fund. For most counties, this information is duplicative of information kept otherwise in the county accounting systems for highway construction funds.

Recommendation: Make the requirement of the auditor and the county clerk to maintain this additional information optional, rather than mandatory, so as each county can maintain and provide the information in the most efficient place without duplication of work. The suggested modification to 55 ILCS 5/6-1006 is attached.

Topic: **Unsewered Communities Grant Program**

Issue: The Illinois Environmental Protection Agency administers the Unsewered Communities Grant Program, which helps provide financing opportunities to provide wastewater collection and treatment to existing unsewered communities which are primarily residential and have a history of public health or water pollution issues resulting from inadequate wastewater disposal systems.

To be eligible for the program, an area must be within the incorporated limits of a municipality. Lake County has several unincorporated areas that continue to be served as individual septic systems. These areas are

not eligible to participate in the state funding program due to the terms of the grant program.

Recommendation: Modify the requirement that mandates that eligibility for the Unsewered Communities Grant Program is limited to incorporated communities.

Supported Initiatives

Topic: **Impact Fees for Schools, Park & Forest Preserve Districts, Libraries, Fire Departments and Crime Prevention/Detention Service Providers**

Issue: In reviewing proposed residential development during the annexation process, municipalities can negotiate fees for *all* necessary land and capital expenses for all public entities that would be impacted by the proposed residential development. Such public entities include schools, park districts and forest preserve districts, libraries, fire departments, and crime prevention/detention service providers.

Such agreements are not possible if annexation is not involved. Therefore, the County has no such authority. Under Illinois State Law and case law, impact fees for unincorporated areas may be assessed *only* in lieu of donating necessary school grounds.

Recommendation 1: Support legislation authorizing counties and municipalities (when annexation is not involved) to impose impact fees for schools, park districts, forest preserve districts, libraries, fire departments and crime prevention/detention service providers covering all necessary land costs and capital expenses specifically and uniquely attributable to new residential development.

Recommendation 2: Support legislation that would provide a new line item on the state transfer tax form to allow an adjustment, i.e. subtraction, from the total taxable amount. This would allow the assessor the ability to use the actual value rather than the value plus the impact fees. Over time, the taxpayer would save money by not paying for the impact fees that should not be part of the assessed value of the property in the first place.

Topic: **2007 Statewide Transportation Funding Proposals**

Issue: Lake County needs to proactively be involved in three issues which may be considered in the Spring 2007 session, all relating to funding for transportation and transit. They include:

Component 1 **Public-Private Partnership Initiative regarding the Lease of the Illinois Tollway**

- Component 2** **Chicago Regional Transit Funding: CTA, Metra and Pace**
- Component 3** **Illinois Highway Funding: state and local**

Recommendation: Component 1 Public-Private Partnership Initiative regarding the Potential Leasing of the Illinois Tollway System

The County recognizes the need the State of Illinois to conduct an analysis to investigate the proposed leasing of the Illinois Tollway System. While not taking a formal position on this issue, Lake County offers the following "Principles" reflecting issues of concern that should be addressed as part of this analysis and any legislative actions. The "Principles" are to ensure the protection of the driving public and investigate the strengths of the private sector for planning, design, construction and financing of capital transportation projects.:

Principle A. Investments in Transportation Capital Projects Only:
Endowment Fund in which the proceeds stemming from the long-term lease of existing transportation infrastructure are used to plan, design and construct improvements to existing transportation infrastructure or to construct new transportation infrastructure

Principle B. Financial Oversight Authority Public Body to be in Control
This entity would assure that the public protections built into the lease are met and the transportation funds generated by the endowment are transferred yearly to the appropriate transportation implementing agencies

Principle C. Regional Equity
A statutory formula such as of 80% of all net funds stemming from the sale or lease need to be returned to the geographic area where the facility is located is one example of attaining regional equity. Also the statutory policy needs to reflect "maintenance of effort" from current funds. This would insure that if the geographic area of the state is to receive a share of the proceeds only to have their usual share of state funding re-apportioned to other areas, this is in effect a "no sum game" and is not acceptable.

Principle D. User Equity
We would expect a business operator to follow the business model of more frequent increases; however the users of the Tollway, in the case we are talking about today, need to be protected from unreasonable toll increases. The toll increases must be limited to a maximum of the regional cost of living as stipulated in a contract and certified by the Financial Oversight Authority.

Principle E Where Should Additional Funds be allocated in Lake County?

Lake County fully understands the need for more transportation funding. The Lake County Year 2020 Transportation Priority Plan identifies numerous capacity improvements that are needed on State and County roadways. In addition, the 2005 Lake County Transportation Summit and this year's Public Input Forums have prioritized the crushing financial need for improvements on State Highways. These include projects such as:

- The IL 120 Improvements that will come out of the on-going IL 120 Corridor Planning Council efforts
- The US Route 41 Improvements that will come out of the anticipated US Rte 41 Corridor Planning Council efforts
- US Highway 45 in central Lake County (Mundelein to Lindenhurst)
- And numerous, numerous others. We specifically direct you to the County web site where the public input regarding both highway and transit improvements that we received from this year's Public Input Forums has been posted. The name of the site is: www.co.lake.il.us/transportation

Component 2 Chicago Regional Transit Funding: CTA, Metra and Pace

The RTA is undertaking a regional strategic planning effort known as "Moving Beyond Congestion". The vision is stated as "Our vision is to be world class transportation system that is convenient, affordable, reliable and safe, and that is the keystone of the region's growing business opportunities, thriving job market, clean air and livable communities."

The RTA is stating clearly that this strategic plan initiative will lead to requesting the spring General Assembly to consider financing, for both current operational needs and capital expansions.

Component 3 Illinois Highway Funding: state and local

Funding for highways from state revenue is shared between the state (IDOT) and local governments, including the counties. Statewide revenue packages that have been approved in the past (e.g. Illinois FIRST and Build ILLINOIS) have always include funding for both highways and transit, with a local government share. It is expected to be no different even though this time the RTA may be leading the effort rather than IDOT. Lake County needs to be involved on three fronts:

- 1) Funding for state road projects in Lake County
- 2) Adequate share of any new resources towards all counties

- 3) Means for additional county share for counties in congested areas
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Topic: **Chicago Metropolitan Agency for Planning: 2007 Legislative Initiative**

Issue: The Illinois General Assembly created The Chicago Metropolitan Agency for Planning (CMAP) in 2006, under an agreed bill process with local entities in the Chicago Area, to achieve highly effective and collaborative, comprehensive planning in the Chicago region. As required by the legislation, the new CMAP Board produced a report to the General Assembly outlining the options for further legislative action to clarify and strengthen roles of the new agency and its board.

Recommendation: Support the implementation of the report provided by the CMAP Board to the General Assembly. Three issues in the report to be addressed include: 1) clarify CMAP's leadership role in projects of regional significance, 2) provide an adequate, fair and stable funding for CMAP and 3) complete the recession of NIPC's enabling legislation and transfer those responsibilities and authorities to the CMAP Board.

Topic: **Extension of Emergency Public Health Fund for West Nile Virus**

Issue: In 2003 under Public Act 93-0052 the state began collecting from retail customers an additional 50 cents per new or used tire sold and delivered in this State. The money collected from this fee is deposited into the Emergency Public Health Fund. This statute sunsets or expires on January 1, 2008. (Sunset laws are statutes that address the tendency of government agencies and programs to be self-perpetuating by providing for their periodic review.)

We request its extensions as the Emergency Public Health Fund is used to make vector control grants and surveillance grants to certified local health departments. These grant funds are used for expenses related to West Nile Virus (WNV) and other vector-borne diseases. The amount of each grant determined by surveillance data and the number of positive human cases of West Nile Virus and other vector-borne diseases occurring during the preceding year and current year in the county or municipality seeking the grant.

These funds have allowed Lake County's comprehensive mosquito control efforts over the past several years. Surveillance data can now identify localized areas where WNV activity appears to be the highest. With continued funding it will allow us to continue to improve prevention and coordination of resource in those identify localized areas, maintain public awareness and education as well as surveillance. In 2005, in Lake County, there were 11 confirmed human cases reported with one death. Twelve

birds and 167 mosquito pools tested positive for WNV. Staff fielded 2300 phone calls/inquires by the general public for further information, assisting in identifying stagnant water complaints providing us the opportunity to investigate and address and discuss options to remediate the problem.

Recommendation: Support extension of the Emergency Public Health Fund dedicated to vector control and surveillance grants, which includes West Nile Virus.

Monitored Issues

Topic: Increase County authority to regulate cellular towers

Issue: 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.

Recommendation: Monitor proposed amendments to 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.

Policy Issues

Restore and Protect Medicaid Funding for Nursing Homes

Lake County urges restoration of the past cuts the State of Illinois has made to Medicaid reimbursement for Nursing Homes. In addition, the County supports efforts to begin the process of revamping the Medicaid system in Illinois.

No Diversion of Road Funds

Lake County opposes action that will divert monies from the State's road fund to the State's General Revenue Fund. Lake County roads are in need of rehabilitation and expansion and the State is falling short of its responsibility to maintain and improve State roads in Lake County.

The continued diversion of the State's road monies to the General Revenue Fund will only exacerbate this problem.

Statewide Wetland Regulations

Lake County supports the development of a statewide standard to govern unregulated wetlands for other parts of the state. It is appropriate, however, that counties such as Lake that already have a stormwater/wetland protection program in place be exempted from any statewide program to avoid pre-emption of County authority.