

Agenda Item # 50

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS
ADJOURNED REGULAR SEPTEMBER, A.D., 2007 SESSION
DECEMBER 11, A.D., 2007

MADAM CHAIRMAN AND MEMBERS OF THE COUNTY BOARD:

Your Revenue, Records and Legislation Committee presents herewith a Resolution presenting and requesting approval of the 2008 Lake County State Legislative Program, and requests its adoption.

Respectfully submitted,

Aye

Nay

Caryl Spurlman
CHAIRMAN

[Signature]
VICE CHAIRMAN

[Signature]

[Signature]

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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 2008 session of the Illinois General Assembly; and

WHEREAS, the proposed Lake County 2008 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 2008 Lake County State Legislative Program.

NOW, THEREFORE, BE IT RESOLVED, by this County Board of Lake County, Illinois, that the 2008 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 11th day of December, A.D., 2007.

December 2007

In 2008, 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 on-going political and financial situation and have tried to be responsive and responsible as we prepared the County's 2008 legislative program. As in previous years, 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 2008 Lake County Legislative Program will be greatly appreciated.

Direct Initiatives

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: Support legislation that would provide counties with more discretion in the siting, height and setbacks for cellular towers, require all new cellular towers to provide additional capacity for co-locating antennae, and require all telecommunications companies to post a bond to ensure the removal of any tower that is obsolete or no longer in use.

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 requiring that a qualified third party conduct public school construction inspections.

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

Issue: 2007 was supposed to be the "Year of Transportation Funding Decision" due to the pending FY 2007 operational fund crisis of the RTA (CTA, Metra and Pace) and the pent up demand for a state highway and transit capital program. The

Illinois General Assembly is still in session as of November 2007, not having resolved competing proposals to address these issues among the four leaders and the Governor. In the interim, the Governor has financially bailed out the RTA twice by means which make the RTA operational fund crisis for their FY2008 budgets much more severe.

Recommendation: Some of the County's FY2007 Transportation Supported Initiatives are recommended to be carried over, abet slightly revised due to the political climate they are now being discussed in. Lake County still feels that only a comprehensive transportation funding bill will advance in the 2007-8 General Assembly Session: including funding for RTA-transit, state highways and local highways

Lake County needs a fair return out of the funding package on four items:

- Transit projects in Lake County.
 - Use the Lake County submittals contained in the RTA regional strategic planning effort known as "Moving Beyond Congestion" for operations funding and capital funding.
 - Provide a sustainable source of funding for the implementation of countywide Para-Transit Services in Lake County in accordance with the final results of the on-going Lake County Coordinated Transportation Services Committee (LCCTSC) study.
- State highway projects in Lake County.
 - Use results of 2006 Lake County Transportation Summit: Priority Projects for IDOT SFY2008-9 Funding. See Exhibit A
- If IDOT receives increased revenue then the County needs to get the same % growth:
 - Increase thru the County share of the MFT formula distribution
 - Increase in the High Growth Counties allocation
- Lake County Board authority for additional local funding for county highways.....

FACTS

Lake County (and Will County) was NOT INCLUDED in the 1989 package for the county-option 4 cent Gas Tax.
(only DuPage, Kane and McHenry were and Cook is home rule)

Lake County and Will County are the ONLY Chicago area counties without a source of additional local funding for county highways

- Lake County (and Will County?) needs a county-controlled funding share of any transit/highway funding package:
 - Lake County is not prescriptive of the source.
 - Lake County will take authority for a transit/highway eligible source, if necessary (and make investment decisions among transit and highways).

- This need is irrespective if the other counties who already have a local source are asking for additional funds.

Exhibit A

Lake County Transportation Summit
Priority Projects for IDOT SFY2008-9 Funding

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."

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

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 two (2) consecutive successful applications, 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.

Topic: **Expand Definition of Inoperable Vehicles**

Issue: Currently, the Counties Code (55 ILCS 5/5-1092) authorizes counties to declare inoperable vehicles as a nuisance subject to abatement. The Code defines “inoperable vehicle” as any motor vehicle from which, for a period of at least 7 days or any longer period of time fixed by ordinance, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. This definition excludes certain historical vehicles, those stored inside and those motor vehicles temporarily rendered incapable of being driven for the purpose of ordinary service or repair. Responding to complaints, enforcement staff has frequently observed another class of *de facto* inoperable vehicles that are not classified as “inoperable” under the current statutory definition: those motor vehicles stored long-term on private property which do not have license plates or current license tags affixed thereto, but which are otherwise capable of being driven under their own motor power. The long-term storage of such vehicles creates visual blight, an appearance of disorder, and as such is considered objectionable to most reasonable persons; however, the County is unable to declare such vehicles as a nuisance subject to abatement under the current statutory language.

Recommendation: Support legislation that would expand the definition of “inoperable vehicles” to include those vehicles, otherwise requiring a license plate and current license tags, which do not have a license plate or current license tags affixed thereto.

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: Renew support for 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: **Local Government Commitment for Community-based Sewer Operations**

Issue: Local governments review and approve proposed sanitary sewer operations as part of the review process for new developments. These include connection to a regional/municipal sanitary sewer treatment system or to a community-based system designed for the new development.

Local governments are given the authority to approve community-based systems under current State regulations. Should the operator of the community-based system relinquish control of the system, there is no requirement that the local government that approved the system be required to take over its operations and maintenance.

Challenges: The authority that is given to local governments to "approve community-based" systems varies considerably in scope. Wastewater systems that disperse treated effluent subsurface are regulated by local health departments, but systems that discharge to the ground surface (spray) or to surface waters are regulated by the Illinois Environmental Protection Agency. For IEPA regulated systems, the authority of local governments to "approve community-based systems" is limited to land use type decisions. Local authority to impose certain design, construction or management standards, or to expedite enforcement activity, is not assured.

Yet, "catastrophic" failures of community-based wastewater systems will most likely be due to a failure in design or construction, or fundamental damage/decay from chronic mismanagement. Design and construction issues could often be predicted and prevented before system use, and mismanagement issues recognized and interdicted with appropriate monitoring.

Any local government compelled to make a commitment to take over a nonperforming or mismanaged community-based wastewater system must have had reasonable opportunity to affect the design and construction of the system, and must have clear authority to routinely monitor system performance and initiate enforcement action in a timely manner. This authority is provided to local health departments for systems discharging subsurface, but is not available in any meaningful way for IEPA permitted systems. Preventing catastrophic wastewater

system failure in planning and management is essential to avoiding circumstances in which a takeover of system operation would be necessary.

Recommendation: For community-based wastewater systems discharging subsurface, the authority to assure design, construction, management and enforcement is already assigned to the local health department. Moreover, health department authority is not restricted to unincorporated areas, an important issue due to the potential for failed systems within incorporated areas to still impact Lake County Public Works.

Gaining authority for real input into design issues, for construction oversight, for monitoring performance, and for initiating enforcement action where permitting is administered by IEPA is perhaps the most effective approach at preventing catastrophic wastewater system failure. Such authority would require legislation to enhance IEPA's authority to issue permits by providing oversight and enforcement authority to a local health department.

Since the authority of local health departments is not restricted by municipal boundaries, staff recommends legislation to provide for the following:

- Enhance local coordination with IEPA permit approval by giving local health departments authority to make substantive and actionable recommendations (or approvals) for system design, construction or management (proposed) issues prior to IEPA permit approval
- Ensure that local health departments routinely receive any and all system inspection or effluent quality monitoring reports
- Allow that local health departments can initiate enforcement action for violations of IEPA performance standards
- Allow that local health departments may charge a reasonable fee to the wastewater system owners for initial review and for ongoing oversight

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 is limited to incorporated communities.

Topic: Filing of Mechanic's Lien – Notification to Property Owner

Issue: Currently, Mechanics Liens can be filed against a property without any notice being provided to the property owner. If no legal action has been instituted within two (2) years, then the lien is closed. A property owner may be unaware of a recorded lien and as a result may not be able to complete a property transaction, refinancing, etc.

Recommendation: Institute a requirement that the party filing and recording the Mechanic's Lien provide documentation that the property owner has been notified, either through the submission of a return receipt or similar documentation that would be recorded along with the Mechanic's Lien.

Topic: Local Recapture of Locally Generated Funds for Affordable Housing Programs

Issue: The State of Illinois passed Title 47, Chapter II, Part 380 for the "Illinois Housing Development Authority's Rental Housing Support Program" to help 4,000 to 5,000 rent-burdened families find safe, dependable, and affordable housing. Although state funding would be awarded to applying "Local Administering Agencies (LAAs)" -- which can be local housing authorities, municipalities, or community groups that manage the program locally in their own area -- that would provide rent subsidies to contracted landlords for households who earn less than 30% of the area median income for a family of four, it is unclear if funds collected for this program would be directly available back to the same County from which the funds were originally generated.

Recommendation: Distribution of RHSP appropriation funds places Suburban Areas (including Lake County) last. If no LAAs submit an application from a particular Suburban Area, Small Metropolitan Area, or Rural Area, provisions should be made to reserve previously collected fees from the local \$10 Recorder of Deed surcharges on real estate document recordings. Such reservations should be allowed back to the County from which these funds were originally generated.

Topic: Increase in Children's Waiting Room Fee (Kid's Korner) by seeking a Revision in the Children's Waiting Room Statute 705 ILCS 105/27.7

Issue: Pursuant to 705 ILCS 105/27.7. Children's waiting room, the Circuit Court in the County may charge and collect a children's waiting room fee of not more than \$5. This statute was initiated in 2000. Lake County began with a \$3 charge and increased to \$5 in FY 2006. The \$5 fee is not adequate to cover rising program costs, specifically the salaries and benefits for 2.5 FTE employees, which

comprise 79% of the budget. The projected deficit in this fund in FY08 is over \$42,000. There is not an adequate fund balance to sustain annual deficits beyond next year.

Recommendation: Modify the statute to permit that a County Board may require the Clerk of the Circuit Court in the county to charge and collect a children's waiting room fee of not more than \$10."

Topic: **Authority for County Boards to Provide Supportive Human Services through Imposition of Taxpayer Authorized Levy**

Issue: The continued use of federal Community Development Block Grant funds for the provision of social services has been under increasing pressure due to reduced level of federal funding. As a result, there is an increasing need to seek out alternative funding options for these needed programs. Townships have been empowered under Illinois statute to provide social services. In many cases however, townships do not have the financial ability to provide the needed programs, either through their own services or by contract with a not-for-profit organization.

County boards are authorized under existing statutes to place a referendum question before the voters in a county regarding the imposition of a property tax for the provision of supportive services for elderly residents. The maximum amount permitted to be levied is .025 percent on all taxable property.

Under its current authority, county boards have the limited authority to appropriate funds "to provide supportive social services designed to prevent the unnecessary institutionalization of elderly residents, or, for operation of, and equipment for, senior citizen centers providing social services to elderly residents." The statutes go on further to provide county boards with the authority to provide transportation vehicles or services for senior citizens.

Recommendation: Modify the existing statutes to expand the current authority of county boards to: (1) enable county boards to place a referendum question on the ballot regarding the imposition of a property tax to be used for senior services and/or human services, (2) establish a new fund dedicated exclusively to receive proceeds gathered from passage of a referendum question, with said proceeds to be used exclusively for said services, and (3) provide said services, either through county programs, intergovernmental agreements with other local governments or through contractual arrangements with not-for-profit organizations.

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: Staff proposes legislation authorizing counties and municipalities (when annexation is not involved) to impose a one-time impact fee 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.

Topic: 2008 Statewide Transportation Issues

Issue: With the apparent permanent collapse of any consideration of the Illinois General Assembly leasing the existing Illinois Tollway, the public and private entities involved with this issue are considering how a lease for a new facility might be undertaken (e.g. the O'Hare Bypass).

Recommendation: The ILL Rte 120 Corridor Planning Council (CPC) is charged with coming up with a financing plan for the alternative it finally recommends for the corridor. Depending upon chosen alternative, Public-Private Partnership (PPP) funding may be an option. Lake County needs to proactively be involved in the discussions in the General Assembly, if any, of state enabling legislation for implementing PPP's in Illinois.

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.